

[FULL COMMITTEE PRINT]

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112TH CONGRESS
1ST SESSION

H. R.

[Report No. 112-___]

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

___ --, 2011

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

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

1 \$2,020,000 for the Office of Public Affairs; not to exceed
2 \$1,595,000 shall be available for the Office of the Execu-
3 tive Secretariat; not to exceed \$1,369,000 shall be avail-
4 able for the Office of Small and Disadvantaged Business
5 Utilization; not to exceed \$9,675,000 for the Office of In-
6 telligence, Security, and Emergency Response; and not to
7 exceed \$16,003,000 shall be available for the Office of the
8 Chief Information Officer: *Provided*, That the Secretary
9 of Transportation is authorized to transfer funds appro-
10 priated for any office of the Office of the Secretary to any
11 other office of the Office of the Secretary: *Provided fur-*
12 *ther*, That no appropriation for any office shall be in-
13 creased or decreased by more than 5 percent by all such
14 transfers: *Provided further*, That notice of any change in
15 funding greater than 5 percent shall be submitted for ap-
16 proval to the House and Senate Committees on Appropria-
17 tions: *Provided further*, That not to exceed \$60,000 shall
18 be for allocation within the Department for official recep-
19 tion and representation expenses as the Secretary may de-
20 termine: *Provided further*, That notwithstanding any other
21 provision of law, excluding fees authorized in Public Law
22 107–71, there may be credited to this appropriation up
23 to \$2,500,000 in funds received in user fees.

1 FINANCIAL MANAGEMENT CAPITAL

2 For necessary expenses for upgrading and enhancing
3 the Department of Transportation's financial systems and
4 re-engineering business processes, \$5,000,000, to remain
5 available until expended.

6 OFFICE OF CIVIL RIGHTS

7 For necessary expenses of the Office of Civil Rights,
8 \$9,384,000.

9 TRANSPORTATION PLANNING, RESEARCH, AND
10 DEVELOPMENT

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

15 WORKING CAPITAL FUND

16 For necessary expenses for operating costs and cap-
17 ital outlays of the Working Capital Fund, not to exceed
18 \$147,596,000, shall be paid from appropriations made
19 available to the Department of Transportation: *Provided,*
20 That such services shall be provided on a competitive basis
21 to entities within the Department of Transportation: *Pro-*
22 *vided further,* That the above limitation on operating ex-
23 penses shall not apply to non-DOT entities: *Provided fur-*
24 *ther,* That no funds appropriated in this Act to an agency
25 of the Department shall be transferred to the Working

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

8 MINORITY BUSINESS RESOURCE CENTER PROGRAM

9 For the cost of guaranteed loans, \$333,000, as au-
10 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
11 cluding the cost of modifying such loans, shall be as de-
12 fined in section 502 of the Congressional Budget Act of
13 1974: *Provided further*, That these funds are available to
14 subsidize total loan principal, any part of which is to be
15 guaranteed, not to exceed \$18,367,000. In addition, for
16 administrative expenses to carry out the guaranteed loan
17 program, \$589,000.

18 MINORITY BUSINESS OUTREACH

19 For necessary expenses of Minority Business Re-
20 source Center outreach activities, \$3,068,000, to remain
21 available until September 30, 2013: *Provided*, That not-
22 withstanding 49 U.S.C. 332, these funds may be used for
23 business opportunities related to any mode of transpor-
24 tation.

1 PAYMENTS TO AIR CARRIERS

2 (AIRPORT AND AIRWAY TRUST FUND)

3 In addition to funds made available from any other
4 source to carry out the essential air service program under
5 49 U.S.C. 41731 through 41742, \$100,000,000, to be de-
6 rived from the Airport and Airway Trust Fund, to remain
7 available until expended: *Provided*, That, in determining
8 between or among carriers competing to provide service
9 to a community, the Secretary may consider the relative
10 subsidy requirements of the carriers: *Provided further*,
11 That, hereafter, no funds made available under section
12 41742 of Title 49, United States Code, and no funds made
13 available in this Act or any other Act in any fiscal year,
14 shall be available to carry out the essential air service pro-
15 gram under sections 41731 through 41742 of such title
16 in communities in the 48 contiguous States that were not
17 receiving subsidies on October 1, 2011: *Provided further*,
18 That, basic essential air service minimum requirements
19 shall not include the 15-passenger capacity requirement
20 under 49 U.S.C. 41732(b)(3).

21 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

22 SECRETARY OF TRANSPORTATION

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

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

7 SEC. 102. The Secretary or his designee may engage
8 in activities with States and State legislators to consider
9 proposals related to the reduction of motorcycle fatalities.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Federal Aviation Ad-
15 ministration, not otherwise provided for, including oper-
16 ations and research activities related to commercial space
17 transportation, administrative expenses for research and
18 development, establishment of air navigation facilities, the
19 operation (including leasing) and maintenance of aircraft,
20 subsidizing the cost of aeronautical charts and maps sold
21 to the public, lease or purchase of passenger motor vehi-
22 cles for replacement only, in addition to amounts made
23 available by Public Law 108-176, \$9,673,962,000, of
24 which \$4,900,000,000 shall be derived from the Airport
25 and Airway Trust Fund, of which not to exceed

1 \$7,618,352,000 shall be available for air traffic organiza-
2 tion activities; not to exceed \$1,250,514,000 shall be avail-
3 able for aviation safety activities; not to exceed
4 \$13,000,000 shall be available for commercial space trans-
5 portation activities; not to exceed \$112,071,000 shall be
6 available for financial services activities; not to exceed
7 \$99,005,000 shall be available for human resources pro-
8 gram activities; not to exceed \$337,133,000 shall be avail-
9 able for region and center operations and regional coordi-
10 nation activities; not to exceed \$186,347,000 shall be
11 available for staff offices; and not to exceed \$57,539,000
12 shall be available for information services: *Provided*, That
13 not to exceed 2 percent of any budget activity, except for
14 aviation safety budget activity, may be transferred to any
15 budget activity under this heading: *Provided further*, That
16 no transfer may increase or decrease any appropriation
17 by more than 2 percent: *Provided further*, That any trans-
18 fer in excess of 2 percent shall be treated as a reprogram-
19 ming of funds under section 405 of this Act and shall not
20 be available for obligation or expenditure except in compli-
21 ance with the procedures set forth in that section: *Pro-*
22 *vided further*, That not later than March 31 of each fiscal
23 year hereafter, the Administrator of the Federal Aviation
24 Administration shall transmit to Congress an annual up-
25 date to the report submitted to Congress in December

1 2004 pursuant to section 221 of Public Law 108-176: *Pro-*
2 *vided further*, That the amount herein appropriated shall
3 be reduced by \$100,000 for each day after March 31 that
4 such report has not been submitted to the Congress: *Pro-*
5 *vided further*, That not later than March 31 of each fiscal
6 year hereafter, the Administrator shall transmit to Con-
7 gress a companion report that describes a comprehensive
8 strategy for staffing, hiring, and training flight standards
9 and aircraft certification staff in a format similar to the
10 one utilized for the controller staffing plan, including stat-
11 ed attrition estimates and numerical hiring goals by fiscal
12 year: *Provided further*, That the amount herein appro-
13 priated shall be reduced by \$100,000 per day for each day
14 after March 31 that such report has not been submitted
15 to Congress: *Provided further*, That funds may be used
16 to enter into a grant agreement with a nonprofit standard-
17 setting organization to assist in the development of avia-
18 tion safety standards: *Provided further*, That none of the
19 funds in this Act shall be available for new applicants for
20 the second career training program: *Provided further*,
21 That none of the funds in this Act shall be available for
22 the Federal Aviation Administration to finalize or imple-
23 ment any regulation that would promulgate new aviation
24 user fees not specifically authorized by law after the date
25 of the enactment of this Act: *Provided further*, That there

1 may be credited to this appropriation funds received from
2 States, counties, municipalities, foreign authorities, other
3 public authorities, and private sources, for expenses in-
4 curred in the provision of agency services, including re-
5 ceipts for the maintenance and operation of air navigation
6 facilities, and for issuance, renewal or modification of cer-
7 tificates, including airman, aircraft, and repair station cer-
8 tificates, or for tests related thereto, or for processing
9 major repair or alteration forms: *Provided further*, That
10 of the funds appropriated under this heading, not less
11 than \$10,000,000 shall be for the contract tower cost-
12 sharing program: *Provided further*, That none of the funds
13 in this Act for aeronautical charting and cartography are
14 available for activities conducted by, or coordinated
15 through, the Working Capital Fund

16 FACILITIES AND EQUIPMENT

17 (AIRPORT AND AIRWAY TRUST FUND)

18 For necessary expenses, not otherwise provided for,
19 for acquisition, establishment, technical support services,
20 improvement by contract or purchase, and hire of national
21 airspace systems and experimental facilities and equip-
22 ment, as authorized under part A of subtitle VII of title
23 49, United States Code, including initial acquisition of
24 necessary sites by lease or grant; engineering and service
25 testing, including construction of test facilities and acqui-

1 sition of necessary sites by lease or grant; construction
2 and furnishing of quarters and related accommodations
3 for officers and employees of the Federal Aviation Admin-
4 istration stationed at remote localities where such accom-
5 modations are not available; and the purchase, lease, or
6 transfer of aircraft from funds available under this head-
7 ing, including aircraft for aviation regulation and certifi-
8 cation; to be derived from the Airport and Airway Trust
9 Fund, \$2,798,250,000, of which \$2,318,250,000 shall re-
10 main available until September 30, 2014, and of which
11 \$480,000,000 shall remain available until September 30,
12 2012: *Provided*, That there may be credited to this appro-
13 priation funds received from States, counties, municipali-
14 ties, other public authorities, and private sources, for ex-
15 penses incurred in the establishment and modernization
16 of air navigation facilities: *Provided further*, That upon ini-
17 tial submission to the Congress of the fiscal year 2013
18 President's budget, the Secretary of Transportation shall
19 transmit to the Congress a comprehensive capital invest-
20 ment plan for the Federal Aviation Administration which
21 includes funding for each budget line item for fiscal years
22 2013 through 2017, with total funding for each year of
23 the plan constrained to the funding targets for those years
24 as estimated and approved by the Office of Management
25 and Budget.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for research, engineering, and development, as authorized
5 under part A of subtitle VII of title 49, United States
6 Code, including construction of experimental facilities and
7 acquisition of necessary sites by lease or grant,
8 \$175,000,000, to be derived from the Airport and Airway
9 Trust Fund and to remain available until September 30,
10 2014: *Provided*, That there may be credited to this appro-
11 priation as offsetting collections, funds received from
12 States, counties, municipalities, other public authorities,
13 and private sources, which shall be available for expenses
14 incurred for research, engineering, and development.

15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For liquidation of obligations incurred for grants-in-
20 aid for airport planning and development, and noise com-
21 patibility planning and programs as authorized under sub-
22 chapter I of chapter 471 and subchapter I of chapter 475
23 of title 49, United States Code, and under other law au-
24 thorizing such obligations; for procurement, installation,
25 and commissioning of runway incursion prevention devices

1 and systems at airports of such title; for grants authorized
2 under section 41743 of title 49, United States Code; and
3 for inspection activities and administration of airport safe-
4 ty programs, including those related to airport operating
5 certificates under section 44706 of title 49, United States
6 Code, \$3,600,000,000 to be derived from the Airport and
7 Airway Trust Fund and to remain available until ex-
8 pended: *Provided*, That none of the funds under this head-
9 ing shall be available for the planning or execution of pro-
10 grams the obligations for which are in excess of
11 \$3,350,000,000 in fiscal year 2012, notwithstanding sec-
12 tion 47117(g) of title 49, United States Code: *Provided*
13 *further*, That none of the funds under this heading shall
14 be available for the replacement of baggage conveyor sys-
15 tems, reconfiguration of terminal baggage areas, or other
16 airport improvements that are necessary to install bulk ex-
17 plosive detection systems: *Provided further*, That notwith-
18 standing any other provision of law, of funds limited under
19 this heading, not more than \$101,000,000 shall be obli-
20 gated for administration, not less than \$15,000,000 shall
21 be available for the airport cooperative research program,
22 not less than \$29,250,000 shall be for Airport Technology
23 Research.

1 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

2 ADMINISTRATION

3 SEC. 110. None of the funds in this Act may be used
4 to compensate in excess of 600 technical staff-years under
5 the federally funded research and development center con-
6 tract between the Federal Aviation Administration and the
7 Center for Advanced Aviation Systems Development dur-
8 ing fiscal year 2012.

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

22 SEC. 112. The Administrator of the Federal Aviation
23 Administration may reimburse amounts made available to
24 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
25 49 U.S.C. 45303: *Provided*, That during fiscal year 2012,

1 49 U.S.C. 41742(b) shall not apply, and any amount re-
2 maining in such account at the close of that fiscal year
3 may be made available to satisfy section 41742(a)(1) for
4 the subsequent fiscal year.

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

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

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

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

5 SEC. 117. Notwithstanding any other provision of
6 law, none of the funds made available under this Act or
7 any prior Act may be used to implement or to continue
8 to implement any limitation on the ability of any owner
9 or operator of a private aircraft to obtain, upon a request
10 to the Administrator of the Federal Aviation Administra-
11 tion, a blocking of that owner's or operator's aircraft reg-
12 istration number from any display of the Federal Aviation
13 Administration's Aircraft Situational Display to Industry
14 data that is made available to the public, except data made
15 available to a government agency, for the noncommercial
16 flights of that owner or operator.

17 SEC. 118. None of the funds appropriated or limited
18 by this Act may be used to change weight restrictions or
19 prior permission rules at Teterboro airport in Teterboro,
20 New Jersey.

21 FEDERAL HIGHWAY ADMINISTRATION
22 LIMITATION ON ADMINISTRATIVE EXPENSES
23 (INCLUDING TRANSFER OF FUNDS)

24 Not to exceed \$377,556,000, together with advances
25 and reimbursements received by the Federal Highway Ad-

1 ministration, shall be paid in accordance with law from
2 appropriations made available by this Act to the Federal
3 Highway Administration for necessary expenses for ad-
4 ministration and operation. In addition, not to exceed
5 \$3,220,000 shall be paid from appropriations made avail-
6 able by this Act and transferred to the Appalachian Re-
7 gional Commission in accordance with section 104 of title
8 23, United States Code.

9 FEDERAL-AID HIGHWAYS

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 Contingent upon enactment of surface transportation
13 authorization legislation, funds available for the imple-
14 mentation or execution of Federal-aid highways and high-
15 way safety construction programs authorized under titles
16 23 and 49, United States Code, as amended by such au-
17 thorization, shall not exceed total obligations of
18 \$27,000,000,000 for fiscal year 2012: *Provided*, That
19 within the \$27,000,000,000 obligation limitation on Fed-
20 eral-aid highways and highway safety construction pro-
21 grams, not more than \$429,800,000 shall be available for
22 the implementation or execution of transportation re-
23 search programs under titles 23 and 49, United States
24 Code, for fiscal year 2012: *Provided further*, That the Sec-
25 retary may collect and spend fees authorized by title 23,

1 United States Code, to cover the costs of services of expert
2 firms, including counsel, in the field of municipal and
3 project finance to assist in the underwriting and servicing
4 of Federal credit instruments and all or a portion of the
5 costs to the Federal Government of servicing such credit
6 instruments: *Provided further*, That such fees are available
7 until expended to pay for such costs: *Provided further*,
8 That such amounts are in addition to administrative ex-
9 penses that are also available for such purpose, and such
10 amounts are not subject to any obligation limitation or
11 the limitation on administrative expenses under title 23,
12 United States Code.

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (HIGHWAY TRUST FUND)

15 Contingent upon enactment of surface transportation
16 authorization legislation, \$27,739,000,000, to be derived
17 from the Highway Trust Fund (other than the Mass Tran-
18 sit Account) and to remain available until expended, for
19 the payment of obligations incurred in carrying out Fed-
20 eral-aid highways and highway safety construction pro-
21 grams authorized under titles 23 and 49, United States
22 Code, as amended by such authorization.

1 ADMINISTRATIVE PROVISIONS - FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. Notwithstanding 31 U.S.C. 3302, funds re-
4 ceived by the Bureau of Transportation Statistics from the
5 sale of data products, for necessary expenses incurred pur-
6 suant to 49 U.S.C. 111 may be credited to the Federal-
7 aid highways account for the purpose of reimbursing the
8 Bureau for such expenses: *Provided*, That such funds shall
9 be subject to the obligation limitation for Federal-aid
10 highways and highway safety construction.

11 SEC. 121. Not less than 15 days prior to waiving,
12 under his statutory authority, any Buy America require-
13 ment for Federal-aid highway projects, the Secretary of
14 Transportation shall make an informal public notice and
15 comment opportunity on the intent to issue such waiver
16 and the reasons therefor: *Provided*, That the Secretary
17 shall provide an annual report to the Appropriations Com-
18 mittees of the Congress on any waivers granted under the
19 Buy America requirements.

20 SEC. 122. (a) IN GENERAL.—Except as provided in
21 subsection (b), none of the funds made available, limited,
22 or otherwise affected by this Act shall be used to approve
23 or otherwise authorize the imposition of any toll on any
24 segment of highway located on the Federal-aid system in
25 the State of Texas that—

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

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

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

7 (b) EXCEPTIONS.—

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

14 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
15 high-occupancy vehicle lane that is converted to a
16 toll lane shall not be subject to this section, and
17 shall not be considered to be a non-toll lane for pur-
18 poses of determining whether a highway will have
19 fewer non-toll lanes than prior to the date of imposi-
20 tion of the toll, if—

21 (A) high-occupancy vehicles occupied by
22 the number of passengers specified by the enti-
23 ty operating the toll lane may use the toll lane
24 without paying a toll, unless otherwise specified
25 by the appropriate county, town, municipal or

1 other local government entity, or public toll
2 road or transit authority; or

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

9 SEC. 123. The Comptroller General of the United
10 States shall carry out a study to review how the States
11 and public transit authorities have used the authority for
12 States to transfer Federal funds between highway and
13 transit programs. Not later than 180 days of enactment
14 of this Act, the Comptroller General shall submit a report
15 to the Congress describing the use of the transfer author-
16 ity by the States, the highway and transit projects funded
17 with these funds, the U.S. Department of Transportation
18 administrative mechanisms to track the use of these trans-
19 ferred funds, and the impact the use of this authority has
20 had on the advancement of highway projects.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS
3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 Contingent upon enactment of surface transportation
7 authorization legislation, \$229,654,000, to be derived
8 from the Highway Trust Fund (other than the Mass Tran-
9 sit Account), together with advances and reimbursements
10 received by the Federal Motor Carrier Safety Administra-
11 tion, and to remain available until expended, for payment
12 of obligations incurred in the implementation, execution
13 and administration of motor carrier safety operations and
14 programs authorized under title 49, United States Code,
15 and the provisions of Public Law 109–59, as amended by
16 such authorization: *Provided*, That funds available for im-
17 plementation, execution or administration of motor carrier
18 safety operations and programs authorized under title 49,
19 United States Code, shall not exceed total obligations of
20 \$229,654,000 in fiscal year 2012 for “Motor Carrier Safe-
21 ty Operations and Programs” of which \$8,586,000, to re-
22 main available for obligation until September 20, 2014,
23 is for the research and technology program and
24 \$1,000,000 shall be available for commercial motor vehicle
25 operator’s grants to carry out section 4134 of Public Law

1 109-59: *Provided further*, That notwithstanding any other
2 provision of law, none of the funds under this heading for
3 outreach and education shall be available for transfer.

4 MOTOR CARRIER SAFETY GRANTS

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 Contingent upon enactment of surface transportation
9 authorization legislation, \$300,000,000, to be derived
10 from the Highway Trust Fund (other than the Mass Tran-
11 sit Account) and to remain available until expended, for
12 payment of obligations incurred in carrying out motor car-
13 rier safety programs authorized under title 49, United
14 States Code, and the provisions of Public Law 109–59,
15 as amended by such authorization: *Provided*, That funds
16 available for the implementation or execution of motor car-
17 rier safety programs, shall not exceed total obligations of
18 \$300,000,000 in fiscal year 2012 for “Motor Carrier Safe-
19 ty Grants”; of which \$210,000,000 shall be available for
20 the motor carrier safety assistance program to carry out
21 sections 31102 and 31104(a) of title 49, United States
22 Code; \$25,000,000 shall be available for the commercial
23 driver’s license improvements program to carry out section
24 31313 of title 49, United States Code; \$32,000,000 shall
25 be available for the border enforcement grants program

1 to carry out section 31107 of title 49, United States Code;
2 \$5,000,000 shall be available for the performance and reg-
3 istration information system management program to
4 carry out sections 31106(b) and 31109 of title 49, United
5 States Code; \$25,000,000 shall be available for the com-
6 mercial vehicle information systems and networks deploy-
7 ment program to carry out section 4126 of Public Law
8 109–59; and \$3,000,000 shall be available for the safety
9 data improvement program to carry out section 4128 of
10 Public Law 109–59: *Provided further*, That of the funds
11 made available for the motor carrier safety assistance pro-
12 gram, \$29,000,000 shall be available for audits of new en-
13 trant motor carriers.

14 ADMINISTRATIVE PROVISIONS - FEDERAL MOTOR

15 CARRIER SAFETY ADMINISTRATION

16 SEC. 130. Funds appropriated or limited in this Act
17 shall be subject to the terms and conditions stipulated in
18 section 350 of Public Law 107-87 and section 6901 of
19 Public Law 110-28, including that the Secretary submit
20 a report to the House and Senate Appropriations Commit-
21 tees annually on the safety and security of transportation
22 into the United States by Mexico-domiciled motor carriers.

1 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
2 OPERATIONS AND RESEARCH

3 Contingent upon enactment of surface transportation
4 authorization legislation, \$126,572,000, for expenses nec-
5 essary to discharge the functions of the Secretary, with
6 respect to traffic and highway safety under subtitle C of
7 title X of Public Law 109–59, chapter 301 of title 49,
8 United States Code, and part C of subtitle VI of title 49,
9 United States Code, as amended by such authorization
10 legislation, of which \$26,156,000 shall remain available
11 until September 30, 2013: *Provided*, That none of the
12 funds appropriated by this Act may be obligated or ex-
13 pended to plan, finalize, or implement any rulemaking to
14 add to section 575.104 of title 49 of the Code of Federal
15 Regulations any requirement pertaining to a grading
16 standard that is different from the three grading stand-
17 ards (treadwear, traction, and temperature resistance) al-
18 ready in effect.

19 OPERATIONS AND RESEARCH
20 (LIQUIDATION OF CONTRACT AUTHORIZATION)
21 (LIMITATION ON OBLIGATIONS)
22 (HIGHWAY TRUST FUND)

23 Contingent upon enactment of surface transportation
24 authorization legislation, \$105,500,000, for payment of
25 obligations incurred in carrying out the provisions of 23

1 U.S.C. 403, to be derived from the Highway Trust Fund
2 (other than the Mass Transit Account) and to remain
3 available until expended: *Provided*, That none of the funds
4 in this Act shall be available for the planning or execution
5 of programs the total obligations for which, in fiscal year
6 2012, are in excess of \$105,500,000 for programs author-
7 ized under 23 U.S.C. 403.

8 NATIONAL DRIVER REGISTER
9 (LIQUIDATION OF CONTRACT AUTHORIZATION)
10 (LIMITATION ON OBLIGATIONS)
11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in carrying out
13 chapter 303 of title 49, United States Code, \$4,000,000,
14 to be derived from the Highway Trust Fund (other than
15 the Mass Transit Account) and to remain available until
16 expended: *Provided*, That none of the funds in this Act
17 shall be available for the implementation or execution of
18 programs the total obligations for which, in fiscal year
19 2012, are in excess of \$4,000,000 for the National Driver
20 Register authorized under such chapter.

1 HIGHWAY TRAFFIC SAFETY GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 Contingent upon enactment of surface transportation
6 authorization legislation, \$495,000,000, to be derived
7 from the Highway Trust Fund (other than the Mass Tran-
8 sit Account) and to remain available until expended, for
9 payment of obligations incurred in carrying out the provi-
10 sions of title 23, United States Code, and the provisions
11 of Public Law 109–59, as amended by such authorization:
12 *Provided*, That funds available for the planning or exe-
13 cuting of highway traffic safety programs authorized
14 under title 23, United States Code, shall not exceed total
15 obligations of \$495,000,000 in fiscal year 2012, of which
16 \$235,000,000 shall be for “Highway Safety Programs”;
17 \$25,000,000 shall be for “Occupant Protection Incentive
18 Grants”; \$34,500,000 shall be for “State Traffic Safety
19 Information System Improvements”; \$139,000,000 shall
20 be for “Alcohol-Impaired Driving Countermeasures Incen-
21 tive Grant Program”; \$18,500,000 shall be for “Adminis-
22 trative Expenses”; \$29,000,000 shall be for “High Visi-
23 bility Enforcement Program”; \$7,000,000 shall be for
24 “Child Safety and Booster Seat Safety Incentive
25 Grants”and \$7,000,000 shall be for “Motorcyclist Safe-

1 ty’’: *Provided further*, That none of these funds shall be
2 used for construction, rehabilitation, or remodeling costs,
3 or for office furnishings and fixtures for State, local or
4 private buildings or structures.

5 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY
6 TRAFFIC SAFETY ADMINISTRATION

7 SEC. 140. Notwithstanding any other provision of law
8 or limitation on the use of funds made available under
9 section 403 of title 23, United States Code, an additional
10 \$130,000 shall be made available to the National Highway
11 Traffic Safety Administration, out of the amount limited
12 for section 402 of title 23, United States Code, to pay
13 for travel and related expenses for State management re-
14 views and to pay for core competency development train-
15 ing and related expenses for highway safety staff.

16 SEC. 141. The limitations on obligations for the pro-
17 grams of the National Highway Traffic Safety Adminis-
18 tration set in this Act shall not apply to obligations for
19 which obligation authority was made available in previous
20 public laws for multiple years but only to the extent that
21 the obligation authority has not lapsed or been used.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$180,867,000 of
5 which \$5,492,000 shall remain available until expended.

6 RAILROAD RESEARCH AND DEVELOPMENT

7 For necessary expenses for railroad research and de-
8 velopment, \$35,030,000, to remain available until ex-
9 pended.

10 RAILROAD REHABILITATION AND IMPROVEMENT

11 FINANCING PROGRAM

12 The Secretary of Transportation is authorized to
13 issue to the Secretary of the Treasury notes or other obli-
14 gations pursuant to section 512 of the Railroad Revitaliza-
15 tion and Regulatory Reform Act of 1976 (Public Law 94-
16 210), as amended, in such amounts and at such times as
17 may be necessary to pay any amounts required pursuant
18 to the guarantee of the principal amount of obligations
19 under sections 511 through 513 of such Act, such author-
20 ity to exist as long as any such guaranteed obligation is
21 outstanding: *Provided*, That pursuant to section 502 of
22 such Act, as amended, no new direct loans or loan guar-
23 antee commitments shall be made using Federal funds for
24 the credit risk premium during fiscal year 2012.

1 OPERATING SUBSIDY GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make
4 quarterly grants to the National Railroad Passenger Cor-
5 poration for the operation of intercity passenger rail, as
6 authorized by section 101 of the Passenger Rail Invest-
7 ment and Improvement Act of 2008 (division B of Public
8 Law 110-432), \$227,000,000, to remain available until ex-
9 pended: *Provided*, That each grant request shall be accom-
10 panied by a detailed financial analysis, revenue projection,
11 and capital expenditure projection justifying the Federal
12 support to the Secretary's satisfaction: *Provided further*,
13 That none of the funds under this heading may be used
14 to subsidize operating losses of the National Railroad Pas-
15 senger Corporation: *Provided further*, That none of these
16 funds may be used to fund any overtime costs in excess
17 of \$35,000 for any individual employee: *Provided further*,
18 That the President of Amtrak may waive the cap set in
19 the previous proviso for specific employees when the Presi-
20 dent of Amtrak determines such a cap poses a risk to the
21 safety and operational efficiency of the system: *Provided*
22 *further*, That Amtrak shall notify the House and Senate
23 Committees on Appropriations within five days of waiving
24 such cap and delineate the reasons for such waiver: *Pro-*
25 *vided further*, that notwithstanding the provisions of sec-

1 tion 209 of Division B of Public Law 110-432, or any
2 other provision of law, none of these funds may be used
3 to fund operating expenses for state-supported routes, as
4 described in title 49, United States Code, section
5 24102(5)(B) and (D) and section 24702: *Provided further*,
6 That not later than 60 days after enactment of this Act,
7 the Corporation shall transmit to the Secretary, the In-
8 spector General of the Department of Transportation, and
9 the House and Senate Committees on Appropriations a
10 plan to achieve savings through operating efficiencies in-
11 cluding, but not limited to, modifications to food and bev-
12 erage service, first class service, and long distance routes:
13 *Provided further*, That the Inspector General of the De-
14 partment of Transportation shall provide semiannual re-
15 ports to the House and Senate Committees on Appropria-
16 tions on the estimated savings accrued as a result of all
17 operational reforms instituted by the Corporation and esti-
18 mations of possible future savings: *Provided further*, That
19 not later than 60 days after enactment of this Act, the
20 Corporation shall transmit, in electronic format, to the
21 Secretary, the Inspector General of Department of Trans-
22 portation, the House and Senate Committees on Appro-
23 priations, the House Committee on Transportation and
24 Infrastructure and the Senate Committee on Commerce,
25 Science, and Transportation the annual budget and busi-

1 ness plan and the 5-Year Financial Plan for fiscal year
2 2012 required under section 204 of the Passenger Rail
3 Investment and Improvement Act of 2008: Provided fur-
4 ther, That the budget, business plan, and the 5-Year Fi-
5 nancial Plan shall also include a separate accounting of
6 ridership, revenues, and capital and operating expenses for
7 the Northeast Corridor; commuter service; long-distance
8 Amtrak service; State-supported service; each intercity
9 train route, including Autotrain; and commercial activities
10 including contract operations: *Provided further*, That the
11 budget, business plan and the 5-Year Financial Plan shall
12 include a description of work to be funded, along with cost
13 estimates and an estimated timetable for completion of the
14 projects covered by these plans: *Provided further*, That the
15 Corporation shall provide semiannual reports in electronic
16 format regarding the pending business plan, which shall
17 describe the work completed to date, any changes to the
18 business plan, and the reasons for such changes, and shall
19 identify all sole source contract awards which shall be ac-
20 companied by a justification as to why said contract was
21 awarded on a sole-source basis, as well as progress against
22 the milestones and target dates of the 2011 performance
23 improvement plan: *Provided further*, That the Corpora-
24 tion's budget, business plan, 5-Year Financial Plan, and
25 all subsequent supplemental plans shall be displayed on

1 the Corporation's website within a reasonable timeframe
2 following their submission to the appropriate entities: *Pro-*
3 *vided further*, That these plans shall be accompanied by
4 a comprehensive fleet plan for all Amtrak rolling stock
5 which shall address the Corporation's detailed plans and
6 timeframes for the maintenance, refurbishment, replace-
7 ment, and expansion of the Amtrak fleet: *Provided further*,
8 That said fleet plan shall establish year-specific goals and
9 milestones and discuss potential, current, and preferred
10 financing options for all such activities: *Provided further*,
11 That none of the funds under this heading may be obli-
12 gated or expended until the Corporation agrees to con-
13 tinue abiding by the provisions of paragraphs 1, 2, 5, 9,
14 and 11 of the summary of conditions for the direct loan
15 agreement of June 28, 2002, in the same manner as in
16 effect on the date of enactment of this Act: *Provided fur-*
17 *ther*, That none of the funds provided in this Act may be
18 used after March 1, 2012, to support any route on which
19 Amtrak offers a discounted fare of more than 50 percent
20 off the normal peak fare: *Provided further*, That the pre-
21 ceding proviso does not apply to routes where the oper-
22 ating loss as result of the discount is covered by a State
23 and the State participates in the setting of fares.

1 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make
4 grants to the National Railroad Passenger Corporation for
5 capital investments as authorized by section 101(c) of the
6 Passenger Rail Investment and Improvement Act of 2008
7 (Division B of Public law 110-432), \$898,954,000, to re-
8 main available until expended, of which not to exceed
9 \$271,000,000 shall be for debt service obligations as au-
10 thorized by section 102 of such Act: *Provided*, That the
11 Secretary may retain up to one-half of 1 percent of the
12 funds provided under this heading to fund the costs of
13 project management oversight of capital projects funded
14 by grants provided under this heading, as authorized by
15 subsection 101(d) of division B of Public Law 110-432:
16 *Provided further*, That the Secretary shall approve funding
17 for capital expenditures, including advance purchase or-
18 ders of materials, for the Corporation only after receiving
19 and reviewing a grant request for each specific capital
20 project justifying the Federal support to the Secretary's
21 satisfaction: *Provided further*, That none of the funds
22 under this heading may be used to subsidize operating
23 losses of the Corporation: *Provided further*, That none of
24 the funds under this heading may be used for capital

1 projects not approved by the Secretary of Transportation
2 or on the Corporation's fiscal year 2012 business plan.

3 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

4 ADMINISTRATION

5 SEC. 150. The Secretary of Transportation may pur-
6 chase promotional items of nominal value for use in public
7 outreach activities to accomplish the purposes of 49
8 U.S.C. 20134: *Provided*, That the Secretary shall pre-
9 scribe guidelines for the administration of such purchases
10 and use.

11 SEC. 151. Hereafter, notwithstanding any other pro-
12 vision of law, funds provided in this Act for the National
13 Railroad Passenger Corporation shall immediately cease
14 to be available to said Corporation in the event that the
15 Corporation contracts to have services provided at or from
16 any location outside the United States. For purposes of
17 this section, the word "services" shall mean any service
18 that was, as of July 1, 2006, performed by a full-time
19 or part-time Amtrak employee whose base of employment
20 is located within the United States.

21 SEC. 152. The Secretary of Transportation may re-
22 ceive and expend cash, or receive and utilize spare parts
23 and similar items, from non-United States Government
24 sources to repair damages to or replace United States
25 Government owned automated track inspection cars and

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

9 SEC. 153. The Administrator of the Federal Railroad
10 Administration shall submit a report on April 1, 2012, and
11 quarterly reports thereafter, to the House and Senate
12 Committees on Appropriations detailing the Administra-
13 tor's efforts at improving the on-time performance of Am-
14 trak intercity rail service operating on non-Amtrak owned
15 property. Such reports shall compare the most recent ac-
16 tual on-time performance data to pre-established on-time
17 performance goals that the Administrator shall set for
18 each rail service, identified by route. Such reports shall
19 also include whatever other information and data regard-
20 ing the on-time performance of Amtrak trains the Admin-
21 istrator deems to be appropriate.

22 FEDERAL TRANSIT ADMINISTRATION

23 ADMINISTRATIVE EXPENSES

24 For necessary administrative expenses of the Federal
25 Transit Administration's programs authorized by chapter

1 53 of title 49, United States Code, \$94,413,000: *Provided*,
2 That of the funds available under this heading, not to ex-
3 ceed \$1,700,000 shall be available for travel: *Provided fur-*
4 *ther*, That none of the funds provided or limited in this
5 Act may be used to create a permanent office of transit
6 security under this heading: *Provided further*, That of the
7 amounts made available under this heading not to exceed
8 \$75,000 shall be paid from appropriations made available
9 by this Act and provided to the Department of Transpor-
10 tation Office of Inspector General through reimbursement
11 to conduct the annual audits of financial statements in
12 accordance with section 3521 of title 31, United States
13 Code: *Provided further*, That upon submission to the Con-
14 gress of the fiscal year 2013 President's budget, the Sec-
15 retary of Transportation shall transmit to Congress the
16 annual report on new starts, including proposed alloca-
17 tions of funds for fiscal year 2013.

18 FORMULA AND BUS GRANTS
19 (LIQUIDATION OF CONTRACT AUTHORITY)
20 (LIMITATION ON OBLIGATIONS)
21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in carrying out
23 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
24 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
25 section 3038 of Public Law 105–178, as amended,

1 \$5,300,000,000 to be derived from the Mass Transit Ac-
2 count of the Highway Trust Fund and to remain available
3 until expended: Provided, That funds available for the im-
4 plementation or execution of programs authorized under
5 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
6 5317, 5320, 5335, 5339, and 5340 and section 3038 of
7 Public Law 105–178, as amended, shall not exceed total
8 obligations of \$5,200,000,000 in fiscal year 2012.

9 RESEARCH AND UNIVERSITY RESEARCH CENTERS

10 For necessary expenses to carry out 49 U.S.C. 5306,
11 5312–5315, 5322, and 5506, \$45,000,000, to remain
12 available until expended.

13 CAPITAL INVESTMENT GRANTS

14 For necessary expenses to carry out section 5309 of
15 title 49, United States Code, \$1,554,077,000, to remain
16 available until expended.

17 GRANTS TO THE WASHINGTON METROPOLITAN AREA

18 TRANSIT AUTHORITY

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

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

6 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

7 ADMINISTRATION

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

13 SEC. 161. Notwithstanding any other provision of
14 law, funds appropriated or limited by this Act under “Fed-
15 eral Transit Administration, Capital Investment Grants”
16 and for bus and bus facilities under “Federal Transit Ad-
17 ministration, Formula and Bus Grants” for projects speci-
18 fied in this Act or identified in reports accompanying this
19 Act not obligated by September 30, 2012, and for other
20 recoveries, shall be directed to projects eligible to use the
21 funds for the purposes for which they were originally pro-
22 vided.

23 SEC. 162. Notwithstanding any other provision of
24 law, any funds appropriated before October 1, 2009, under
25 any section of chapter 53 of title 49, United States Code,

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

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

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

16 SEC. 165. Notwithstanding any other provision of
17 law, none of the funds made available in this Act shall
18 be available to carry out 49 U.S.C. 5309(m)(6)(B) and
19 (C).

20 SEC. 166. Notwithstanding any other provision of
21 law, none of the funds made available in this Act shall
22 be used to enter into a full funding grant agreement for
23 a project with a Federal share greater than 50 percent.

24 SEC. 167. Notwithstanding any other provision of
25 law, fuel for vehicle operations, including the cost of utili-

1 ties used for the propulsion of electrically driven vehicles,
2 shall be treated as an associated capital maintenance item
3 for purposes of grants made under section 5307 of title
4 49, United States Code, in fiscal year 2012. Amounts
5 made available under this heading shall be limited to
6 \$200,000,000.

7 SAINT LAWRENCE SEAWAY DEVELOPMENT

8 CORPORATION

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

18 OPERATIONS AND MAINTENANCE

19 (HARBOR MAINTENANCE TRUST FUND)

20 For necessary expenses for operations, maintenance,
21 and capital asset renewal of those portions of the St. Law-
22 rence Seaway owned, operated, and maintained by the
23 Saint Lawrence Seaway Development Corporation,
24 \$32,259,000, to be derived from the Harbor Maintenance
25 Trust Fund, pursuant to Public Law 99-662.

1 MARITIME ADMINISTRATION

2 MARITIME SECURITY PROGRAM

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

7 OPERATIONS AND TRAINING

8 For necessary expenses of operations and training ac-
9 tivities authorized by law, \$151,889,000, of which
10 \$11,100,000 shall remain available until expended for
11 maintenance and repair of training ships at State Mari-
12 time Academies, and of which \$2,400,000 shall remain
13 available through September 30, 2013 for Student Incen-
14 tive Program payments at State Maritime Academies, and
15 of which \$26,400,000 shall remain available until ex-
16 pended for facilities maintenance and repair, equipment,
17 and capital improvements at the United States Merchant
18 Marine Academy: *Provided*, That amounts apportioned for
19 the United States Merchant Marine Academy shall be
20 available only upon allotments made personally by the Sec-
21 retary of Transportation or the Assistant Secretary for
22 Budget and Programs: *Provided further*, That the Super-
23 intendent, Deputy Superintendent and the Director of the
24 Office of Resource Management of the United States Mer-
25 chant Marine Academy may not be allotment holders for

1 the United States Merchant Marine Academy, and the Ad-
2 ministrator of Maritime Administration shall hold all allot-
3 ments made by the Secretary of Transportation or the As-
4 sistant Secretary for Budget and Programs under the pre-
5 vious proviso.

6 SHIP DISPOSAL

7 For necessary expenses related to the disposal of ob-
8 solete vessels in the National Defense Reserve Fleet of the
9 Maritime Administration, \$5,500,000, to remain available
10 until expended.

11 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

12 ACCOUNT

13 (INCLUDING TRANSFER AND CANCELLATION OF FUNDS)

14 For necessary administrative expenses of the mari-
15 time guaranteed loan program, \$3,740,000 shall be paid
16 to the appropriation for “Operations and Training”, Mari-
17 time Administration: *Provided*, That, of the unobligated
18 balance of funds made available for obligation under Pub-
19 lic Law 110–329 and Public Law 111–118, \$54,100,000
20 are hereby permanently cancelled.

21 ADMINISTRATIVE PROVISIONS—MARITIME

22 ADMINISTRATION

23 SEC. 170. Notwithstanding any other provision of
24 this Act, the Maritime Administration is authorized to fur-
25 nish utilities and services and make necessary repairs in

1 connection with any lease, contract, or occupancy involving
2 Government property under control of the Maritime Ad-
3 ministration, and payments received therefor shall be cred-
4 ited to the appropriation charged with the cost thereof:
5 *Provided*, That rental payments under any such lease, con-
6 tract, or occupancy for items other than such utilities,
7 services, or repairs shall be covered into the Treasury as
8 miscellaneous receipts.

9 SEC. 171. None of the funds available or appro-
10 priated in this Act shall be used by the United States De-
11 partment of Transportation or the United States Maritime
12 Administration to negotiate or otherwise execute, enter
13 into, facilitate or perform fee-for-service contracts for ves-
14 sel disposal, scrapping or recycling, unless there is no do-
15 mestic ship recycler that will pay any sum of money to
16 purchase and scrap or recycle a vessel owned, operated
17 or managed by the Maritime Administration or that is
18 part of the National Defense Reserve Fleet

19 PIPELINE AND HAZARDOUS MATERIALS SAFETY

20 ADMINISTRATION

21 OPERATIONAL EXPENSES

22 (PIPELINE SAFETY FUND)

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary operational expenses of the Pipeline
25 and Hazardous Materials Safety Administration,

1 \$22,092,000, of which \$639,000 shall be derived from the
2 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
3 transferred to “Pipeline Safety” in order to fund “Pipeline
4 Safety Information Grants to Communities” as authorized
5 under section 60130 of title 49, United States Code.

6 HAZARDOUS MATERIALS SAFETY

7 For expenses necessary to discharge the hazardous
8 materials safety functions of the Pipeline and Hazardous
9 Materials Safety Administration, \$39,020,000, of which
10 \$1,716,000 shall remain available until September 30,
11 2014: *Provided*, That up to \$800,000 in fees collected
12 under 49 U.S.C. 5108(g) shall be deposited in the general
13 fund of the Treasury as offsetting receipts: *Provided fur-*
14 *ther*, That there may be credited to this appropriation, to
15 be available until expended, funds received from States,
16 counties, municipalities, other public authorities, and pri-
17 vate sources for expenses incurred for training, for reports
18 publication and dissemination, and for travel expenses in-
19 curred in performance of hazardous materials exemptions
20 and approvals functions.

21 PIPELINE SAFETY

22 (PIPELINE SAFETY FUND)

23 (OIL SPILL LIABILITY TRUST FUND)

24 For expenses necessary to conduct the functions of
25 the pipeline safety program, for grants-in-aid to carry out

1 a pipeline safety program, as authorized by 49 U.S.C.
2 60107, and to discharge the pipeline program responsibil-
3 ities of the Oil Pollution Act of 1990, \$93,291,000; of
4 which \$18,810,000 shall be derived from the Oil Spill Li-
5 ability Trust Fund and shall remain available until Sep-
6 tember 30, 2014; of which \$74,481,000 shall be derived
7 from the Pipeline Safety Fund, of which \$47,332,000
8 shall remain available until September 30, 2014: *Provided*,
9 That not less than \$1,048,000 of the funds provided under
10 this heading shall be for the one-call State grant program.

11 EMERGENCY PREPAREDNESS GRANTS

12 (EMERGENCY PREPAREDNESS FUND)

13 For necessary expenses to carry out 49 U.S.C.
14 5128(b), \$188,000, to be derived from the Emergency
15 Preparedness Fund, to remain available until September
16 30, 2013: *Provided*, That not more than \$28,318,000 shall
17 be made available for obligation in fiscal year 2012 from
18 amounts made available by 49 U.S.C. 5116(i) and
19 5128(b)–(c): *Provided further*, That none of the funds
20 made available by 49 U.S.C. 5116 (i), 5128(b), or 5128(c)
21 shall be made available for obligation by individuals other
22 than the Secretary of Transportation, or his designee.

1 RESEARCH AND INNOVATIVE TECHNOLOGY
2 ADMINISTRATION
3 RESEARCH AND DEVELOPMENT

4 For necessary expenses of the Research and Innova-
5 tive Technology Administration, \$11,860,000, of which
6 \$5,160,000 shall remain available until September 30,
7 2014: *Provided*, That there may be credited to this appro-
8 priation, to be available until expended, funds received
9 from States, counties, municipalities, other public authori-
10 ties, and private sources for expenses incurred for train-
11 ing.

12 OFFICE OF INSPECTOR GENERAL
13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Inspector
15 General to carry out the provisions of the Inspector Gen-
16 eral Act of 1978, as amended, \$79,524,000: *Provided*,
17 That the Inspector General shall have all necessary au-
18 thority, in carrying out the duties specified in the Inspec-
19 tor General Act, as amended (5 U.S.C. App. 3), to inves-
20 tigate allegations of fraud, including false statements to
21 the government (18 U.S.C. 1001), by any person or entity
22 that is subject to regulation by the Department: *Provided*
23 *further*, That the funds made available under this heading
24 may be used to investigate, pursuant to section 41712 of
25 title 49, United States Code: (1) unfair or deceptive prac-

1 tices and unfair methods of competition by domestic and
2 foreign air carriers and ticket agents; and (2) the compli-
3 ance of domestic and foreign air carriers with respect to
4 item (1) of this proviso: *Provided further*, That no funding
5 through expenditure transfers shall be made between ei-
6 ther the Federal Highway Administration or the Federal
7 Transit Administration and the Inspector General: *Pro-*
8 *vided further*, That no funds made available under this
9 heading shall be used for rental payments for the Oakland,
10 CA, field office.

11 SURFACE TRANSPORTATION BOARD

12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by 5 U.S.C.
15 3109, \$28,750,000: *Provided*, That notwithstanding any
16 other provision of law, not to exceed \$1,250,000 from fees
17 established by the Chairman of the Surface Transpor-
18 tation Board shall be credited to this appropriation as off-
19 setting collections and used for necessary and authorized
20 expenses under this heading: *Provided further*, That the
21 sum herein appropriated from the general fund shall be
22 reduced on a dollar-for-dollar basis as such offsetting col-
23 lections are received during fiscal year 2012, to result in
24 a final appropriation from the general fund estimated at
25 no more than \$27,500,000.

1

2

GENERAL PROVISIONS—DEPARTMENT OF

3

TRANSPORTATION

4

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 therefore, 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.

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

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

11 SEC. 185. Funds received by the Federal Highway
12 Administration, Federal Transit Administration, and Fed-
13 eral Railroad Administration from States, counties, mu-
14 nicipalities, other public authorities, and private sources
15 for expenses incurred for training may be credited respec-
16 tively to the Federal Highway Administration's "Federal-
17 Aid Highways" account, the Federal Transit Administra-
18 tion's "Research and University Research Centers" ac-
19 count, and to the Federal Railroad Administration's
20 "Safety and Operations" account, and used for such ex-
21 penses, except for State rail safety inspectors participating
22 in training pursuant to 49 U.S.C. 20105.

23 SEC. 186. Notwithstanding any other provisions of
24 law, rule or regulation, the Secretary of Transportation
25 is authorized to allow the issuer of any preferred stock

1 heretofore sold to the Department to redeem or repur-
2 chase such stock upon the payment to the Department of
3 an amount determined by the Secretary.

4 SEC. 187. None of the funds in this Act to the De-
5 partment of Transportation may be used to make a grant
6 unless the Secretary of Transportation notifies the House
7 and Senate Committees on Appropriations not less than
8 3 full business days before any discretionary grant award,
9 letter of intent, or full funding grant agreement totaling
10 \$1,000,000 or more is announced by the department or
11 its modal administrations from: (1) any discretionary
12 grant program of the Federal Highway Administration in-
13 cluding the emergency relief program; (2) the airport im-
14 provement program of the Federal Aviation Administra-
15 tion; (3) any grant from the Federal Railroad Administra-
16 tion; or (4) any program of the Federal Transit Adminis-
17 tration other than the formula grants and fixed guideway
18 modernization programs: *Provided*, That the Secretary
19 gives concurrent notification to the House and Senate
20 Committees on Appropriations for any “quick release” of
21 funds from the emergency relief program: *Provided fur-*
22 *ther*, That no notification shall involve funds that are not
23 available for obligation.

24 SEC. 188. Rebates, refunds, incentive payments,
25 minor fees and other funds received by the Department

1 of Transportation from travel management centers,
2 charge card programs, the subleasing of building space,
3 and miscellaneous sources are to be credited to appropria-
4 tions of the Department of Transportation and allocated
5 to elements of the Department of Transportation using
6 fair and equitable criteria and such funds shall be avail-
7 able until expended.

8 SEC. 189. Amounts made available in this or any
9 other Act that the Secretary determines represent im-
10 proper payments by the Department of Transportation to
11 a third-party contractor under a financial assistance
12 award, which are recovered pursuant to law, shall be avail-
13 able—

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

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

22 (A) shall be credited to and merged with
23 the appropriation from which the improper pay-
24 ments were made, and shall be available for the

1 purposes and period for which such appropria-
2 tions are available; or

3 (B) if no such appropriation remains avail-
4 able, shall be deposited in the Treasury as mis-
5 cellaneous receipts: *Provided further*, That the
6 Secretary shall report annually to the House
7 and Senate Committees on Appropriations the
8 amount and reasons for these transfers: *Pro-*
9 *vided further*, That for purposes of this section,
10 the term “improper payments”, has the same
11 meaning as that provided in section 2(d)(2) of
12 Public Law 107–300.

13 SEC. 190. Notwithstanding any other provision of
14 law, if any funds provided in or limited by this Act are
15 subject to a reprogramming action that requires notice to
16 be provided to the House and Senate Committees on Ap-
17 propriations, said reprogramming action shall be approved
18 or denied solely by the Committees on Appropriations:
19 *Provided*, That the Secretary may provide notice to other
20 congressional committees of the action of the Committees
21 on Appropriations on such reprogramming but not sooner
22 than 30 days following the date on which the reprogram-
23 ming action has been approved or denied by the House
24 and Senate Committees on Appropriations.

1 SEC. 191. None of the funds appropriated or other-
2 wise made available under this Act may be used by the
3 Surface Transportation Board of the Department of
4 Transportation to charge or collect any filing fee for rate
5 complaints filed with the Board in an amount in excess
6 of the amount authorized for district court civil suit filing
7 fees under section 1914 of title 28, United States Code.

8 SEC. 192. Notwithstanding section 3324 of Title 31,
9 United States Code, in addition to authority provided by
10 section 327 of title 49, United States Code, the Depart-
11 ment's Working Capital fund is hereby authorized to pro-
12 vide payments in advance to vendors that are necessary
13 to carry out the Federal transit pass transportation fringe
14 benefit program under Executive Order 13150 and section
15 3049 of Public Law 109-59: Provided, that the Depart-
16 ment shall include adequate safeguards in the contract
17 with the vendors to ensure timely and high quality per-
18 formance under the contract.

19 SEC. 193. The Secretary of Transportation is author-
20 ized to carry out a program that establishes uniform
21 standards for developing and supporting agency transit
22 pass and transit benefits authorized under section 7905
23 of title 5, United States Code, including distribution of
24 transit benefits by various paper and electronic media.

1 SEC. 194. Funds appropriated in this Act to the
2 modal administrations may be obligated for the Office of
3 the Secretary for the costs related to assessments or reim-
4 bursable agreements only when such amounts are for the
5 costs of goods and services that are purchased to provide
6 a direct benefit to the applicable modal administration or
7 administrations.

8 SEC. 195. No funds appropriated in this Act to an
9 agency of the Department of Transportation shall be
10 transferred to the Working Capital Fund without a
11 quorum approval of the Working Capital Fund Steering
12 Committee and approval of the Secretary.

13 SEC. 196. (a) MEMBERSHIP.—Section 49106(c)(1) of
14 title 49, United States Code, is amended—

15 (1) in the matter preceding subparagraph (A)
16 by striking “13 members” and inserting “17 mem-
17 bers;” and

18 (2) in subparagraph (A) by striking “5 mem-
19 bers” and inserting “9 members”.

20 (b) TERM.—Section 49106(c)(3) of such title is
21 amended by striking the second sentence and inserting the
22 following: “A member may not serve after the expiration
23 of the member’s term.”

24 (c) REMOVAL AUTHORITY.—Section 49106(c) of
25 such title is amended—

1 (1) in paragraph (6) by striking subparagraph
2 (C);

3 (2) by redesignating paragraph (7) as para-
4 graph (8); and

5 (3) by inserting after paragraph (6) the fol-
6 lowing:

7 “(7)(A) A member of the board appointed
8 under paragraph (1)(A) shall serve at the pleasure
9 of the Governor of Virginia.

10 “(B) A member of the board appointed under
11 paragraph (1)(B) shall serve at the pleasure of the
12 Mayor of the District of Columbia.

13 “(C) A member of the board appointed under
14 paragraph (1)(C) shall serve at the pleasure of the
15 Governor of Maryland.

16 “(D) A member of the board appointed under
17 paragraph (1)(D) shall serve at the pleasure of the
18 President.”.

19 (d) APPROVAL OF BOND ISSUES AND ANNUAL BUDG-
20 ET.—Section 49106(e)(8) (as redesignated by subsection
21 (c)(2) of this section) is amended by striking “Eight
22 votes” and inserting “Nine votes.”

23 SEC. 197. None of the funds shall be used to enforce
24 traffic control device compliance dates on State and local
25 governments for the requirements listed in the Manual on

1 Uniform Traffic Control Devices (MUTCD) to maintain
2 minimum levels of sign retroreflectivity and with minimum
3 letter heights for street name signs; require agencies to
4 implement an assessment or management method de-
5 signed to maintain sign retroreflectivity at or above the es-
6 tablished minimum levels, except with respect to imple-
7 menting an assessment or management method for regu-
8 latory and warning signs; or replace regulatory, warning,
9 post-mounted, street name, and overhead guide signs that
10 are identified using the assessment or management meth-
11 od as failing to meet the established minimum
12 retroreflectivity levels.

13 This title may be cited as the “Department of Trans-
14 portation Appropriations Act, 2012”.

15 TITLE II

16 DEPARTMENT OF HOUSING AND URBAN

17 DEVELOPMENT

18 MANAGEMENT AND ADMINISTRATION

19 EXECUTIVE DIRECTION

20 For necessary salaries and expenses for Executive Di-
21 rection, \$20,663,000, of which not to exceed \$3,280,000
22 shall be available for the immediate Office of the Sec-
23 retary; not to exceed \$546,000 shall be available for the
24 Office of the Deputy Secretary and Chief Operating Offi-
25 cer; not to exceed \$1,752,000 shall be available for the

1 Office of Hearings and Appeals; not to exceed \$705,000
2 shall be available for the Office of Small and Disadvan-
3 taged Business Utilization; not to exceed \$645,000 shall
4 be available for the immediate Office of the Chief Finan-
5 cial Officer; not to exceed \$1,400,000 shall be available
6 for the immediate Office of the General Counsel; not to
7 exceed \$2,010,000 shall be available to the Office of the
8 Assistant Secretary for Congressional and Intergovern-
9 mental Relations; not to exceed \$2,800,000 shall be avail-
10 able for the Office of the Assistant Secretary for Public
11 Affairs; not to exceed \$1,760,000 shall be available to the
12 Office of the Assistant Secretary for Public and Indian
13 Housing; not to exceed \$1,800,000 shall be available to
14 the Office of the Assistant Secretary for Community Plan-
15 ning and Development; not to exceed \$2,310,000 shall be
16 available to the Office of the Assistant Secretary for Hous-
17 ing, Federal Housing Commissioner; not to exceed
18 \$955,000 shall be available to the Office of the Assistant
19 Secretary for Policy Development and Research; and not
20 to exceed \$700,000 shall be available to the Office of the
21 Assistant Secretary for Fair Housing and Equal Oppor-
22 tunity: *Provided*, That the Secretary of the Department
23 of Housing and Urban Development is authorized to
24 transfer funds appropriated for any office funded under
25 this heading to any other office funded under this heading

1 following the written notification to the House and Senate
2 Committees on Appropriations: *Provided further*, That no
3 appropriation for any office shall be increased or de-
4 creased by more than 5 percent by all such transfers: *Pro-*
5 *vided further*, That notice of any change in funding greater
6 than 5 percent shall be submitted for prior approval to
7 the House and Senate Committees on Appropriations:
8 *Provided further*, That the Secretary shall provide the
9 Committees on Appropriations quarterly written notifica-
10 tion regarding the status of pending congressional reports:
11 *Provided further*, That the Secretary shall provide all
12 signed reports required by Congress electronically: *Pro-*
13 *vided further*, That the Secretary shall transmit to the
14 House and Senate Committees on Appropriations a de-
15 tailed budget justification for each office within the De-
16 partment, including an organizational chart for each oper-
17 ating area within the Department: *Provided further*, That
18 the budget justification shall include funding levels for the
19 past five fiscal years for all offices: *Provided further*, that
20 the budget submitted by the Department must also in-
21 clude a detailed justification for the incremental funding
22 increases, decreases and FTE fluctuations being requested
23 program, activity, or program element: *Provided further*,
24 That not to exceed \$25,000 of the amount made available
25 under this paragraph for the immediate Office of the Sec-

1 retary shall be available for official reception and rep-
2 resentation expenses as the Secretary may determine.

3 ADMINISTRATION, OPERATIONS AND MANAGEMENT

4 For necessary salaries and expenses for administra-
5 tion, operations and management for the Department of
6 Housing and Urban Development, \$494,739,000, of which
7 not to exceed \$65,863,000 shall be available for the per-
8 sonnel compensation and benefits of the Office of Adminis-
9 tration; not to exceed \$9,149,000 shall be available for the
10 personnel compensation and benefits of the Office of De-
11 partmental Operations and Coordination; not to exceed
12 \$46,353,000 shall be available for the personnel com-
13 pensation and benefits of the Office of Field Policy and
14 Management; not to exceed \$13,513,000 shall be available
15 for the personnel compensation and benefits of the Office
16 of the Chief Procurement Officer; not to exceed
17 \$32,294,000 shall be available for the personnel com-
18 pensation and benefits of the remaining staff in the Office
19 of the Chief Financial Officer; not to exceed \$86,844,000
20 shall be available for the personnel compensation and ben-
21 efits of the remaining staff in the Office of the General
22 Counsel; not to exceed \$2,927,000 shall be available for
23 the personnel compensation and benefits of the Office of
24 Departmental Equal Employment Opportunity; not to ex-
25 ceed \$1,094,000 shall be available for the personnel com-

1 pensionation and benefits for the Center for Faith-Based and
2 Community Initiatives; not to exceed \$1,702,000 shall be
3 available for the personnel compensation and benefits for
4 the Office of Strategic Planning and Management; and
5 not to exceed \$235,000,000 shall be available for non-per-
6 sonnel expenses of the Department of Housing and Urban
7 Development: *Provided*, That, funds provided under this
8 heading may be used for necessary administrative and
9 non-administrative expenses of the Department of Hous-
10 ing and Urban Development, not otherwise provided for,
11 including purchase of uniforms, or allowances therefore,
12 as authorized by 5 U.S.C. 5901-5902; hire of passenger
13 motor vehicles; services as authorized by 5 U.S.C. 3109:
14 *Provided further*, That notwithstanding any other provi-
15 sion of law, funds appropriated under this heading may
16 be used for advertising and promotional activities that
17 support the housing mission area: *Provided further*, That
18 the Secretary of Housing and Urban Development is au-
19 thorized to transfer funds appropriated for any office in-
20 cluded in Administration, Operations and Management to
21 any other office included in Administration, Operations
22 and Management only after such transfer has been sub-
23 mitted to, and received prior written approval by, the
24 House and Senate Committees on Appropriations: *Pro-*
25 *vided further*, That no appropriation for any office shall

1 be increased or decreased by more than 10 percent by all
2 such transfers.

3 PERSONNEL COMPENSATION AND BENEFITS

4 PUBLIC AND INDIAN HOUSING

5 For necessary personnel compensation and benefits
6 expenses of the Office of Public and Indian Housing,
7 \$182,500,000.

8 COMMUNITY PLANNING AND DEVELOPMENT

9 For necessary personnel compensation and benefits
10 expenses of the Office of Community Planning and Devel-
11 opment mission area, \$91,000,000.

12 HOUSING

13 For necessary personnel compensation and benefits
14 expenses of the Office of Housing, \$353,126,000: *Provided*
15 , That of the funds appropriated under this heading, no
16 funds may be obligated for Housing Counseling Assistance
17 activities until the Secretary of Housing and Urban Devel-
18 opment completes a plan detailing by program and activity
19 and by object class how such funding will be expended for
20 Housing Counseling Assistance activities, and this plan is
21 submitted to the House and Senate Committees on Appro-
22 priations.

1 POLICY DEVELOPMENT AND RESEARCH

2 For necessary personnel compensation and benefits
3 expenses of the Office of Policy Development and Re-
4 search, \$17,716,000.

5 FAIR HOUSING AND EQUAL OPPORTUNITY

6 For necessary personnel compensation and benefits
7 expenses of the Office of Fair Housing and Equal Oppor-
8 tunity, \$66,697,000.

9 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

10 CONTROL

11 For necessary personnel compensation and benefits
12 expenses of the Office of Healthy Homes and Lead Haz-
13 ard Control, \$6,974,000.

14 PUBLIC AND INDIAN HOUSING

15 TENANT-BASED RENTAL ASSISTANCE

16 (INCLUDING TRANSFER OF FUNDS)

17 For activities and assistance for the provision of ten-
18 ant-based rental assistance authorized under the United
19 States Housing Act of 1937, as amended (42 U.S.C. 1437
20 et seq.) ('the Act' herein), not otherwise provided for,
21 \$14,467,883,000, to remain available until expended, shall
22 be available on October 1, 2011 (in addition to the
23 \$4,000,000,000 previously appropriated under this head-
24 ing that will become available on October 1, 2011), and
25 \$4,000,000,000, to remain available until expended, shall

1 be available on October 1, 2012: *Provided*, That of the
2 amounts made available under this heading are provided
3 as follows:

4 (1) \$17,043,837,000 shall be available for re-
5 newals of expiring section 8 tenant-based annual
6 contributions contracts (including renewals of en-
7 hanced vouchers under any provision of law author-
8 izing such assistance under section 8(t) of the Act)
9 and including renewal of incremental vouchers: *Pro-*
10 *vided*, That notwithstanding any other provision of
11 law, from amounts provided under this paragraph
12 and any carryover, the Secretary for the calendar
13 year 2012 funding cycle shall provide renewal fund-
14 ing for each public housing agency based on voucher
15 management system (VMS) leasing and cost data
16 for the prior calendar year and by applying the most
17 recent Annual Adjustment Factor as established by
18 the Secretary, and by making any necessary adjust-
19 ments for the costs associated with deposits to fam-
20 ily self-sufficiency program escrow accounts or first-
21 time renewals including tenant protection or HOPE
22 VI vouchers: *Provided further*, That none of the
23 funds provided under this paragraph may be used to
24 fund a total number of unit months under lease
25 which exceeds a public housing agency's authorized

1 level of units under contract, except for public hous-
2 ing agencies participating in the Moving to Work
3 demonstration, which are instead governed by the
4 terms and conditions of their MTW agreements:
5 *Provided further*, That the Secretary shall, to the ex-
6 tent necessary to stay within the amount specified
7 under this paragraph (except as otherwise modified
8 under this Act), pro rate each public housing agen-
9 cy's allocation otherwise established pursuant to this
10 paragraph: *Provided further*, That except as provided
11 in the last two provisos, the entire amount specified
12 under this paragraph (except as otherwise modified
13 under this Act) shall be obligated to the public hous-
14 ing agencies based on the allocation and pro rata
15 method described above, and the Secretary shall no-
16 tify public housing agencies of their annual budget
17 not later than 60 days after enactment of this Act:
18 *Provided further*, That the Secretary may extend the
19 60-day notification period with the prior written ap-
20 proval of the House and Senate Committees on Ap-
21 propriations: *Provided further*, That public housing
22 agencies participating in the Moving to Work dem-
23 onstration shall be funded pursuant to their Moving
24 to Work agreements and shall be subject to the
25 same pro rata adjustments under the previous pro-

1 visos: *Provided further*, That up to \$135,000,000
2 shall be available only: (1) to adjust the allocations
3 for public housing agencies, after application for an
4 adjustment by a public housing agency that experi-
5 enced a significant increase, as determined by the
6 Secretary, in renewal costs of tenant-based rental
7 assistance resulting from unforeseen circumstances
8 or from portability under section 8(r) of the Act; (2)
9 for adjustments for public housing agencies with
10 voucher leasing rates at the end of the calendar year
11 that exceed the average leasing for the 12-month pe-
12 riod used to establish the allocation; (3) for adjust-
13 ments for the costs associated with VASH vouchers;
14 or (4) for vouchers that were not in use during the
15 12-month period in order to be available to meet a
16 commitment pursuant to section 8(o)(13) of the Act:

17 *Provided further*, That the Secretary shall allocate
18 amounts under the previous proviso based on need
19 as determined by the Secretary;

20 (2) \$75,000,000 shall be for section 8 rental as-
21 sistance for relocation and replacement of housing
22 units that are demolished or disposed of pursuant to
23 Section 18 of the Act, conversion of section 23
24 projects to assistance under section 8, the family
25 unification program under section 8(x) of the Act,

1 relocation of witnesses in connection with efforts to
2 combat crime in public and assisted housing pursu-
3 ant to a request from a law enforcement or prosecu-
4 tion agency, enhanced vouchers under any provision
5 of law authorizing such assistance under section 8(t)
6 of the Act, HOPE VI vouchers, mandatory and vol-
7 untary conversions, and tenant protection assistance
8 including replacement and relocation assistance or
9 for project based assistance to prevent the displace-
10 ment of unassisted elderly tenants currently residing
11 in section 202 properties financed between 1959 and
12 1974 that are refinanced pursuant to Public Law
13 106-569, as amended, or under the authority as pro-
14 vided under this Act: *Provided*, That the Secretary
15 shall provide replacement vouchers for all units that
16 were occupied within the previous 24 months that
17 cease to be available as assisted housing, subject
18 only to the availability of funds;

19 (3) \$1,100,000,000 shall be for administrative
20 and other expenses of public housing agencies in ad-
21 ministering the section 8 tenant-based rental assist-
22 ance program, of which up to \$50,000,000 shall be
23 available to the Secretary to allocate to public hous-
24 ing agencies that need additional funds to admin-
25 ister their section 8 programs, including fees associ-

1 ated with section 8 tenant protection rental assist-
2 ance, the administration of disaster related vouchers,
3 Veterans Affairs Supportive Housing vouchers, and
4 other incremental vouchers: *Provided*, That no less
5 than \$1,050,000,000 of the amount provided in this
6 paragraph shall be allocated to public housing agen-
7 cies for the calendar year 2012 funding cycle based
8 on section 8(q) of the Act (and related Appropria-
9 tion Act provisions) as in effect immediately before
10 the enactment of the Quality Housing and Work Re-
11 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
12 *vided further*, That if the amounts made available
13 under this paragraph are insufficient to pay the
14 amounts determined under the previous proviso, the
15 Secretary may decrease the amounts allocated to
16 agencies by a uniform percentage applicable to all
17 agencies receiving funding under this paragraph or
18 may, to the extent necessary to provide full payment
19 of amounts determined under the previous proviso,
20 utilize unobligated balances, including recaptures
21 and carryovers, remaining from funds appropriated
22 to the Department of Housing and Urban Develop-
23 ment under this heading, for fiscal year 2011 and
24 prior fiscal years, notwithstanding the purposes for
25 which such amounts were appropriated: *Provided*

1 *further*, That amounts provided under this para-
2 graph shall be only for activities related to the provi-
3 sion of tenant-based rental assistance authorized
4 under section 8, including related development ac-
5 tivities;

6 (4) \$60,000,000 shall be available for family
7 self-sufficiency coordinators under section 23 of the
8 Act;

9 (5) \$114,046,000 for renewal of tenant-based
10 assistance contracts under section 811 of the Cran-
11 ston-Gonzalez National Affordable Housing Act (42
12 U.S.C. 8013), as amended, entered into prior to fis-
13 cal year 2007;

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

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

1 HOUSING CERTIFICATE FUND

2 (CANCELLATION)

3 Unobligated balances, including recaptures and car-
4 ryover, remaining from funds appropriated to the Depart-
5 ment of Housing and Urban Development under this
6 heading, the heading "Annual Contributions for Assisted
7 Housing" and the heading "Project-Based Rental Assist-
8 ance", for fiscal year 2012 and prior years may be used
9 for renewal of or amendments to section 8 project-based
10 contracts and for performance-based contract administra-
11 tors, notwithstanding the purposes for which such funds
12 were appropriated: *Provided*, That any obligated balances
13 of contract authority from fiscal year 1974 and prior that
14 have been terminated are hereby permanently cancelled:
15 *Provided further*, That amounts heretofore recaptured, or
16 recaptured during the current fiscal year, from project-
17 based Section 8 contracts from source years fiscal year
18 1975 through fiscal year 1987 are hereby permanently
19 cancelled, and an amount of additional new budget author-
20 ity, equivalent to the amount permanently cancelled is
21 hereby appropriated, to remain available until expended,
22 for the purposes set forth under this heading, in addition
23 to amounts otherwise available.

1 PUBLIC HOUSING CAPITAL FUND

2 For the Public Housing Capital Fund Program to
3 carry out capital and management activities for public
4 housing agencies, as authorized under section 9 of the
5 United States Housing Act of 1937 (42 U.S.C. 1437g)
6 (the "Act"), \$1,532,117,000, to remain available until
7 September 30, 2015: *Provided*, That notwithstanding any
8 other provision of law or regulation, during fiscal year
9 2012 the Secretary of Housing and Urban Development
10 may not delegate to any Department official other than
11 the Deputy Secretary and the Assistant Secretary for
12 Public and Indian Housing any authority under paragraph
13 (2) of section 9(j) regarding the extension of the time peri-
14 ods under such section: *Provided further*, That for pur-
15 poses of such section 9(j), the term "obligate" means, with
16 respect to amounts, that the amounts are subject to a
17 binding agreement that will result in outlays, immediately
18 or in the future: *Provided further*, That up to \$15,345,000
19 shall be to support the ongoing Public Housing Financial
20 and Physical Assessment activities: *Provided further*, That
21 of the total amount provided under this heading up to
22 \$5,000,000 is to support the costs of administrative and
23 judicial receiverships: *Provided further*, That from the
24 funds made available under this heading, the Secretary

1 shall provide bonus awards in fiscal year 2012 to public
2 housing agencies that are designated high performers.

3 PUBLIC HOUSING OPERATING FUND

4 For 2012 payments to public housing agencies
5 (PHAs) for the operation and management of public hous-
6 ing, as authorized by section 9(e) of the United States
7 Housing Act of 1937 (42 U.S.C. 1437g(e)),
8 \$3,861,850,000: *Provided*, That, in determining public
9 housing agencies' (PHAs), including Moving to Work
10 (MTW) agencies', calendar year 2012 funding allocations
11 under this heading, the Secretary shall take into account
12 PHAs' excess operating reserves, as determined by the
13 Secretary: *Provided further*, That if sufficient reserve-level
14 data are not available with respect to the previous proviso,
15 the Secretary may make a pro rata reduction in funding
16 provided under this heading to PHAs, including MTW
17 agencies: *Provided further*, none of the funds made avail-
18 able by this Act or any Act hereafter may be used for
19 any public housing dwelling unit that—(1) was assisted
20 with amounts made available under the heading “Depart-
21 ment of Housing and Urban Development—Public and In-
22 dian Housing—Public Housing Capital Fund” in title XII
23 of Division A of the American Recovery and Reinvestment
24 Act of 2009 (Public Law 111–5; 123 Stat. 214); (2) is
25 administered by a public housing agency (as such term

1 is defined in section 3(b) of such Act (42 U.S.C.
2 1437a(b))) pursuant to acquisition of such dwelling unit
3 in connection with the provision of assistance described
4 in paragraph (1) for the unit; and (3) immediately before
5 such acquisition was owned, operated, or assisted by a
6 State or State agency and was not assisted as a public
7 housing dwelling unit.

8 NATIVE AMERICAN HOUSING BLOCK GRANTS

9 For the Native American Housing Block Grants pro-
10 gram, as authorized under title I of the Native American
11 Housing Assistance and Self-Determination Act of 1996
12 (NAHASDA) (25 U.S.C. 4111 et seq.), \$648,700,000, to
13 remain available for three years: *Provided*, That, notwith-
14 standing the Native American Housing Assistance and
15 Self-Determination Act of 1996, to determine the amount
16 of the allocation under title I of such Act for each Indian
17 tribe, the Secretary shall apply the formula under section
18 302 of such Act with the need component based on single-
19 race Census data and with the need component based on
20 multi-race Census data, and the amount of the allocation
21 for each Indian tribe shall be the greater of the two result-
22 ing allocation amounts: *Provided further*, That no funds
23 shall be awarded to a tribe that has over \$20,000,000 in
24 unexpended balances at the beginning of the fiscal year,
25 excluding unexpended balances from fiscal year 2011: *Pro-*

1 *vided further*, That of the amount provided under this
2 heading, \$2,000,000 shall be to support the inspection of
3 Indian housing units, contract expertise, training, and
4 technical assistance in the oversight and management of
5 such Indian housing assistance, including up to \$200,000
6 for related travel: *Provided further*, That \$1,620,000 shall
7 be made available for the cost of guaranteed notes and
8 other obligations, as authorized by title VI of NAHASDA:
9 *Provided further*, That such costs, including the costs of
10 modifying such notes and other obligations, shall be as de-
11 fined in section 502 of the Congressional Budget Act of
12 1974, as amended: *Provided further*, That these funds are
13 available to subsidize the total principal amount of any
14 notes and other obligations, any part of which is to be
15 guaranteed, not to exceed \$15,000,000: *Provided further*,
16 That the Department will notify grantees of their formula
17 allocation within 60 days of enactment of this Act.

18 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

19 ACCOUNT

20 For the cost of guaranteed loans, as authorized by
21 section 184 of the Housing and Community Development
22 Act of 1992 (12 U.S.C. 1715z), \$6,000,000, to remain
23 available until expended: *Provided*, That such costs, in-
24 cluding the costs of modifying such loans, shall be as de-
25 fined in section 502 of the Congressional Budget Act of

1 1974: *Provided further*, That these funds are available to
2 subsidize total loan principal, any part of which is to be
3 guaranteed, up to \$360,000,000: *Provided further*, That
4 up to \$750,000 of this amount may be used for adminis-
5 trative contract expenses including management processes
6 and systems to carry out the loan guarantee program.

7 NATIVE HAWAIIAN LOAN GUARANTEE FUND PROGRAM

8 ACOCUNT

9 For the cost of guaranteed loans, \$1,140,000, which
10 shall be derived from prior year unobligated balances from
11 funds previously appropriated under this heading and
12 shall remain available until expended: *Provided*, That such
13 costs, including the costs of modifying such loans, shall
14 be as defined in section 502 of the Congressional Budget
15 Act of 1974 (2 U.S.C. 661a): *Provided further*, That these
16 funds are available to subsidize total loan principal, any
17 part of which is to be guaranteed, not to exceed
18 \$42,000,000: *Provided further*, That up to \$750,000 of
19 these funds may be used for administrative contract ex-
20 penses including management processes and systems to
21 carry out the loan guarantee program.

22 COMMUNITY PLANNING AND DEVELOPMENT

23 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

24 For carrying out the Housing Opportunities for Per-
25 sons with AIDS program, as authorized by the AIDS

1 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
2 \$334,330,000, to remain available until September 30,
3 2013, except that amounts allocated pursuant to section
4 854(c)(3) of such Act shall remain available until Sep-
5 tember 30, 2014: *Provided*, That the Secretary shall renew
6 all expiring contracts for permanent supportive housing
7 that were funded under section 854(c)(3) of such Act that
8 meet all program requirements before awarding funds for
9 new contracts and activities authorized under this section:
10 *Provided further*, That the Department shall notify grant-
11 ees of their formula allocation within 60 days of enactment
12 of this Act.

13 COMMUNITY DEVELOPMENT FUND

14 For assistance to units of State and local govern-
15 ment, and to other entities, for economic and community
16 development activities, and for other purposes,
17 \$3,500,984,000, to remain available until September 30,
18 2014, unless otherwise specified: *Provided*, That of the
19 total amount provided, \$3,500,984,000 is for carrying out
20 the community development block grant program under
21 Title I of the Housing and Community Development Act
22 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
23 et seq.): *Provided further*, That unless explicitly provided
24 for under this heading, not to exceed 10 percent of any
25 grant made with funds appropriated under this heading

1 may be expended for planning, management, and adminis-
2 tration: *Provided further*, That of the funds provided,
3 \$35,010,000 shall be for grants to Indian tribes pursuant
4 to section 106(a)(1) of such Act, of which, notwith-
5 standing any other provision of law (including section 204
6 of this Act), up to \$3,000,000 may be used for emer-
7 gencies that constitute imminent threats to health and
8 safety: *Provided further*, That of the funds provided,
9 \$7,000,000 shall be for insular areas, to be distributed
10 in accordance with section 106(a)(2) of such Act: *Provided*
11 *further*, That none of the funds made available under such
12 heading by this division may be used for grants for the
13 Economic Development Initiative (“EDI”) or Neighbor-
14 hood Initiatives activities, Rural Innovation Fund, or for
15 grants pursuant to section 107 of the Housing and Com-
16 munity Development Act of 1974 (42 U.S.C. 5307): *Pro-*
17 *vided further*, That none of the funds appropriated or oth-
18 erwise made available by this Act may be used for the pro-
19 posed Sustainable Communities Initiative (including, but
20 not limited to, personnel, research, grant management,
21 policy development, capacity building of grantees and po-
22 tential applicants, and interagency coordination on livable
23 communities or sustainable development): *Provided fur-*
24 *ther*, That the Department shall notify grantees of their
25 formula allocation within 60 days of enactment of this Act.

1 COMMUNITY DEVELOPMENT LOAN GUARANTEES
2 PROGRAM ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 108 of the Housing and Community Development
5 Act of 1974 (42 U.S.C. 5308), \$6,820,000: *Provided*,
6 That such costs, including the cost of modifying such
7 loans, shall be as defined in section 502 of the Congres-
8 sional Budget Act of 1974: *Provided further*, That these
9 funds are available to subsidize total loan principal, any
10 part of which is to be guaranteed, not to exceed
11 \$275,000,000, notwithstanding any aggregate limitation
12 on outstanding obligations guaranteed in section 108(k)
13 of the Housing and Community Development Act of 1974,
14 as amended.

15 HOME INVESTMENT PARTNERSHIPS PROGRAM

16 For the HOME investment partnerships program, as
17 authorized under title II of the Cranston-Gonzalez Na-
18 tional Affordable Housing Act, as amended,
19 \$1,200,000,000 to remain available until September 30,
20 2014: *Provided*, That funds provided in prior appropria-
21 tions Acts for technical assistance, which were made avail-
22 able for Community Housing Development Organizations
23 technical assistance and which still remain available, may
24 be used for HOME technical assistance notwithstanding
25 the purposes for which such amounts were appropriated:

1 *Provided further*, That the Department shall notify grant-
2 ees of their formula allocation within 60 days of enactment
3 of this Act.

4 SELF-HELP AND ASSISTED HOMEOWNERSHIP

5 OPPORTUNITY PROGRAM

6 For the Self-Help and Assisted Homeownership Op-
7 portunity Program (SHOP), as authorized under section
8 11 of the Housing Opportunity Program Extension Act
9 of 1996, as amended, \$15,890,000, to remain available
10 until September 30, 2014: *Provided*, That of the amount
11 provided under this heading, \$5,000,000 shall be for rural
12 capacity building activities by national organizations with
13 expertise in rural housing development: *Provided further*,
14 That the Department shall notify grantees of the avail-
15 ability of funding within 60 days of enactment of this Act.

16 CAPACITY BUILDING

17 For the first four capacity building activities author-
18 ized under section 4(a) of the HUD Demonstration Act
19 of 1993 (42 U.S.C. 9816 note), \$33,500,000, to remain
20 available until September 30, 2014: *Provided*, That of the
21 amount provided under this heading, \$5,000,000 shall be
22 for rural and tribal capacity building activities: *Provided*
23 *further*, That the Department shall notify grantees of the
24 availability of funding within 60 days of enactment of this
25 Act.

1 HOMELESS ASSISTANCE GRANTS
2 (INCLUDING TRANSFER OF FUNDS)

3 For the emergency solutions grants program author-
4 ized under subtitle B of title IV of the McKinney-Vento
5 Homeless Assistance Act, as amended by the Homeless
6 Emergency Assistance and Rapid Transition to Housing
7 (HEARTH) Act of 2009, and the continuum of care
8 grants program authorized under subtitle C of title IV of
9 such Act, as amended, \$1,901,190,000, of which
10 \$1,896,190,000 shall remain available until September 30,
11 2014, and of which \$5,000,000 shall remain available
12 until expended for project-based rental assistance rehabili-
13 tation with 10-year grant terms: *Provided*, That any rental
14 assistance amounts recaptured under the continuum of
15 care program shall remain available in the continuum of
16 care program until expended: *Provided further*, That no
17 less than \$225,000,000 of the funds appropriated under
18 this heading shall be available for the emergency solutions
19 grants program, notwithstanding any other provision of
20 law: *Provided further*, That no less than \$1,670,190,000
21 of the funds appropriated under this heading shall be
22 available for the continuum of care grants program: *Pro-*
23 *vided further*, That up to \$6,000,000 of the funds appro-
24 priated under this heading shall be available for the na-
25 tional homeless data analysis project: *Provided further*,

1 That all funds awarded for services shall be matched by
2 not less than 25 percent in funding by each grantee: *Pro-*
3 *vided further*, That all awards of assistance under this
4 heading shall be required to coordinate and integrate
5 homeless programs with other mainstream health, social
6 services, and employment programs for which homeless
7 populations may be eligible, including Medicaid, State
8 Children's Health Insurance Program, Temporary Assist-
9 ance for Needy Families, Food Stamps, and services fund-
10 ing through the Mental Health and Substance Abuse
11 Block Grant, Workforce Investment Act, and the Welfare-
12 to-Work grant program: *Provided further*, That grant
13 funds provided under this heading shall be used only in
14 accordance with the provisions of subtitles B and C of title
15 IV of the McKinney-Vento Homeless Assistance Act, as
16 amended by the Homeless Emergency Assistance and
17 Rapid Transition to Housing Act of 2009 (division B of
18 Public Law 111-22): *Provided further*, That no funds pro-
19 vided under this heading may be used for grants under
20 the provisions of title IV of the McKinney-Vento Homeless
21 Assistance Act, as in effect before the amendments made
22 to such Act by the Homeless Emergency Assistance and
23 Rapid Transition to Housing Act of 2009: *Provided fur-*
24 *ther*, That the Department shall notify grantees of their
25 formula allocation within 60 days of enactment of this Act.

1 HOUSING PROGRAMS

2 PROJECT-BASED RENTAL ASSISTANCE

3 For activities and assistance for the provision of
4 project-based subsidy contracts under the United States
5 Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"),
6 not otherwise provided for, \$9,028,672,000, to remain
7 available until expended, shall be available on October 1,
8 2011 (in addition to the \$400,000,000 previously appro-
9 priated under this heading that will become available Oc-
10 tober 1, 2011), and \$400,000,000, to remain available
11 until expended, shall be available on October 1, 2012: *Pro-*
12 *vided*, That the amounts made available under this head-
13 ing shall be available for expiring or terminating section
14 8 project-based subsidy contracts (including section 8
15 moderate rehabilitation contracts), for amendments to sec-
16 tion 8 project-based subsidy contracts (including section
17 8 moderate rehabilitation contracts), for contracts entered
18 into pursuant to section 441 of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11401), for renewal
20 of section 8 contracts for units in projects that are subject
21 to approved plans of action under the Emergency Low In-
22 come Housing Preservation Act of 1987 or the Low-In-
23 come Housing Preservation and Resident Homeownership
24 Act of 1990, and for administrative and other expenses
25 associated with project-based activities and assistance

1 funded under this paragraph: *Provided further*, That of
2 the total amounts provided under this heading, not to ex-
3 ceed \$289,000,000 shall be available for performance-
4 based contract administrators for section 8 project-based
5 assistance: *Provided further*, That the Secretary of Hous-
6 ing and Urban Development may also use such amounts
7 in the previous proviso for performance-based contract ad-
8 ministrators for the administration of: interest reduction
9 payments pursuant to section 236(a) of the National
10 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
11 payments pursuant to section 101 of the Housing and
12 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
13 tion 236(f)(2) rental assistance payments (12 U.S.C.
14 1715z-1(f)(2)); project rental assistance contracts for the
15 elderly under section 202(c)(2) of the Housing Act of
16 1959 (12 U.S.C. 1701q); project rental assistance con-
17 tracts for supportive housing for persons with disabilities
18 under section 811(d)(2) of the Cranston-Gonzalez Na-
19 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
20 project assistance contracts pursuant to section 202(h) of
21 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
22 667); and loans under section 202 of the Housing Act of
23 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*
24 *ther*, That amounts recaptured under this heading, the
25 heading "Annual Contributions for Assisted Housing", or

1 the heading "Housing Certificate Fund" may be used for
2 renewals of or amendments to section 8 project-based con-
3 tracts or for performance-based contract administrators,
4 notwithstanding the purposes for which such amounts
5 were appropriated.

6 HOUSING FOR THE ELDERLY

7 For capital advances, including amendments to cap-
8 ital advance contracts, for housing for the elderly, as au-
9 thorized by section 202 of the Housing Act of 1959, as
10 amended, and for project rental assistance for the elderly
11 under section 202(c)(2) of such Act, including amend-
12 ments to contracts for such assistance and renewal of ex-
13 piring contracts for such assistance for up to a 1-year
14 term, and for senior preservation rental assistance con-
15 tracts, as authorized by section 811(e) of the American
16 Housing and Economic Opportunity Act of 2000, as
17 amended, and for supportive services associated with the
18 housing, \$600,000,000, to remain available until Sep-
19 tember 30, 2015: *Provided*, That amounts for project rent-
20 al assistance contracts are to remain available through fis-
21 cal year 2025 for the liquidation of valid obligations in-
22 curred: *Provided further*, That of the amount provided
23 under this heading, up to \$80,000,000 shall be for service
24 coordinators and the continuation of existing congregate
25 service grants for residents of assisted housing projects,

1 and of which up to \$25,000,000 shall be for grants under
2 section 202b of the Housing Act of 1959 (12 U.S.C.
3 1701q-2) for conversion of eligible projects under such
4 section to assisted living, service-enriched housing, or re-
5 lated use for substantial and emergency repairs as deter-
6 mined by the Secretary: *Provided further*, That amounts
7 under this heading shall be available for Real Estate As-
8 sessment Center inspections and inspection-related activi-
9 ties associated with section 202 capital advance projects:
10 *Provided further*, That the Secretary may waive the provi-
11 sions of section 202 governing the terms and conditions
12 of project rental assistance, except that the initial contract
13 term for such assistance shall not exceed 5 years in dura-
14 tion.

15 HOUSING FOR PERSONS WITH DISABILITIES

16 For supportive housing for persons with disabilities,
17 as authorized by section 811 of the Cranston-Gonzalez
18 National Affordable Housing Act (42 U.S.C. 8013),
19 \$196,000,000, to remain available until September 30,
20 2015: *Provided*, That amounts for project rental assist-
21 ance contracts are to remain available through fiscal year
22 2025 for the liquidation of valid obligations incurred: *Pro-*
23 *vided further*, That the Secretary may amend and renew
24 funding for expiring contracts for project rental assistance
25 under section 811(d)(2) of the Cranston-Gonzalez Na-

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

10 OTHER ASSISTED HOUSING PROGRAMS

11 RENTAL HOUSING ASSISTANCE

12 For amendments to contracts under section 101 of
13 the Housing and Urban Development Act of 1965 (12
14 U.S.C. 1701s) and section 236(f)(2) of the National
15 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
16 sured rental housing projects, \$15,733,000, to remain
17 available until expended.

18 RENT SUPPLEMENT

19 (RESCISSION)

20 Of the amounts recaptured from terminated con-
21 tracts under section 101 of the Housing and Urban Devel-
22 opment Act of 1965 (12 U.S.C. 1701s) and section 236
23 of the National Housing Act (12 U.S.C. 1715z-1)
24 \$6,600,000 are rescinded: *Provided*, That no amounts may
25 be rescinded from amounts that were designated by the

1 Congress as an emergency requirement pursuant to the
2 Concurrent Resolution on the Budget or the Balanced
3 Budget and Emergency Deficit Control Act of 1985, as
4 amended.

5 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
6 FUND

7 For necessary expenses as authorized by the National
8 Manufactured Housing Construction and Safety Stand-
9 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
10 \$7,000,000, to remain available until expended, which is
11 to be derived from the Manufactured Housing Fees Trust
12 Fund: *Provided*, That not to exceed the total amount ap-
13 propriated under this heading shall be available from the
14 general fund of the Treasury to the extent necessary to
15 incur obligations and make expenditures pending the re-
16 ceipt of collections to the Fund pursuant to section 620
17 of such Act: *Provided further*, That the amount made
18 available under this heading from the general fund shall
19 be reduced as such collections are received during fiscal
20 year 2012 so as to result in no fiscal year 2012 appropria-
21 tion from the general fund and fees pursuant to such sec-
22 tion 620 shall be modified as necessary to ensure such
23 a final fiscal year 2012 appropriation: *Provided further*,
24 That for the dispute resolution and installation programs,
25 the Secretary of Housing and Urban Development may

1 assess and collect fees from any program participant: *Pro-*
2 *vided further*, That such collections shall be deposited into
3 the Fund, and the Secretary, as provided herein, may use
4 such collections, as well as fees collected under section
5 620, for necessary expenses of such Act: *Provided further*,
6 That notwithstanding the requirements of section 620 of
7 such Act, the Secretary may carry out responsibilities of
8 the Secretary under such Act through the use of approved
9 service providers that are paid directly by the recipients
10 of their services.

11 FEDERAL HOUSING ADMINISTRATION

12 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 New commitments to guarantee single family loans
15 insured under the Mutual Mortgage Insurance Fund shall
16 not exceed \$400,000,000,000, to remain available until
17 September 30, 2013: *Provided*, That during fiscal year
18 2012, obligations to make direct loans to carry out the
19 purposes of section 204(g) of the National Housing Act,
20 as amended, shall not exceed \$50,000,000: *Provided fur-*
21 *ther*, That the foregoing amount in the previous proviso
22 shall be for loans to nonprofit and governmental entities
23 in connection with sales of single family real properties
24 owned by the Secretary and formerly insured under the
25 Mutual Mortgage Insurance Fund. For administrative

1 contract expenses of the Federal Housing Administration,
2 \$207,000,000 to remain available until September 30,
3 2013, of which up to \$72,000,000 may be transferred to
4 the Working Capital Fund: *Provided further*, That to the
5 extent guaranteed loan commitments exceed
6 \$200,000,000,000 on or before April 1, 2012, an addi-
7 tional \$1,400 for administrative contract expenses shall be
8 available for each \$1,000,000 in additional guaranteed
9 loan commitments (including a pro rata amount for any
10 amount below \$1,000,000), but in no case shall funds
11 made available by this proviso exceed \$30,000,000.

12 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

13 For the cost of guaranteed loans, as authorized by
14 sections 238 and 519 of the National Housing Act (12
15 U.S.C. 1715z-3 and 1735c), including the cost of loan
16 guarantee modifications, as that term is defined in section
17 502 of the Congressional Budget Act of 1974, as amend-
18 ed, \$8,600,000, to remain available until expended: *Pro-*
19 *vided*, That commitments to guarantee loans shall not ex-
20 ceed \$25,000,000,000 in total loan principal, any part of
21 which is to be guaranteed.

22 Gross obligations for the principal amount of direct
23 loans, as authorized by sections 204(g), 207(l), 238, and
24 519(a) of the National Housing Act, shall not exceed
25 \$20,000,000, which shall be for loans to non-profit and

1 governmental entities in connection with the sale of single
2 family real properties owned by the Secretary and for-
3 merly insured under such Act.

4 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
5 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
6 GUARANTEE PROGRAM ACCOUNT

7 New commitments to issue guarantees to carry out
8 the purposes of section 306 of the National Housing Act,
9 as amended (12 U.S.C. 1721(g)), shall not exceed
10 \$500,000,000,000, to remain available until September
11 30, 2013: *Provided*, That, \$19,000,000 is appropriated for
12 personnel compensation and benefits, and other adminis-
13 trative expenses of the Government National Mortgage As-
14 sociation: *Provided further*, That receipts from Commit-
15 ment and Multiclass fees collected pursuant to Title III
16 of the National Housing Act, as amended, shall be cred-
17 ited as offsetting collections to this account.

18 POLICY DEVELOPMENT AND RESEARCH

19 RESEARCH AND TECHNOLOGY

20 For contracts, grants, and necessary expenses of pro-
21 grams of research and studies relating to housing and
22 urban problems, not otherwise provided for, as authorized
23 by title V of the Housing and Urban Development Act
24 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
25 out the functions of the Secretary of Housing and Urban

1 Development under section 1(a)(1)(i) of Reorganization
2 Plan No. 2 of 1968, \$47,904,000, to remain available
3 until September 30, 2013: *Provided*, That, with respect
4 to amounts made available under this heading, notwith-
5 standing section 204 of this title, the Secretary may enter
6 into cooperative agreements funded with philanthropic en-
7 tities, other federal agencies, or state or local governments
8 and their agencies for research projects: *Provided further*,
9 That, with respect to the previous proviso, such partners
10 to the cooperative agreements must contribute substantial
11 resources, as defined by the Secretary, toward the cost of
12 the project.

13 FAIR HOUSING AND EQUAL OPPORTUNITY

14 FAIR HOUSING ACTIVITIES

15 For contracts, grants, and other assistance, not oth-
16 erwise provided for, as authorized by title VIII of the Civil
17 Rights Act of 1968, as amended by the Fair Housing
18 Amendments Act of 1988, and section 561 of the Housing
19 and Community Development Act of 1987, as amended,
20 \$71,860,000, to remain available until September 30,
21 2013, of which \$42,500,000 shall be to carry out activities
22 pursuant to such section 561 : *Provided*, That notwith-
23 standing 31 U.S.C. 3302, the Secretary may assess and
24 collect fees to cover the costs of the Fair Housing Training
25 Academy, and may use such funds to provide such train-

1 ing: *Provided further*, That no funds made available under
2 this heading shall be used to lobby the executive or legisla-
3 tive branches of the Federal Government in connection
4 with a specific contract, grant or loan.

5 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

6 HOMES

7 LEAD HAZARD REDUCTION

8 For the Lead Hazard Reduction Program, as author-
9 ized by section 1011 of the Residential Lead-Based Paint
10 Hazard Reduction Act of 1992, \$119,760,000, to remain
11 available until September 30, 2013: *Provided*,
12 \$20,000,000 of that amount shall be for the Healthy
13 Homes Initiative, pursuant to sections 501 and 502 of the
14 Housing and Urban Development Act of 1970 (12 U.S.C.
15 1701z-1 and 1701z-2), for research, studies, testing, dem-
16 onstration, education, and outreach concerning lead-based
17 paint poisoning and other housing-related diseases and
18 hazards: *Provided further*, That for purposes of environ-
19 mental review, pursuant to the National Environmental
20 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other
21 provisions of the law that further the purposes of such
22 Act, a grant under the Healthy Homes Initiative or the
23 Lead Technical Studies program under this heading shall
24 be considered to be funds for a special project for purposes
25 of section 305(c) of the Multifamily Housing Property

1 Disposition Reform Act of 1994: *Provided further*, That
2 amounts made available under this heading, and that re-
3 main available following a program competition because
4 of undersubscription of the program, may be used for any
5 purpose under this heading notwithstanding the original
6 purpose for which such amounts were appropriated.

7 MANAGEMENT AND ADMINISTRATION

8 WORKING CAPITAL FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For additional capital for the Working Capital Fund
11 (42 U.S.C. 3535) for the development of, modifications
12 to, and infrastructure for Department-wide and program-
13 specific information technology systems, for the continuing
14 operation and maintenance of both Department-wide and
15 program-specific information systems, \$218,460,000, to
16 remain available until September 30, 2013: *Provided*,
17 That any amounts transferred to this Fund under this Act
18 shall remain available until expended: *Provided further* ,
19 That any amounts transferred to this Fund from amounts
20 appropriated by previously enacted appropriations Acts or
21 from within this Act may be used only for the purposes
22 specified under this Fund, in addition to the purposes for
23 which such amounts were appropriated.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary salaries and expenses of the Office of
3 Inspector General in carrying out the Inspector General
4 Act of 1978, as amended, \$115,000,000; *Provided*, That
5 no funding may be obligated for field office rent, commu-
6 nications, and utilities unless the Committees on Appro-
7 priations in the House and Senate receive a review of the
8 Inspector General field office location strategy that (1)
9 identifies at least three field offices for closure and (2)
10 realizes a five percent reduction in total rental fees, using
11 fiscal year 2011 as the base year, within 180 of the sign-
12 ing of this bill.

13 TRANSFORMATION INITIATIVE

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of research, evaluation, and
16 program metrics activities; program demonstrations; and
17 technical assistance and capacity building, \$49,745,000 to
18 remain available until September 30, 2013: *Provided*,
19 That with respect to amounts made available under this
20 heading for research, evaluation and program metrics or
21 program demonstrations, the Secretary may make grants
22 or enter into cooperative agreements if such grants or
23 agreements include a substantial match contribution, not-
24 withstanding section 204 of this title.

1 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
2 URBAN DEVELOPMENT
3 (INCLUDING CANCELLATION OF FUNDS)

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

22 SEC. 202. None of the amounts made available under
23 this Act may be used during fiscal year 2012 to investigate
24 or prosecute under the Fair Housing Act any otherwise
25 lawful activity engaged in by one or more persons, includ-

1 ing the filing or maintaining of a non-frivolous legal ac-
2 tion, that is engaged in solely for the purpose of achieving
3 or preventing action by a Government official or entity,
4 or a court of competent jurisdiction

5 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
6 of the AIDS Housing Opportunity Act (42 U.S.C.
7 12903(c)(1)(A)), from any amounts made available under
8 this title for fiscal year 2012 that are allocated under such
9 section, the Secretary of Housing and Urban Development
10 shall allocate and make a grant, in the amount determined
11 under subsection (b), for any State that—

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

14 (2) is not otherwise eligible for an allocation for
15 fiscal year 2012 under such clause (ii) because the
16 areas in the State outside of the metropolitan statis-
17 tical areas that qualify under clause (i) in fiscal year
18 2012 do not have the number of cases of acquired
19 immunodeficiency syndrome (AIDS) required under
20 such clause.

21 (b) The amount of the allocation and grant for any
22 State described in subsection (a) shall be an amount based
23 on the cumulative number of AIDS cases in the areas of
24 that State that are outside of metropolitan statistical
25 areas that qualify under clause (i) of such section

1 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS
2 cases among cities and States that qualify under clauses
3 (i) and (ii) of such section and States deemed eligible
4 under subsection (a).

5 (c) Notwithstanding any other provision of law, the
6 amount allocated for fiscal year 2012 under section 854(c)
7 of the AIDS Housing Opportunity Act (42 U.S.C.
8 12903(c)), to the City of New York, New York, on behalf
9 of the New York-Wayne-White Plains, New York-New
10 Jersey Metropolitan Division (hereafter “metropolitan di-
11 vision”) of the New York-Newark-Edison, NY–NJ–PA
12 Metropolitan Statistical Area, shall be adjusted by the
13 Secretary of Housing and Urban Development by: (1) allo-
14 cating to the City of Jersey City, New Jersey, the propor-
15 tion of the metropolitan area’s or division’s amount that
16 is based on the number of cases of AIDS reported in the
17 portion of the metropolitan area or division that is located
18 in Hudson County, New Jersey, and adjusting for the pro-
19 portion of the metropolitan division’s high incidence bonus
20 if this area in New Jersey also has a higher than average
21 per capita incidence of AIDS; and (2) allocating to the
22 City of Paterson, New Jersey, the proportion of the metro-
23 politan area’s or division’s amount that is based on the
24 number of cases of AIDS reported in the portion of the
25 metropolitan area or division that is located in Bergen

1 County and Passaic County, New Jersey, and adjusting
2 for the proportion of the metropolitan division's high inci-
3 dence bonus if this area in New Jersey also has a higher
4 than average per capita incidence of AIDS. The recipient
5 cities shall use amounts allocated under this subsection
6 to carry out eligible activities under section 855 of the
7 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
8 their respective portions of the metropolitan division that
9 is located in New Jersey.

10 (d) Notwithstanding any other provision of law, the
11 amount allocated for fiscal year 2012 under section 854(c)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)) to areas with a higher than average per capita
14 incidence of AIDS, shall be adjusted by the Secretary on
15 the basis of area incidence reported over a 3-year period.

16 SEC. 204. Except as explicitly provided in law, any
17 grant, cooperative agreement or other assistance made
18 pursuant to title II of this Act shall be made on a competi-
19 tive basis and in accordance with section 102 of the De-
20 partment of Housing and Urban Development Reform Act
21 of 1989 (42 U.S.C. 3545).

22 SEC. 205. Funds of the Department of Housing and
23 Urban Development subject to the Government Corpora-
24 tion Control Act or section 402 of the Housing Act of
25 1950 shall be available, without regard to the limitations

1 on administrative expenses, for legal services on a contract
2 or fee basis, and for utilizing and making payment for
3 services and facilities of the Federal National Mortgage
4 Association, Government National Mortgage Association,
5 Federal Home Loan Mortgage Corporation, Federal Fi-
6 nancing Bank, Federal Reserve banks or any member
7 thereof, Federal Home Loan banks, and any insured bank
8 within the meaning of the Federal Deposit Insurance Cor-
9 poration Act, as amended (12 U.S.C. 1811-1).

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

16 SEC. 207. Corporations and agencies of the Depart-
17 ment of Housing and Urban Development which are sub-
18 ject to the Government Corporation Control Act, are here-
19 by authorized to make such expenditures, within the limits
20 of funds and borrowing authority available to each such
21 corporation or agency and in accordance with law, and to
22 make such contracts and commitments without regard to
23 fiscal year limitations as provided by section 104 of such
24 Act as may be necessary in carrying out the programs set
25 forth in the budget for 2012 for such corporation or agen-

1 cy except as hereinafter provided: Provided, That collec-
2 tions of these corporations and agencies may be used for
3 new loan or mortgage purchase commitments only to the
4 extent expressly provided for in this Act (unless such loans
5 are in support of other forms of assistance provided for
6 in this or prior appropriations Acts), except that this pro-
7 viso shall not apply to the mortgage insurance or guaranty
8 operations of these corporations, or where loans or mort-
9 gage purchases are necessary to protect the financial in-
10 terest of the United States Government.

11 SEC. 208. The Secretary of Housing and Urban De-
12 velopment shall provide quarterly reports to the House
13 and Senate Committees on Appropriations regarding all
14 uncommitted, unobligated, recaptured and excess funds in
15 each program and activity within the jurisdiction of the
16 Department and shall submit additional, updated budget
17 information to these Committees upon request.

18 SEC. 209. (a) Notwithstanding any other provision
19 of law, the amount allocated for fiscal year 2012 under
20 section 854(c) of the AIDS Housing Opportunity Act (42
21 U.S.C. 12903(c)), to the City of Wilmington, Delaware,
22 on behalf of the Wilmington, Delaware-Maryland-New
23 Jersey Metropolitan Division (hereafter “metropolitan di-
24 vision”), shall be adjusted by the Secretary of Housing
25 and Urban Development by allocating to the State of New

1 Jersey the proportion of the metropolitan division's
2 amount that is based on the number of cases of AIDS
3 reported in the portion of the metropolitan division that
4 is located in New Jersey, and adjusting for the proportion
5 of the metropolitan division's high incidence bonus if this
6 area in New Jersey also has a higher than average per
7 capita incidence of AIDS. The State of New Jersey shall
8 use amounts allocated to the State under this subsection
9 to carry out eligible activities under section 855 of the
10 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
11 portion of the metropolitan division that is located in New
12 Jersey.

13 (b) Notwithstanding any other provision of law, the
14 Secretary of Housing and Urban Development shall allo-
15 cate to Wake County, North Carolina, the amounts that
16 otherwise would be allocated for fiscal year 2012 under
17 section 854(c) of the AIDS Housing Opportunity Act (42
18 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
19 on behalf of the Raleigh-Cary, North Carolina Metropoli-
20 tan Statistical Area. Any amounts allocated to Wake
21 County shall be used to carry out eligible activities under
22 section 855 of such Act (42 U.S.C. 12904) within such
23 metropolitan statistical area.

24 (c) Notwithstanding section 854(c) of the AIDS
25 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-

1 retary of Housing and Urban Development may adjust the
2 allocation of the amounts that otherwise would be allo-
3 cated for fiscal year 2012 under section 854(c) of such
4 Act, upon the written request of an applicant, in conjunc-
5 tion with the State(s), for a formula allocation on behalf
6 of a metropolitan statistical area, to designate the State
7 or States in which the metropolitan statistical area is lo-
8 cated as the eligible grantee(s) of the allocation. In the
9 case that a metropolitan statistical area involves more
10 than one State, such amounts allocated to each State shall
11 be in proportion to the number of cases of AIDS reported
12 in the portion of the metropolitan statistical area located
13 in that State. Any amounts allocated to a State under this
14 section shall be used to carry out eligible activities within
15 the portion of the metropolitan statistical area located in
16 that State.

17 SEC. 210. The President's formal budget request for
18 fiscal year 2013, as well as the Department of Housing
19 and Urban Development's congressional budget justifica-
20 tions to be submitted to the Committees on Appropriations
21 of the House of Representatives and the Senate, shall use
22 the identical account and sub-account structure provided
23 under this Act.

24 SEC. 211. A public housing agency or such other enti-
25 ty that administers Federal housing assistance for the

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

20 SEC. 212. (a) Notwithstanding any other provision
21 of law, subject to the conditions listed in subsection (b),
22 for fiscal years 2012 and 2013, the Secretary of Housing
23 and Urban Development may authorize the transfer of
24 some or all project-based assistance, debt and statutorily
25 required low-income and very low-income use restrictions,

1 associated with one or more multifamily housing project
2 to another multifamily housing project or projects.

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

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

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

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

15 (4) The owner or mortgagor of the transferring
16 project shall notify and consult with the tenants re-
17 siding in the transferring project and provide a cer-
18 tification of approval by all appropriate local govern-
19 mental officials.

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

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

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

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

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

22 (10) The Secretary determines that Federal li-
23 ability with regard to this project will not be in-
24 creased.

25 (c) For purposes of this section—

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

5 (2) the term “multifamily housing project”
6 means housing that meets one of the following con-
7 ditions—

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

10 (B) housing that has project-based assist-
11 ance attached to the structure including
12 projects undergoing mark to market debt re-
13 structuring under the Multifamily Assisted
14 Housing Reform and Affordability Housing Act;

15 (C) housing that is assisted under section
16 202 of the Housing Act of 1959 as amended by
17 section 801 of the Cranston-Gonzales National
18 Affordable Housing Act;

19 (D) housing that is assisted under section
20 202 of the Housing Act of 1959, as such sec-
21 tion existed before the enactment of the Cran-
22 ston-Gonzales National Affordable Housing Act;
23 or

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

1 (3) the term “project-based assistance”
2 means—

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

5 (B) assistance for housing constructed or
6 substantially rehabilitated pursuant to assist-
7 ance provided under section 8(b)(2) of such Act
8 (as such section existed immediately before Oc-
9 tober 1, 1983);

10 (C) rent supplement payments under sec-
11 tion 101 of the Housing and Urban Develop-
12 ment Act of 1965;

13 (D) interest reduction payments under sec-
14 tion 236 and/or additional assistance payments
15 under section 236(f)(2) of the National Hous-
16 ing Act; and

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

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

24 (5) the term “transferring project” means the
25 multifamily housing project which is transferring

1 some or all of the project-based assistance, debt and
2 the statutorily required low-income and very low-in-
3 come use restrictions to the receiving project or
4 projects; and

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

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

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

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

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

22 (2) is under 24 years of age;

23 (3) is not a veteran;

24 (4) is unmarried;

25 (5) does not have a dependent child;

1 (6) is not a person with disabilities, as such term is
2 defined in section 3(b)(3)(E) of the United States Hous-
3 ing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not
4 receiving assistance under such section 8 as of November
5 30, 2005; and

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

10 (b) For purposes of determining the eligibility of a
11 person to receive assistance under section 8 of the United
12 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
13 cial assistance (in excess of amounts received for tuition)
14 that an individual receives under the Higher Education
15 Act of 1965 (20 U.S.C. 1001 et seq.), from private
16 sources, or an institution of higher education (as defined
17 under the Higher Education Act of 1965 (20 U.S.C.
18 1002)), shall be considered income to that individual, ex-
19 cept for a person over the age of 23 with dependent chil-
20 dren.

21 SEC. 216. Notwithstanding the limitation in the first
22 sentence of section 255(g) of the National Housing Act
23 (12 U.S.C. 1715z-g), the Secretary of Housing and
24 Urban Development may, until September 30, 2012, in-
25 sure and enter into commitments to insure mortgages

1 under section 255(g) of the National Housing Act (12
2 U.S.C. 1715z-20).

3 SEC. 217. Notwithstanding any other provision of
4 law, in fiscal year 2012, in managing and disposing of any
5 multifamily property that is owned or has a mortgage held
6 by the Secretary of Housing and Urban Development, the
7 Secretary shall maintain any rental assistance payments
8 under section 8 of the United States Housing Act of 1937
9 and other programs that are attached to any dwelling
10 units in the property. To the extent the Secretary deter-
11 mines, in consultation with the tenants and the local gov-
12 ernment, that such a multifamily property owned or held
13 by the Secretary is not feasible for continued rental assist-
14 ance payments under such section 8 or other programs,
15 based on consideration of (1) the costs of rehabilitating
16 and operating the property and all available Federal,
17 State, and local resources, including rent adjustments
18 under section 524 of the Multifamily Assisted Housing
19 Reform and Affordability Act of 1997 (“MAHRAA”) and
20 (2) environmental conditions that cannot be remedied in
21 a cost-effective fashion, the Secretary may, in consultation
22 with the tenants of that property, contract for project-
23 based rental assistance payments with an owner or owners
24 of other existing housing properties, or provide other rent-
25 al assistance. The Secretary shall also take appropriate

1 steps to ensure that project-based contracts remain in ef-
2 fect prior to foreclosure, subject to the exercise of contrac-
3 tual abatement remedies to assist relocation of tenants for
4 imminent major threats to health and safety. After dis-
5 position of any multifamily property described under this
6 section, the contract and allowable rent levels on such
7 properties shall be subject to the requirements under sec-
8 tion 524 of MAHRAA.

9 SEC. 218. The Secretary of Housing and Urban De-
10 velopment shall report quarterly to the House of Rep-
11 resentatives and Senate Committees on Appropriations on
12 HUD's use of all sole source contracts, including terms
13 of the contracts, cost, and a substantive rationale for
14 using a sole source contract.

15 SEC. 219. Notwithstanding any other provision of
16 law, the recipient of a grant under section 202b of the
17 Housing Act of 1959 (12 U.S.C. 1701q) after December
18 26, 2000, in accordance with the unnumbered paragraph
19 at the end of section 202(b) of such Act, may, at its op-
20 tion, establish a single-asset nonprofit entity to own the
21 project and may lend the grant funds to such entity, which
22 may be a private nonprofit organization described in sec-
23 tion 831 of the American Homeownership and Economic
24 Opportunity Act of 2000.

1 SEC. 220. The amounts provided under the sub-
2 heading “Program Account” under the heading “Commu-
3 nity Development Loan Guarantees” may be used to guar-
4 antee, or make commitments to guarantee, notes, or other
5 obligations issued by any State on behalf of non-entitle-
6 ment communities in the State in accordance with the re-
7 quirements of section 108 of the Housing and Community
8 Development Act of 1974: Provided, That, any State re-
9 ceiving such a guarantee or commitment shall distribute
10 all funds subject to such guarantee to the units of general
11 local government in non-entitlement areas that received
12 the commitment.

13 SEC. 221. Public housing agencies that own and oper-
14 ate 400 or fewer public housing units may elect to be ex-
15 empt from any asset management requirement imposed by
16 the Secretary of Housing and Urban Development in con-
17 nection with the operating fund rule: Provided, That an
18 agency seeking a discontinuance of a reduction of subsidy
19 under the operating fund formula shall not be exempt
20 from asset management requirements.

21 SEC. 222. With respect to the use of amounts pro-
22 vided in this Act and in future Acts for the operation, cap-
23 ital improvement and management of public housing as
24 authorized by sections 9(d) and 9(e) of the United States
25 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the

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

11 SEC. 223. No official or employee of the Department
12 of Housing and Urban Development shall be designated
13 as an allotment holder unless the Office of the Chief Fi-
14 nancial Officer has determined that such allotment holder
15 has implemented an adequate system of funds control and
16 has received training in funds control procedures and di-
17 rectives. The Chief Financial Officer shall ensure that, not
18 later than 90 days after the date of enactment of this Act,
19 a trained allotment holder shall be designated for each
20 HUD subaccount under the headings “Executive Direc-
21 tion” and heading “Administration, Operations, and Man-
22 agement” as well as each account receiving appropriations
23 for “personnel compensation and benefits” within the De-
24 partment of Housing and Urban Development.

1 SEC. 224. The Secretary of Housing and Urban De-
2 velopment shall report quarterly to the House of Rep-
3 resentatives and Senate Committees on Appropriations on
4 the status of all section 8 project-based housing, including
5 the number of all project-based units by region as well
6 as an analysis of all federally subsidized housing being re-
7 financed under the Mark-to-Market program. The Sec-
8 retary shall in the report identify all existing units main-
9 tained by region as section 8 project-based units and all
10 project-based units that have opted out of section 8 or
11 have otherwise been eliminated as section 8 project-based
12 units. The Secretary shall identify in detail and by project
13 all the efforts made by the Department to preserve all sec-
14 tion 8 project-based housing units and all the reasons for
15 any units which opted out or otherwise were lost as section
16 8 project-based units. Such analysis shall include a review
17 of the impact of the loss of any subsidized units in that
18 housing marketplace, such as the impact of cost and the
19 loss of available subsidized, low-income housing in areas
20 with scarce housing resources for low-income families.

21 SEC. 225. Payment of attorney fees in program-re-
22 lated litigation must be paid from individual program of-
23 fice personnel benefits and compensation funding. The an-
24 nual budget submission for program office personnel ben-
25 efit and compensation funding must include program-re-

1 lated litigation costs for attorney fees as a separate line
2 item request.

3 SEC. 226. The Secretary of the Department of Hous-
4 ing and Urban Development shall for Fiscal Year 2012
5 and subsequent fiscal years, notify the public through the
6 Federal Register and other means, as determined appro-
7 priate, of the issuance of a notice of the availability of
8 assistance or notice of funding availability (NOFA) for
9 any program or discretionary fund administered by the
10 Secretary that is to be competitively awarded. Notwith-
11 standing any other provision of law, for Fiscal Year 2012
12 and subsequent fiscal years, the Secretary may make the
13 NOFA available only on the Internet at the appropriate
14 government website or websites or through other electronic
15 media, as determined by the Secretary.

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

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

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

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

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

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

1 (ii) the prepayment plan for the trans-
2 action, including the refinancing, shall meet a
3 cost benefit analysis, as established by the Sec-
4 retary, that the benefit of the transaction out-
5 weighs the cost of the transaction including any
6 increases in rent charged to unassisted tenants;

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

11 (I) mark-up-to-market contracts pur-
12 suant to section 524(a)(3) of the Multi-
13 family Assisted Housing Reform and Af-
14 fordability Act (42 U.S.C. 1437f note), as
15 such section is carried out by the Secretary
16 for properties owned by nonprofit organi-
17 zations; or

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

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

3 (iv) the project owner may charge tenants
4 rent sufficient to meet debt service payments
5 and operating cost requirements, as approved
6 by the Secretary, if project-based rental assist-
7 ance is not available or is insufficient for the
8 debt service and operating cost of the project
9 after refinancing. Such approval by the Sec-
10 retary—

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

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

20 (v) units to be occupied by tenants assisted
21 under section 8(t) of the United States Housing
22 Act of 1937 (42 U.S.C. 1437f(t)) shall, upon
23 termination of the occupancy of such tenants,
24 become eligible for project-based assistance
25 under section 8(o)(13) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f(o)(13))
2 without regard to the percentage limitations
3 provided in such section; and

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

10 SEC. 228. The Secretary of the Department of Hous-
11 ing and Urban Development is authorized to transfer up
12 to 5 percent of funds appropriated for any account under
13 this title under the heading “Personnel Compensation and
14 Benefits” to any other account under this title under the
15 heading “Personnel Compensation and Benefits” only
16 after such transfer has been submitted to, and received
17 prior written approval by, the House and Senate Commit-
18 tees on Appropriations: *Provided*, That, no appropriation
19 for any such account shall be increased or decreased by
20 more than 10 percent by all such transfers.

21 SEC. 229. The Disaster Housing Assistance Pro-
22 grams, administered by the Department of Housing and
23 Urban Development, shall be considered a “program of
24 the Department of Housing and Urban Development”

1 under section 904 of the McKinney Act for the purpose
2 of income verifications and matching.

3 SEC. 230. None of the funds made available in this
4 title may be used to carry out or enforce section 216(10)
5 of the Cranston-Gonzalez National Affordable Housing
6 Act (42 U.S.C. 12746(10)) with respect to amounts ap-
7 propriated pursuant to section 205 of such Act for fiscal
8 year 2012.

9 SEC. 231. The Comptroller General of the United
10 States shall carry out a study to identify waste, fraud,
11 and abuse in the block grant programs administered by
12 the Office of Community Planning and Development of
13 the Department of Housing and Urban Development. Not
14 later than 180 days of enactment of this Act, the Comp-
15 troller General shall submit a report to the Congress de-
16 scribing any such waste, fraud, and abuse and recom-
17 mending policies or actions to eliminate such problems.

18 SEC. 232. The Secretary shall take actions necessary
19 to improve data quality, data management, and grantee
20 oversight and accountability with respect to programs and
21 activities administered by the Office of Community Plan-
22 ning and Development. The Secretary shall address the
23 problems identified by the Inspector General of the De-
24 partment in audits and audit reports since 2006, including
25 ongoing audits, with respect to such programs and activi-

1 ties. Not later than 120 days after enactment of this Act,
2 the Secretary shall submit a report to the Congress on
3 progress achieved by the Department with respect to ad-
4 dressing such problems and identifying further improve-
5 ments that can be made (including improvements relating
6 to information technology) and proposed actions and
7 timelines to carry out such improvements.

8 SEC. 233. None of the funds made available by this
9 Act may be used by any public housing agency for the
10 compensation for the chief executive officer of which, or
11 any other official or employee of which, is compensated
12 at a rate of annual basic pay at any time during any such
13 public housing agency fiscal year 2012 that exceeds the
14 annual rate of basic pay payable during such year for a
15 position at level IV of the Executive Schedule.

16 This title may be cited as the “Department of Hous-
17 ing and Urban Development Appropriations Act, 2012”.

18 TITLE III—RELATED AGENCIES

19 ACCESS BOARD

20 SALARIES AND EXPENSES

21 For the expenses necessary for the Access Board, as
22 authorized by section 502 of the Rehabilitation Act of
23 1973, as amended, \$7,285,000: *Provided*, That notwith-
24 standing any other provision of law, there may be credited

1 to this appropriation funds received for publications and
2 training expenses.

3 FEDERAL MARITIME COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Maritime
6 Commission as authorized by section 201(d) of the Mer-
7 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
8 cluding services as authorized by 5 U.S.C. 3109; hire of
9 passenger motor vehicles as authorized by 31 U.S.C.
10 1343(b); and uniforms or allowances therefore, as author-
11 ized by 5 U.S.C. 5901–5902, \$24,087,000: *Provided*, That
12 not to exceed \$2,000 shall be available for official recep-
13 tion and representation expenses.

14 NATIONAL RAILROAD PASSENGER CORPORATION

15 OFFICE OF INSPECTOR GENERAL

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Inspector
18 General for the National Railroad Passenger Corporation
19 to carry out the provisions of the Inspector General Act
20 of 1978, as amended, \$22,000,000: *Provided*, That the In-
21 spector General shall have all necessary authority, in car-
22 rying out the duties specified in the Inspector General Act,
23 as amended (5 U.S.C. App. 3), to investigate allegations
24 of fraud, including false statements to the government (18
25 U.S.C. 1001), by any person or entity that is subject to

1 regulation by the National Railroad Passenger Corpora-
2 tion: *Provided further*, That the Inspector General may
3 enter into contracts and other arrangements for audits,
4 studies, analyses, and other services with public agencies
5 and with private persons, subject to the applicable laws
6 and regulations that govern the obtaining of such services
7 within the National Railroad Passenger Corporation: *Pro-*
8 *vided further*, That the Inspector General may select, ap-
9 point, and employ such officers and employees as may be
10 necessary for carrying out the functions, powers, and du-
11 ties of the Office of Inspector General, subject to the appli-
12 cable laws and regulations that govern such selections, ap-
13 pointments, and employment within the National Railroad
14 Passenger Corporation: *Provided further*, That concurrent
15 with the President's budget request for fiscal year 2012,
16 the Inspector General shall submit to the House and Sen-
17 ate Committees on Appropriations a budget request for
18 fiscal year 2012 in similar format and substance to those
19 submitted by executive agencies of the Federal Govern-
20 ment.

21 NATIONAL TRANSPORTATION SAFETY BOARD

22 SALARIES AND EXPENSES

23 For necessary expenses of the National Transpor-
24 tation Safety Board, including hire of passenger motor ve-
25 hicles and aircraft; services as authorized by 5 U.S.C.

1 3109, but at rates for individuals not to exceed the per
2 diem rate equivalent to the rate for a GS-15; uniforms,
3 or allowances therefore, as authorized by law (5 U.S.C.
4 5901-5902) \$102,400,000, of which not to exceed \$2,000
5 may be used for official reception and representation ex-
6 penses: *Provided*, That of the funds provided under this
7 heading, \$2,416,000 shall remain available through Sep-
8 tember 30, 2012: *Provided further*, That of the funds pro-
9 vided, up to \$100,000 shall be provided through reim-
10 bursement to the Department of Transportation's Office
11 of Inspector General to audit the National Transportation
12 Safety Board's financial statements. The amounts made
13 available to the National Transportation Safety Board in
14 this Act include amounts necessary to make lease pay-
15 ments on an obligation incurred in fiscal year 2001 for
16 a capital lease.

17 NEIGHBORHOOD REINVESTMENT CORPORATION
18 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
19 CORPORATION

20 For payment to the Neighborhood Reinvestment Cor-
21 poration for use in neighborhood reinvestment activities,
22 as authorized by the Neighborhood Reinvestment Corpora-
23 tion Act (42 U.S.C. 8101-8107), \$135,300,000: *Provided*,
24 That section 605(a) of the Neighborhood Reinvestment
25 Corporation Act (42 U.S.C. 8104) is amended by adding

1 at the end of the first sentence, prior to the period, “,
2 except that the board-appointed officers may be paid sal-
3 ary at a rate not to exceed level II of the Executive Sched-
4 ule”: *Provided further*, That in addition, \$80,000,000 shall
5 be made available until expended to the Neighborhood Re-
6 investment Corporation for mortgage foreclosure mitiga-
7 tion activities, under the following terms and conditions:

8 (1) The Neighborhood Reinvestment Corpora-
9 tion (“NRC”), shall make grants to counseling inter-
10 mediaries approved by the Department of Housing
11 and Urban Development (HUD) (with match to be
12 determined by the NRC based on affordability and
13 the economic conditions of an area; a match also
14 may be waived by the NRC based on the aforemen-
15 tioned conditions) to provide mortgage foreclosure
16 mitigation assistance primarily to States and areas
17 with high rates of defaults and foreclosures to help
18 eliminate the default and foreclosure of mortgages of
19 owner-occupied single-family homes that are at risk
20 of such foreclosure. Other than areas with high rates
21 of defaults and foreclosures, grants may also be pro-
22 vided to approved counseling intermediaries based on
23 a geographic analysis of the Nation by the NRC
24 which determines where there is a prevalence of
25 mortgages that are risky and likely to fail, including

1 any trends for mortgages that are likely to default
2 and face foreclosure. A State Housing Finance
3 Agency may also be eligible where the State Housing
4 Finance Agency meets all the requirements under
5 this paragraph. A HUD-approved counseling inter-
6 mediary shall meet certain mortgage foreclosure
7 mitigation assistance counseling requirements, as de-
8 termined by the NRC, and shall be approved by
9 HUD or the NRC as meeting these requirements.

10 (2) Mortgage foreclosure mitigation assistance
11 shall only be made available to homeowners of
12 owner-occupied homes with mortgages in default or
13 in danger of default. These mortgages shall likely be
14 subject to a foreclosure action and homeowners will
15 be provided such assistance that shall consist of ac-
16 tivities that are likely to prevent foreclosures and re-
17 sult in the long-term affordability of the mortgage
18 retained pursuant to such activity or another posi-
19 tive outcome for the homeowner. No funds made
20 available under this paragraph may be provided di-
21 rectly to lenders or homeowners to discharge out-
22 standing mortgage balances or for any other direct
23 debt reduction payments.

24 (3) The use of Mortgage Foreclosure Mitigation
25 Assistance by approved counseling intermediaries

1 and State Housing Finance Agencies shall involve a
2 reasonable analysis of the borrower's financial situa-
3 tion, an evaluation of the current value of the prop-
4 erty that is subject to the mortgage, counseling re-
5 garding the assumption of the mortgage by another
6 non-Federal party, counseling regarding the possible
7 purchase of the mortgage by a non-Federal third
8 party, counseling and advice of all likely restruc-
9 turing and refinancing strategies or the approval of
10 a work-out strategy by all interested parties.

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

19 (5) HUD-approved counseling entities and
20 State Housing Finance Agencies receiving funds
21 under this paragraph shall have demonstrated expe-
22 rience in successfully working with financial institu-
23 tions as well as borrowers facing default, delin-
24 quency and foreclosure as well as documented coun-
25 seling capacity, outreach capacity, past successful

1 performance and positive outcomes with documented
2 counseling plans (including post mortgage fore-
3 closure mitigation counseling), loan workout agree-
4 ments and loan modification agreements. NRC may
5 use other criteria to demonstrate capacity in under-
6 served areas.

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

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

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

23 (9) The NRC shall continue to report bi-annu-
24 ally to the House and Senate Committees on Appro-
25 priations as well as the Senate Banking Committee

1 and House Financial Services Committee on its ef-
2 forts to mitigate mortgage default.

3 UNITED STATES INTERAGENCY COUNCIL ON
4 HOMELESSNESS
5 OPERATING EXPENSES

6 For necessary expenses (including payment of sala-
7 ries, authorized travel, hire of passenger motor vehicles,
8 the rental of conference rooms, and the employment of ex-
9 perts and consultants under section 3109 of title 5, United
10 States Code) of the United States Interagency Council on
11 Homelessness in carrying out the functions pursuant to
12 title II of the McKinney-Vento Homeless Assistance Act,
13 as amended, \$2,680,000. Section 209 of the McKinney-
14 Vento Homeless Assistance Act (42 U.S.C. 11319) is re-
15 pealed.

16 TITLE IV
17 GENERAL PROVISIONS—THIS ACT

18 SEC. 401. Such sums as may be necessary for fiscal
19 year 2012 pay raises for programs funded in this Act shall
20 be absorbed within the levels appropriated in this Act or
21 previous appropriations Acts.

22 SEC. 402. None of the funds in this Act shall be used
23 for the planning or execution of any program to pay the
24 expenses of, or otherwise compensate, non-Federal parties

1 intervening in regulatory or adjudicatory proceedings
2 funded in this Act.

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

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

15 SEC. 405. Except as otherwise provided in this Act,
16 none of the funds provided in this Act, provided by pre-
17 vious appropriations Acts to the agencies or entities fund-
18 ed in this Act that remain available for obligation or ex-
19 penditure in fiscal year 2012, or provided from any ac-
20 counts in the Treasury derived by the collection of fees
21 and available to the agencies funded by this Act, shall be
22 available for obligation or expenditure through a re-
23 programming of funds that: (1) creates a new program;
24 (2) eliminates a program, project, or activity; (3) increases
25 funds or personnel for any program, project, or activity

1 for which funds have been denied or restricted by the Con-
2 gress; (4) proposes to use funds directed for a specific ac-
3 tivity by either the House or Senate Committees on Ap-
4 propriations for a different purpose; (5) augments existing
5 programs, projects, or activities in excess of \$5,000,000
6 or 10 percent, whichever is less; (6) reduces existing pro-
7 grams, projects, or activities by \$5,000,000 or 10 percent,
8 whichever is less; or (7) creates, reorganizes, or restruc-
9 tures a branch, division, office, bureau, board, commis-
10 sion, agency, administration, or department different from
11 the budget justifications submitted to the Committees on
12 Appropriations or the table accompanying the explanatory
13 statement accompanying this Act, whichever is more de-
14 tailed, unless prior approval is received from the House
15 and Senate Committees on Appropriations: *Provided*, That
16 not later than 60 days after the date of enactment of this
17 Act, each agency funded by this Act shall submit a report
18 to the Committees on Appropriations of the Senate and
19 of the House of Representatives to establish the baseline
20 for application of reprogramming and transfer authorities
21 for the current fiscal year: *Provided further*, That the re-
22 port shall include: (1) a table for each appropriation with
23 a separate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments due to
25 enacted rescissions, if appropriate, and the fiscal year en-

1 acted level; (2) a delineation in the table for each appro-
2 priation both by object class and program, project, and
3 activity as detailed in the budget appendix for the respec-
4 tive appropriation; and (3) an identification of items of
5 special congressional interest: *Provided further*, That the
6 amount appropriated or limited for salaries and expenses
7 for an agency shall be reduced by \$100,000 per day for
8 each day after the required date that the report has not
9 been submitted to the Congress.

10 SEC. 406. All Federal agencies and departments that
11 are funded under this Act shall issue a report to the House
12 and Senate Committees on Appropriations on all sole
13 source contracts by no later than July 30, 2012. Such re-
14 port shall include the contractor, the amount of the con-
15 tract and the rationale for using a sole source contract.

16 SEC. 407. (a) None of the funds made available in
17 this Act may be obligated or expended for any employee
18 training that— (1) does not meet identified needs for
19 knowledge, skills, and abilities bearing directly upon the
20 performance of official duties; (2) contains elements likely
21 to induce high levels of emotional response or psycho-
22 logical stress in some participants; does not require prior
23 employee notification of the content and methods to be
24 used in the training and written end of course evaluation;
25 (3) does not require prior employee notification of the con-

1 tent and methods to be used in the training and written
2 end of course evaluation; (4) contains any methods or con-
3 tent associated with religious or quasi-religious belief sys-
4 tems or “new age” belief systems as defined in Equal Em-
5 ployment Opportunity Commission Notice N-915.022,
6 dated September 2, 1988; (5) is offensive to, or designed
7 to change, participants’ personal values or lifestyle outside
8 the workplace.

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

12 SEC. 408. No funds in this Act may be used to sup-
13 port any Federal, State, or local projects that seek to use
14 the power of eminent domain, unless eminent domain is
15 employed only for a public use: Provided, That for pur-
16 poses of this section, public use shall not be construed to
17 include economic development that primarily benefits pri-
18 vate entities: Provided further, That any use of funds for
19 mass transit, railroad, airport, seaport or highway projects
20 as well as utility projects which benefit or serve the gen-
21 eral public (including energy-related, communication-re-
22 lated, water-related and wastewater-related infrastruc-
23 ture), other structures designated for use by the general
24 public or which have other common-carrier or public-util-
25 ity functions that serve the general public and are subject

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

7 SEC. 409. None of the funds made available in this
8 Act may be transferred to any department, agency, or in-
9 strumentality of the United States Government, except
10 pursuant to a transfer made by, or transfer authority pro-
11 vided in, this Act or any other appropriations Act.

12 SEC. 410. No part of any appropriation contained in
13 this Act shall be available to pay the salary for any person
14 filling a position, other than a temporary position, for-
15 merly held by an employee who has left to enter the Armed
16 Forces of the United States and has satisfactorily com-
17 pleted his period of active military or naval service, and
18 has within 90 days after his release from such service or
19 from hospitalization continuing after discharge for a pe-
20 riod of not more than 1 year, made application for restora-
21 tion to his former position and has been certified by the
22 Office of Personnel Management as still qualified to per-
23 form the duties of his former position and has not been
24 restored thereto.

1 SEC. 411. No funds appropriated pursuant to this
2 Act may be expended in contravention of sections 2
3 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
4 10c, popularly known as the “Buy American Act”).

5 SEC. 412. No funds appropriated or otherwise made
6 available under this Act shall be made available to any
7 person or entity that has been found to violate the Buy
8 American Act (41 U.S.C. 10a–10c).

9 SEC. 413. None of the funds made available in this
10 Act may be used for first-class airline accommodations in
11 contravention of sections 301–10.122 and 301–10.123 of
12 title 41, Code of Federal Regulations.

13 SEC. 414. None of the funds made available under
14 this Act or any prior Act may be provided to the Associa-
15 tion of Community Organizations for Reform Now
16 (ACORN), or any of its affiliates, subsidiaries, or allied
17 organizations.

18 This Act may be cited as the “Transportation, Hous-
19 ing and Urban Development, and Related Agencies Appro-
20 priations Act, 2012”.

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[FULL COMMITTEE PRINT]

112TH CONGRESS
1ST Session

H. R.

[Report No. 112-__]

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

, 2011

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