

Union Calendar No. _____

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 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban
6 Development, and related agencies for the fiscal year end-
7 ing September 30, 2012, and for other purposes, namely:

8 TITLE I

9 DEPARTMENT OF TRANSPORTATION

10 OFFICE OF THE SECRETARY

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the Secretary,
13 \$102,481,000, of which not to exceed \$2,400,000 shall be
14 available for the immediate Office of the Secretary; not
15 to exceed \$759,000 shall be available for the immediate
16 Office of the Deputy Secretary; not to exceed \$19,615,000
17 shall be available for the Office of the General Counsel;
18 not to exceed \$10,107,000 shall be available for the Office
19 of the Under Secretary of Transportation for Policy; not
20 to exceed \$10,538,000 shall be available for the Office of
21 the Assistant Secretary for Budget and Programs; not to
22 exceed \$2,400,000 shall be available for the Office of the
23 Assistant Secretary for Governmental Affairs; not to ex-
24 ceed \$26,000,000 shall be available for the Office of the
25 Assistant Secretary for Administration; not to exceed

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 \$3,335,000,000 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 operato

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 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
10 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 Contingent upon enactment of surface transportation
15 authorization legislation, \$229,654,000, to be derived
16 from the Highway Trust Fund (other than the Mass Tran-
17 sit Account), together with advances and reimbursements
18 received by the Federal Motor Carrier Safety Administra-
19 tion, and to remain available until expended, for payment
20 of obligations incurred in the implementation, execution
21 and administration of motor carrier safety operations and
22 programs authorized under title 49, United States Code,
23 and the provisions of Public Law 109-59, as amended by
24 such authorization: *Provided*, That funds available for im-
25 plementation, execution or administration of motor carrier

1 safety operations and programs authorized under title 49,
2 United States Code, shall not exceed total obligations of
3 \$229,654,000 in fiscal year 2012 for “Motor Carrier Safe-
4 ty Operations and Programs” of which \$8,586,000, to re-
5 main available for obligation until September 20, 2014,
6 is for the research and technology program and
7 \$1,000,000 shall be available for commercial motor vehicle
8 operator’s grants to carry out section 4134 of Public Law
9 109-59: *Provided further*, That notwithstanding any other
10 provision of law, none of the funds under this heading for
11 outreach and education shall be available for transfer.

12 MOTOR CARRIER SAFETY GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 Contingent upon enactment of surface transportation
17 authorization legislation, \$300,000,000, to be derived
18 from the Highway Trust Fund (other than the Mass Tran-
19 sit Account) and to remain available until expended, for
20 payment of obligations incurred in carrying out motor car-
21 rier safety programs authorized under title 49, United
22 States Code, and the provisions of Public Law 109–59,
23 as amended by such authorization: *Provided*, That funds
24 available for the implementation or execution of motor car-
25 rier safety programs, shall not exceed total obligations of

1 \$300,000,000 in fiscal year 2012 for “Motor Carrier Safe-
2 ty Grants”; of which \$210,000,000 shall be available for
3 the motor carrier safety assistance program to carry out
4 sections 31102 and 31104(a) of title 49, United States
5 Code; \$25,000,000 shall be available for the commercial
6 driver’s license improvements program to carry out section
7 31313 of title 49, United States Code; \$32,000,000 shall
8 be available for the border enforcement grants program
9 to carry out section 31107 of title 49, United States Code;
10 \$5,000,000 shall be available for the performance and reg-
11 istration information system management program to
12 carry out sections 31106(b) and 31109 of title 49, United
13 States Code; \$25,000,000 shall be available for the com-
14 mercial vehicle information systems and networks deploy-
15 ment program to carry out section 4126 of Public Law
16 109–59; and \$3,000,000 shall be available for the safety
17 data improvement program to carry out section 4128 of
18 Public Law 109–59: *Provided further*, That of the funds
19 made available for the motor carrier safety assistance pro-
20 gram, \$29,000,000 shall be available for audits of new en-
21 trant motor carriers.

22 ADMINISTRATIVE PROVISIONS - FEDERAL MOTOR

23 CARRIER SAFETY ADMINISTRATION

24 SEC. 130. Funds appropriated or limited in this Act
25 shall be subject to the terms and conditions stipulated in

1 section 350 of Public Law 107-87 and section 6901 of
2 Public Law 110-28, including that the Secretary submit
3 a report to the House and Senate Appropriations Commit-
4 tees annually on the safety and security of transportation
5 into the United States by Mexico-domiciled motor carriers.

6 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
7 OPERATIONS AND RESEARCH

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

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

5 Contingent upon enactment of surface transportation
6 authorization legislation, \$105,500,000, for payment of
7 obligations incurred in carrying out the provisions of 23
8 U.S.C. 403, to be derived from the Highway Trust Fund
9 (other than the Mass Transit Account) and to remain
10 available until expended: *Provided*, That none of the funds
11 in this Act shall be available for the planning or execution
12 of programs the total obligations for which, in fiscal year
13 2012, are in excess of \$105,500,000 for programs author-
14 ized under 23 U.S.C. 403.

15 NATIONAL DRIVER REGISTER
16 (LIQUIDATION OF CONTRACT AUTHORIZATION)
17 (LIMITATION ON OBLIGATIONS)
18 (HIGHWAY TRUST FUND)

19 For payment of obligations incurred in carrying out
20 chapter 303 of title 49, United States Code, \$4,000,000,
21 to be derived from the Highway Trust Fund (other than
22 the Mass Transit Account) and to remain available until
23 expended: *Provided*, That none of the funds in this Act
24 shall be available for the implementation or execution of
25 programs the total obligations for which, in fiscal year

1 2012, are in excess of \$4,000,000 for the National Driver
2 Register authorized under such chapter.

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

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

1 “Child Safety and Booster Seat Safety Incentive
2 Grants” and \$7,000,000 shall be for “Motorcyclist Safe-
3 ty”: *Provided further*, That none of these funds shall be
4 used for construction, rehabilitation, or remodeling costs,
5 or for office furnishings and fixtures for State, local or
6 private buildings or structures.

7 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

8 TRAFFIC SAFETY ADMINISTRATION

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

18 SEC. 141. The limitations on obligations for the pro-
19 grams of the National Highway Traffic Safety Adminis-
20 tration set in this Act shall not apply to obligations for
21 which obligation authority was made available in previous
22 public laws for multiple years but only to the extent that
23 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 notwithstanding the provisions of section 209 of Divi-
19 sion B of Public Law 110-432, or any other provision of
20 law, none of these funds may be used to fund operating
21 expenses for state-supported routes, as described in title
22 49, United States Code, section 24102(5)(B) and (D) and
23 section 24702: *Provided further*, That not later than 60
24 days after enactment of this Act, the Corporation shall
25 transmit to the Secretary, the Inspector General of the

1 Department of Transportation, and the House and Senate
2 Committees on Appropriations a plan to achieve savings
3 through operating efficiencies including, but not limited
4 to, modifications to food and beverage service, first class
5 service, and long distance routes: *Provided further*, That
6 the Inspector General of the Department of Transpor-
7 tation shall provide semiannual reports to the House and
8 Senate Committees on Appropriations on the estimated
9 savings accrued as a result of all operational reforms insti-
10 tuted by the Corporation and estimations of possible fu-
11 ture savings: *Provided further*, That not later than 60 days
12 after enactment of this Act, the Corporation shall trans-
13 mit, in electronic format, to the Secretary, the Inspector
14 General of Department of Transportation, the House and
15 Senate Committees on Appropriations, the House Com-
16 mittee on Transportation and Infrastructure and the Sen-
17 ate Committee on Commerce, Science, and Transportation
18 the annual budget and business plan and the 5-Year Fi-
19 nancial Plan for fiscal year 2012 required under section
20 204 of the Passenger Rail Investment and Improvement
21 Act of 2008: *Provided further*, That the budget, business
22 plan, and the 5-Year Financial Plan shall also include a
23 separate accounting of ridership, revenues, and capital
24 and operating expenses for the Northeast Corridor; com-
25 muter service; long-distance Amtrak service; State-sup-

1 ported service; each intercity train route, including Auto-
2 train; and commercial activities including contract oper-
3 ations: *Provided further*, That the budget, business plan
4 and the 5-Year Financial Plan shall include a description
5 of work to be funded, along with cost estimates and an
6 estimated timetable for completion of the projects covered
7 by these plans: *Provided further*, That the Corporation
8 shall provide semiannual reports in electronic format re-
9 garding the pending business plan, which shall describe
10 the work completed to date, any changes to the business
11 plan, and the reasons for such changes, and shall identify
12 all sole source contract awards which shall be accompanied
13 by a justification as to why said contract was awarded on
14 a sole-source basis, as well as progress against the mile-
15 stones and target dates of the 2011 performance improve-
16 ment plan: *Provided further*, That the Corporation's budg-
17 et, business plan, 5-Year Financial Plan, and all subse-
18 quent supplemental plans shall be displayed on the Cor-
19 poration's website within a reasonable timeframe following
20 their submission to the appropriate entities: *Provided fur-*
21 *ther*, That these plans shall be accompanied by a com-
22 prehensive fleet plan for all Amtrak rolling stock which
23 shall address the Corporation's detailed plans and time-
24 frames for the maintenance, refurbishment, replacement,
25 and expansion of the Amtrak fleet: *Provided further*, That

1 said fleet plan shall establish year-specific goals and mile-
2 stones and discuss potential, current, and preferred fi-
3 nancing options for all such activities: Provided further,
4 That none of the funds under this heading may be obli-
5 gated or expended until the Corporation agrees to con-
6 tinue abiding by the provisions of paragraphs 1, 2, 5, 9,
7 and 11 of the summary of conditions for the direct loan
8 agreement of June 28, 2002, in the same manner as in
9 effect on the date of enactment of this Act: *Provided fur-*
10 *ther*, That none of the funds provided in this Act may be
11 used after March 1, 2012, to support any route on which
12 Amtrak offers a discounted fare of more than 50 percent
13 off the normal peak fare: *Provided further*, That the pre-
14 ceding proviso does not apply to routes where the oper-
15 ating loss as result of the discount is covered by a State
16 and the State participates in the setting of fares.

17 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
18 RAILROAD PASSENGER CORPORATION

19 To enable the Secretary of Transportation to make
20 grants to the National Railroad Passenger Corporation for
21 capital investments as authorized by section 101(c) of the
22 Passenger Rail Investment and Improvement Act of 2008
23 (Division B of Public law 110-432), \$898,954,000, to re-
24 main available until expended, of which not to exceed
25 \$271,000,000 shall be for debt service obligations as au-

1 thORIZED by section 102 of such Act: *Provided*, That the
2 Secretary may retain up to one-half of 1 percent of the
3 funds provided under this heading to fund the costs of
4 project management oversight of capital projects funded
5 by grants provided under this heading, as authorized by
6 subsection 101(d) of division B of Public Law 110-432:
7 *Provided further*, That the Secretary shall approve funding
8 for capital expenditures, including advance purchase or-
9 ders of materials, for the Corporation only after receiving
10 and reviewing a grant request for each specific capital
11 project justifying the Federal support to the Secretary's
12 satisfaction: *Provided further*, That none of the funds
13 under this heading may be used to subsidize operating
14 losses of the Corporation: *Provided further*, That none of
15 the funds under this heading may be used for capital
16 projects not approved by the Secretary of Transportation
17 or on the Corporation's fiscal year 2012 business plan.

18 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

19 ADMINISTRATION

20 SEC. 150. The Secretary of Transportation may pur-
21 chase promotional items of nominal value for use in public
22 outreach activities to accomplish the purposes of 49
23 U.S.C. 20134: *Provided*, That the Secretary shall pre-
24 scribe guidelines for the administration of such purchases
25 and use.

1 SEC. 151. Hereafter, notwithstanding any other pro-
2 vision of law, funds provided in this Act for the National
3 Railroad Passenger Corporation shall immediately cease
4 to be available to said Corporation in the event that the
5 Corporation contracts to have services provided at or from
6 any location outside the United States. For purposes of
7 this section, the word “services” shall mean any service
8 that was, as of July 1, 2006, performed by a full-time
9 or part-time Amtrak employee whose base of employment
10 is located within the United States.

11 SEC. 152. The Secretary of Transportation may re-
12 ceive and expend cash, or receive and utilize spare parts
13 and similar items, from non-United States Government
14 sources to repair damages to or replace United States
15 Government owned automated track inspection cars and
16 equipment as a result of third party liability for such dam-
17 ages, and any amounts collected under this section shall
18 be credited directly to the Safety and Operations account
19 of the Federal Railroad Administration, and shall remain
20 available until expended for the repair, operation and
21 maintenance of automated track inspection cars and
22 equipment in connection with the automated track inspec-
23 tion program.

24 SEC. 153. The Administrator of the Federal Railroad
25 Administration shall submit a report on April 1, 2012, and

1 quarterly reports thereafter, to the House and Senate
2 Committees on Appropriations detailing the Administra-
3 tor's efforts at improving the on-time performance of Am-
4 trak intercity rail service operating on non-Amtrak owned
5 property. Such reports shall compare the most recent ac-
6 tual on-time performance data to pre-established on-time
7 performance goals that the Administrator shall set for
8 each rail service, identified by route. Such reports shall
9 also include whatever other information and data regard-
10 ing the on-time performance of Amtrak trains the Admin-
11 istrator deems to be appropriate.

12 FEDERAL TRANSIT ADMINISTRATION

13 ADMINISTRATIVE EXPENSES

14 For necessary administrative expenses of the Federal
15 Transit Administration's programs authorized by chapter
16 53 of title 49, United States Code, \$94,413,000: *Provided*,
17 That of the funds available under this heading, not to ex-
18 ceed \$1,700,000 shall be available for travel: *Provided fur-*
19 *ther*, That none of the funds provided or limited in this
20 Act may be used to create a permanent office of transit
21 security under this heading: *Provided further*, That of the
22 amounts made available under this heading not to exceed
23 \$75,000 shall be paid from appropriations made available
24 by this Act and provided to the Department of Transpor-
25 tation Office of Inspector General through reimbursement

1 to conduct the annual audits of financial statements in
2 accordance with section 3521 of title 31, United States
3 Code: *Provided further*, That upon submission to the Con-
4 gress of the fiscal year 2013 President's budget, the Sec-
5 retary of Transportation shall transmit to Congress the
6 annual report on new starts, including proposed alloca-
7 tions of funds for fiscal year 2013.

8 FORMULA AND BUS GRANTS
9 (LIQUIDATION OF CONTRACT AUTHORITY)
10 (LIMITATION ON OBLIGATIONS)
11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in carrying out
13 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
14 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
15 section 3038 of Public Law 105-178, as amended,
16 \$5,300,000,000 to be derived from the Mass Transit Ac-
17 count of the Highway Trust Fund and to remain available
18 until expended: *Provided*, That funds available for the im-
19 plementation or execution of programs authorized under
20 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
21 5317, 5320, 5335, 5339, and 5340 and section 3038 of
22 Public Law 105-178, as amended, shall not exceed total
23 obligations of \$5,200,000,000 in fiscal year 2012.

1 RESEARCH AND UNIVERSITY RESEARCH CENTERS

2 For necessary expenses to carry out 49 U.S.C. 5306,
3 5312–5315, 5322, and 5506, \$45,000,000, to remain
4 available until expended.

5 CAPITAL INVESTMENT GRANTS

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

9 GRANTS TO THE WASHINGTON METROPOLITAN AREA

10 TRANSIT AUTHORITY

11 For grants to the Washington Metropolitan Area
12 Transit Authority as authorized under section 601 of divi-
13 sion B of Public Law 110–432, \$150,000,000, to remain
14 available until expended: *Provided*, That the Secretary
15 shall approve grants for capital and preventive mainte-
16 nance expenditures for the Washington Metropolitan Area
17 Transit Authority only after receiving and reviewing a re-
18 quest for each specific project: *Provided further*, That
19 prior to approving such grants, the Secretary shall deter-
20 mine that the Washington Metropolitan Area Transit Au-
21 thority has placed the highest priority on those invest-
22 ments that will improve the safety of the system.

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 SEC. 160. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation.

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

18 SEC. 162. Notwithstanding any other provision of
19 law, any funds appropriated before October 1, 2009, under
20 any section of chapter 53 of title 49, United States Code,
21 that remain available for expenditure, may be transferred
22 to and administered under the most recent appropriation
23 heading for any such section.

24 SEC. 163. Notwithstanding any other provision of
25 law, unobligated funds made available for new fixed guide-

1 way system projects under the heading “Federal Transit
2 Administration, Capital investment grants” in any appro-
3 priations Act prior to this Act may be used during this
4 fiscal year to satisfy expenses incurred for such projects.

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

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

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

19 SAINT LAWRENCE SEAWAY DEVELOPMENT
20 CORPORATION

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

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

5 OPERATIONS AND MAINTENANCE

6 (HARBOR MAINTENANCE TRUST FUND)

7 For necessary expenses for operations, maintenance,
8 and capital asset renewal of those portions of the St. Law-
9 rence Seaway owned, operated, and maintained by the
10 Saint Lawrence Seaway Development Corporation,
11 \$32,259,000, to be derived from the Harbor Maintenance
12 Trust Fund, pursuant to Public Law 99-662.

13 MARITIME ADMINISTRATION

14 MARITIME SECURITY PROGRAM

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

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training ac-
21 tivities authorized by law, \$152,304,000, of which
22 \$11,100,000 shall remain available until expended for
23 maintenance and repair of training ships at State Mari-
24 time Academies, and of which \$2,400,000 shall remain
25 available through September 30, 2013 for Student Incen-

1 tive Program payments at State Maritime Academies, and
2 of which \$26,400,000 shall remain available until ex-
3 pended for facilities maintenance and repair, equipment,
4 and capital improvements at the United States Merchant
5 Marine Academy: *Provided*, That amounts apportioned for
6 the United States Merchant Marine Academy shall be
7 available only upon allotments made personally by the Sec-
8 retary of Transportation or the Assistant Secretary for
9 Budget and Programs: *Provided further*, That the Super-
10 intendent, Deputy Superintendent and the Director of the
11 Office of Resource Management of the United States Mer-
12 chant Marine Academy may not be allotment holders for
13 the United States Merchant Marine Academy, and the Ad-
14 ministrator of Maritime Administration shall hold all allot-
15 ments made by the Secretary of Transportation or the As-
16 sistant Secretary for Budget and Programs under the pre-
17 vious proviso.

18 SHIP DISPOSAL

19 For necessary expenses related to the disposal of ob-
20 solete vessels in the National Defense Reserve Fleet of the
21 Maritime Administration, \$5,500,000, to remain available
22 until expended.

1 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

2 ACCOUNT

3 (INCLUDING TRANSFER AND CANCELLATION OF FUNDS)

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

11 ADMINISTRATIVE PROVISIONS—MARITIME

12 ADMINISTRATION

13 SEC. 170. Notwithstanding any other provision of
14 this Act, the Maritime Administration is authorized to fur-
15 nish utilities and services and make necessary repairs in
16 connection with any lease, contract, or occupancy involving
17 Government property under control of the Maritime Ad-
18 ministration, and payments received therefor shall be cred-
19 ited to the appropriation charged with the cost thereof:
20 *Provided*, That rental payments under any such lease, con-
21 tract, or occupancy for items other than such utilities,
22 services, or repairs shall be covered into the Treasury as
23 miscellaneous receipts.

24 SEC. 171. None of the funds available or appro-
25 priated in this Act shall be used by the United States De-

1 partment of Transportation or the United States Maritime
2 Administration to negotiate or otherwise execute, enter
3 into, facilitate or perform fee-for-service contracts for ves-
4 sel disposal, scrapping or recycling, unless there is no do-
5 mestic ship recycler that will pay any sum of money to
6 purchase and scrap or recycle a vessel owned, operated
7 or managed by the Maritime Administration or that is
8 part of the National Defense Reserve Fleet

9 PIPELINE AND HAZARDOUS MATERIALS SAFETY

10 ADMINISTRATION

11 OPERATIONAL EXPENSES

12 (PIPELINE SAFETY FUND)

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary operational expenses of the Pipeline
15 and Hazardous Materials Safety Administration,
16 \$22,092,000, of which \$639,000 shall be derived from the
17 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
18 transferred to “Pipeline Safety” in order to fund “Pipeline
19 Safety Information Grants to Communities” as authorized
20 under section 60130 of title 49, United States Code.

21 HAZARDOUS MATERIALS SAFETY

22 For expenses necessary to discharge the hazardous
23 materials safety functions of the Pipeline and Hazardous
24 Materials Safety Administration, \$39,020,000, of which
25 \$1,716,000 shall remain available until September 30,

1 2014: *Provided*, That up to \$800,000 in fees collected
2 under 49 U.S.C. 5108(g) shall be deposited in the general
3 fund of the Treasury as offsetting receipts: *Provided fur-*
4 *ther*, That there may be credited to this appropriation, to
5 be available until expended, funds received from States,
6 counties, municipalities, other public authorities, and pri-
7 vate sources for expenses incurred for training, for reports
8 publication and dissemination, and for travel expenses in-
9 curred in performance of hazardous materials exemptions
10 and approvals functions.

11 PIPELINE SAFETY
12 (PIPELINE SAFETY FUND)
13 (OIL SPILL LIABILITY TRUST FUND)

14 For expenses necessary to conduct the functions of
15 the pipeline safety program, for grants-in-aid to carry out
16 a pipeline safety program, as authorized by 49 U.S.C.
17 60107, and to discharge the pipeline program responsibil-
18 ities of the Oil Pollution Act of 1990, \$93,291,000; of
19 which \$18,810,000 shall be derived from the Oil Spill Li-
20 ability Trust Fund and shall remain available until Sep-
21 tember 30, 2014; of which \$74,481,000 shall be derived
22 from the Pipeline Safety Fund, of which \$47,332,000
23 shall remain available until September 30, 2014: *Provided*,
24 That not less than \$1,048,000 of the funds provided under
25 this heading shall be for the one-call State grant program.

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 For necessary expenses to carry out 49 U.S.C.
4 5128(b), \$188,000, to be derived from the Emergency
5 Preparedness Fund, to remain available until September
6 30, 2013: *Provided*, That not more than \$28,318,000 shall
7 be made available for obligation in fiscal year 2012 from
8 amounts made available by 49 U.S.C. 5116(i) and
9 5128(b)–(c): *Provided further*, That none of the funds
10 made available by 49 U.S.C. 5116 (i), 5128(b), or 5128(c)
11 shall be made available for obligation by individuals other
12 than the Secretary of Transportation, or his designee.

13 RESEARCH AND INNOVATIVE TECHNOLOGY

14 ADMINISTRATION

15 RESEARCH AND DEVELOPMENT

16 For necessary expenses of the Research and Innova-
17 tive Technology Administration, \$11,860,000, of which
18 \$5,160,000 shall remain available until September 30,
19 2014: *Provided*, That there may be credited to this appro-
20 priation, to be available until expended, funds received
21 from States, counties, municipalities, other public authori-
22 ties, and private sources for expenses incurred for train-
23 ing.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$79,524,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department: *Provided*
12 *further*, That the funds made available under this heading
13 may be used to investigate, pursuant to section 41712 of
14 title 49, United States Code: (1) unfair or deceptive prac-
15 tices and unfair methods of competition by domestic and
16 foreign air carriers and ticket agents; and (2) the compli-
17 ance of domestic and foreign air carriers with respect to
18 item (1) of this proviso: *Provided further*, That no funding
19 through expenditure transfers shall be made between ei-
20 ther the Federal Highway Administration or the Federal
21 Transit Administration and the Inspector General: *Pro-*
22 *vided further*, That no funds made available under this
23 heading shall be used for rental payments for the Oakland,
24 CA, field office.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

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

16

17 GENERAL PROVISIONS—DEPARTMENT OF
18 TRANSPORTATION

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

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

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

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

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

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

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

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

13 SEC. 186. Notwithstanding any other provisions of
14 law, rule or regulation, the Secretary of Transportation
15 is authorized to allow the issuer of any preferred stock
16 heretofore sold to the Department to redeem or repur-
17 chase such stock upon the payment to the Department of
18 an amount determined by the Secretary.

19 SEC. 187. None of the funds in this Act to the De-
20 partment of Transportation may be used to make a grant
21 unless the Secretary of Transportation notifies the House
22 and Senate Committees on Appropriations not less than
23 3 full business days before any discretionary grant award,
24 letter of intent, or full funding grant agreement totaling
25 \$1,000,000 or more is announced by the department or

1 its modal administrations from: (1) any discretionary
2 grant program of the Federal Highway Administration in-
3 cluding the emergency relief program; (2) the airport im-
4 provement program of the Federal Aviation Administra-
5 tion; (3) any grant from the Federal Railroad Administra-
6 tion; or (4) any program of the Federal Transit Adminis-
7 tration other than the formula grants and fixed guideway
8 modernization programs: *Provided*, That the Secretary
9 gives concurrent notification to the House and Senate
10 Committees on Appropriations for any “quick release” of
11 funds from the emergency relief program: *Provided fur-*
12 *ther*, That no notification shall involve funds that are not
13 available for obligation.

14 SEC. 188. Rebates, refunds, incentive payments,
15 minor fees and other funds received by the Department
16 of Transportation from travel management centers,
17 charge card programs, the subleasing of building space,
18 and miscellaneous sources are to be credited to appropria-
19 tions of the Department of Transportation and allocated
20 to elements of the Department of Transportation using
21 fair and equitable criteria and such funds shall be avail-
22 able until expended.

23 SEC. 189. Amounts made available in this or any
24 other Act that the Secretary determines represent im-
25 proper payments by the Department of Transportation to

1 a third-party contractor under a financial assistance
2 award, which are recovered pursuant to law, shall be avail-
3 able—

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

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

12 (A) shall be credited to and merged with
13 the appropriation from which the improper pay-
14 ments were made, and shall be available for the
15 purposes and period for which such appropria-
16 tions are available; or

17 (B) if no such appropriation remains avail-
18 able, shall be deposited in the Treasury as mis-
19 cellaneous receipts: *Provided further*, That the
20 Secretary shall report annually to the House
21 and Senate Committees on Appropriations the
22 amount and reasons for these transfers: *Pro-*
23 *vided further*, That for purposes of this section,
24 the term “improper payments”, has the same

1 meaning as that provided in section 2(d)(2) of
2 Public Law 107–300.

3 SEC. 190. Notwithstanding any other provision of
4 law, if any funds provided in or limited by this Act are
5 subject to a reprogramming action that requires notice to
6 be provided to the House and Senate Committees on Ap-
7 propriations, said reprogramming action shall be approved
8 or denied solely by the Committees on Appropriations:
9 *Provided*, That the Secretary may provide notice to other
10 congressional committees of the action of the Committees
11 on Appropriations on such reprogramming but not sooner
12 than 30 days following the date on which the reprogram-
13 ming action has been approved or denied by the House
14 and Senate Committees on Appropriations.

15 SEC. 191. None of the funds appropriated or other-
16 wise made available under this Act may be used by the
17 Surface Transportation Board of the Department of
18 Transportation to charge or collect any filing fee for rate
19 complaints filed with the Board in an amount in excess
20 of the amount authorized for district court civil suit filing
21 fees under section 1914 of title 28, United States Code.

22 SEC. 192. Notwithstanding section 3324 of Title 31,
23 United States Code, in addition to authority provided by
24 section 327 of title 49, United States Code, the Depart-
25 ment's Working Capital fund is hereby authorized to pro-

1 vide payments in advance to vendors that are necessary
2 to carry out the Federal transit pass transportation fringe
3 benefit program under Executive Order 13150 and section
4 3049 of Public Law 109–59: Provided, that the Depart-
5 ment shall include adequate safeguards in the contract
6 with the vendors to ensure timely and high quality per-
7 formance under the contract.

8 SEC. 193. The Secretary of Transportation is author-
9 ized to carry out a program that establishes uniform
10 standards for developing and supporting agency transit
11 pass and transit benefits authorized under section 7905
12 of title 5, United States Code, including distribution of
13 transit benefits by various paper and electronic media.

14 SEC. 194. Funds appropriated in this Act to the
15 modal administrations may be obligated for the Office of
16 the Secretary for the costs related to assessments or reim-
17 bursable agreements only when such amounts are for the
18 costs of goods and services that are purchased to provide
19 a direct benefit to the applicable modal administration or
20 administrations.

21 SEC. 195. No funds appropriated in this Act to an
22 agency of the Department of Transportation shall be
23 transferred to the Working Capital Fund without a
24 quorum approval of the Working Capital Fund Steering
25 Committee and approval of the Secretary.

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

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

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

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

12 (c) REMOVAL AUTHORITY.—Section 49106(c) of
13 such title is amended—

14 (1) in paragraph (6) by striking subparagraph
15 (C);

16 (2) by redesignating paragraph (7) as para-
17 graph (8); and

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

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

23 “(B) A member of the board appointed under
24 paragraph (1)(B) shall serve at the pleasure of the
25 Mayor of the District of Columbia.

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

4 “(D) A member of the board appointed under
5 paragraph (1)(D) shall serve at the pleasure of the
6 President.”.

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

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

13 TITLE II

14 DEPARTMENT OF HOUSING AND URBAN

15 DEVELOPMENT

16 MANAGEMENT AND ADMINISTRATION

17 EXECUTIVE DIRECTION

18 For necessary salaries and expenses for Executive Di-
19 rection, \$20,663,000, of which not to exceed \$3,280,000
20 shall be available for the immediate Office of the Sec-
21 retary; not to exceed \$546,000 shall be available for the
22 Office of the Deputy Secretary and Chief Operating Offi-
23 cer; not to exceed \$1,752,000 shall be available for the
24 Office of Hearings and Appeals; not to exceed \$705,000
25 shall be available for the Office of Small and Disadvan-

1 taged Business Utilization; not to exceed \$645,000 shall
2 be available for the immediate Office of the Chief Finan-
3 cial Officer; not to exceed \$1,400,000 shall be available
4 for the immediate Office of the General Counsel; not to
5 exceed \$2,010,000 shall be available to the Office of the
6 Assistant Secretary for Congressional and Intergovern-
7 mental Relations; not to exceed \$2,800,000 shall be avail-
8 able for the Office of the Assistant Secretary for Public
9 Affairs; not to exceed \$1,760,000 shall be available to the
10 Office of the Assistant Secretary for Public and Indian
11 Housing; not to exceed \$1,800,000 shall be available to
12 the Office of the Assistant Secretary for Community Plan-
13 ning and Development; not to exceed \$2,310,000 shall be
14 available to the Office of the Assistant Secretary for Hous-
15 ing, Federal Housing Commissioner; not to exceed
16 \$955,000 shall be available to the Office of the Assistant
17 Secretary for Policy Development and Research; and not
18 to exceed \$700,000 shall be available to the Office of the
19 Assistant Secretary for Fair Housing and Equal Oppor-
20 tunity: *Provided*, That the Secretary of the Department
21 of Housing and Urban Development is authorized to
22 transfer funds appropriated for any office funded under
23 this heading to any other office funded under this heading
24 following the written notification to the House and Senate
25 Committees on Appropriations: *Provided further*, That no

1 appropriation for any office shall be increased or de-
2 creased by more than 5 percent by all such transfers: *Pro-*
3 *vided further*, That notice of any change in funding greater
4 than 5 percent shall be submitted for prior approval to
5 the House and Senate Committees on Appropriations:
6 *Provided further*, That the Secretary shall provide the
7 Committees on Appropriations quarterly written notifica-
8 tion regarding the status of pending congressional reports:
9 *Provided further*, That the Secretary shall provide all
10 signed reports required by Congress electronically: *Pro-*
11 *vided further*, That the Secretary shall transmit to the
12 House and Senate Committees on Appropriations a de-
13 tailed budget justification for each office within the De-
14 partment, including an organizational chart for each oper-
15 ating area within the Department: *Provided further*, That
16 the budget justification shall include funding levels for the
17 past five fiscal years for all offices: *Provided further*, that
18 the budget submitted by the Department must also in-
19 clude a detailed justification for the incremental funding
20 increases, decreases and FTE fluctuations being requested
21 program, activity, or program element: *Provided further*,
22 That not to exceed \$25,000 of the amount made available
23 under this paragraph for the immediate Office of the Sec-
24 retary shall be available for official reception and rep-
25 resentation expenses as the Secretary may determine.

1 ADMINISTRATION, OPERATIONS AND MANAGEMENT

2 For necessary salaries and expenses for administra-
3 tion, operations and management for the Department of
4 Housing and Urban Development, \$494,739,000, of which
5 not to exceed \$65,863,000 shall be available for the per-
6 sonnel compensation and benefits of the Office of Adminis-
7 tration; not to exceed \$9,149,000 shall be available for the
8 personnel compensation and benefits of the Office of De-
9 partmental Operations and Coordination; not to exceed
10 \$46,353,000 shall be available for the personnel com-
11 pensation and benefits of the Office of Field Policy and
12 Management; not to exceed \$13,513,000 shall be available
13 for the personnel compensation and benefits of the Office
14 of the Chief Procurement Officer; not to exceed
15 \$32,294,000 shall be available for the personnel com-
16 pensation and benefits of the remaining staff in the Office
17 of the Chief Financial Officer; not to exceed \$86,844,000
18 shall be available for the personnel compensation and ben-
19 efits of the remaining staff in the Office of the General
20 Counsel; not to exceed \$2,927,000 shall be available for
21 the personnel compensation and benefits of the Office of
22 Departmental Equal Employment Opportunity; not to ex-
23 ceed \$1,094,000 shall be available for the personnel com-
24 pensation and benefits for the Center for Faith-Based and
25 Community Initiatives; not to exceed \$1,702,000 shall be

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

1 PERSONNEL COMPENSATION AND BENEFITS

2 PUBLIC AND INDIAN HOUSING

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

6 COMMUNITY PLANNING AND DEVELOPMENT

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

10 HOUSING

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

21 POLICY DEVELOPMENT AND RESEARCH

22 For necessary personnel compensation and benefits
23 expenses of the Office of Policy Development and Re-
24 search, \$17,716,000.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 For necessary personnel compensation and benefits
3 expenses of the Office of Fair Housing and Equal Oppor-
4 tunity, \$66,697,000.

5 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
6 CONTROL

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

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For activities and assistance for the provision of ten-
14 ant-based rental assistance authorized under the United
15 States Housing Act of 1937, as amended (42 U.S.C. 1437
16 et seq.) ('the Act' herein), not otherwise provided for,
17 \$14,467,883,000, to remain available until expended, shall
18 be available on October 1, 2011 (in addition to the
19 \$4,000,000,000 previously appropriated under this head-
20 ing that will become available on October 1, 2011), and
21 \$4,000,000,000, to remain available until expended, shall
22 be available on October 1, 2012: *Provided*, That of the
23 amounts made available under this heading are provided
24 as follows:

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

1 terms and conditions of their MTW agreements:
2 *Provided further*, That the Secretary shall, to the ex-
3 tent necessary to stay within the amount specified
4 under this paragraph (except as otherwise modified
5 under this Act), pro rate each public housing agen-
6 cy's allocation otherwise established pursuant to this
7 paragraph: *Provided further*, That except as provided
8 in the last two provisos, the entire amount specified
9 under this paragraph (except as otherwise modified
10 under this Act) shall be obligated to the public hous-
11 ing agencies based on the allocation and pro rata
12 method described above, and the Secretary shall no-
13 tify public housing agencies of their annual budget
14 not later than 60 days after enactment of this Act:
15 *Provided further*, That the Secretary may extend the
16 60-day notification period with the prior written ap-
17 proval of the House and Senate Committees on Ap-
18 propriations: *Provided further*, That public housing
19 agencies participating in the Moving to Work dem-
20 onstration shall be funded pursuant to their Moving
21 to Work agreements and shall be subject to the
22 same pro rata adjustments under the previous pro-
23 visos: *Provided further*, That up to \$135,000,000
24 shall be available only: (1) to adjust the allocations
25 for public housing agencies, after application for an

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

17 (2) \$75,000,000 shall be for section 8 rental as-
18 sistance for relocation and replacement of housing
19 units that are demolished or disposed of pursuant to
20 Section 18 of the Act, conversion of section 23
21 projects to assistance under section 8, the family
22 unification program under section 8(x) of the Act,
23 relocation of witnesses in connection with efforts to
24 combat crime in public and assisted housing pursu-
25 ant to a request from a law enforcement or prosecu-

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

16 (3) \$1,100,000,000 shall be for administrative
17 and other expenses of public housing agencies in ad-
18 ministering the section 8 tenant-based rental assist-
19 ance program, of which up to \$50,000,000 shall be
20 available to the Secretary to allocate to public hous-
21 ing agencies that need additional funds to admin-
22 ister their section 8 programs, including fees associ-
23 ated with section 8 tenant protection rental assist-
24 ance, the administration of disaster related vouchers,
25 Veterans Affairs Supportive Housing vouchers, and

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

1 under section 8, including related development ac-
2 tivities;

3 (4) \$60,000,000 shall be available for family
4 self-sufficiency coordinators under section 23 of the
5 Act;

6 (5) \$114,046,000 for renewal of tenant-based
7 assistance contracts under section 811 of the Cran-
8 ston-Gonzalez National Affordable Housing Act (42
9 U.S.C. 8013), as amended, entered into prior to fis-
10 cal year 2007;

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

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

18 PUBLIC HOUSING CAPITAL FUND

19 For the Public Housing Capital Fund Program to
20 carry out capital and management activities for public
21 housing agencies, as authorized under section 9 of the
22 United States Housing Act of 1937 (42 U.S.C. 1437g)
23 (the “Act”), \$1,532,117,000, to remain available until
24 September 30, 2015: *Provided*, That notwithstanding any
25 other provision of law or regulation, during fiscal year

1 2012 the Secretary of Housing and Urban Development
2 may not delegate to any Department official other than
3 the Deputy Secretary and the Assistant Secretary for
4 Public and Indian Housing any authority under paragraph
5 (2) of section 9(j) regarding the extension of the time peri-
6 ods under such section: *Provided further*, That for pur-
7 poses of such section 9(j), the term "obligate" means, with
8 respect to amounts, that the amounts are subject to a
9 binding agreement that will result in outlays, immediately
10 or in the future: *Provided further*, That up to \$15,345,000
11 shall be to support the ongoing Public Housing Financial
12 and Physical Assessment activities: *Provided further*, That
13 of the total amount provided under this heading up to
14 \$5,000,000 is to support the costs of administrative and
15 judicial receiverships: *Provided further*, That from the
16 funds made available under this heading, the Secretary
17 shall provide bonus awards in fiscal year 2012 to public
18 housing agencies that are designated high performers.

19 PUBLIC HOUSING OPERATING FUND

20 For 2012 payments to public housing agencies
21 (PHAs) for the operation and management of public hous-
22 ing, as authorized by section 9(e) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437g(e)),
24 \$3,861,850,000: *Provided*, That, in determining public
25 housing agencies' (PHAs), including Moving to Work

1 (MTW) agencies', calendar year 2012 funding allocations
2 under this heading, the Secretary shall take into account
3 PHAs' excess operating reserves, as determined by the
4 Secretary: *Provided further*, That if sufficient reserve-level
5 data are not available with respect to the previous proviso,
6 the Secretary may make a pro rata reduction in funding
7 provided under this heading to PHAs, including MTW
8 agencies: *Provided further*, none of the funds made avail-
9 able by this Act or any Act hereafter may be used for
10 any public housing dwelling unit that—(1) was assisted
11 with amounts made available under the heading “Depart-
12 ment of Housing and Urban Development—Public and In-
13 dian Housing—Public Housing Capital Fund” in title XII
14 of Division A of the American Recovery and Reinvestment
15 Act of 2009 (Public Law 111–5; 123 Stat. 214); (2) is
16 administered by a public housing agency (as such term
17 is defined in section 3(b) of such Act (42 U.S.C.
18 1437a(b))) pursuant to acquisition of such dwelling unit
19 in connection with the provision of assistance described
20 in paragraph (1) for the unit; and (3) immediately before
21 such acquisition was owned, operated, or assisted by a
22 State or State agency and was not assisted as a public
23 housing dwelling unit.

1 NATIVE AMERICAN HOUSING BLOCK GRANTS

2 For the Native American Housing Block Grants pro-
3 gram, as authorized under title I of the Native American
4 Housing Assistance and Self-Determination Act of 1996
5 (NAHASDA) (25 U.S.C. 4111 et seq.), \$648,700,000, to
6 remain available for three years: *Provided*, That, notwith-
7 standing the Native American Housing Assistance and
8 Self-Determination Act of 1996, to determine the amount
9 of the allocation under title I of such Act for each Indian
10 tribe, the Secretary shall apply the formula under section
11 302 of such Act with the need component based on single-
12 race Census data and with the need component based on
13 multi-race Census data, and the amount of the allocation
14 for each Indian tribe shall be the greater of the two result-
15 ing allocation amounts: *Provided further*, That no funds
16 shall be awarded to a tribe that has over \$10,000,000 in
17 unexpended balances at the beginning of the fiscal year,
18 excluding unexpended balances from fiscal year 2011: *Pro-*
19 *vided further*, That of the amount provided under this
20 heading, \$2,000,000 shall be to support the inspection of
21 Indian housing units, contract expertise, training, and
22 technical assistance in the oversight and management of
23 such Indian housing assistance, including up to \$200,000
24 for related travel: *Provided further*, That \$1,620,000 shall
25 be made available for the cost of guaranteed notes and

1 other obligations, as authorized by title VI of NAHASDA:
2 *Provided further*, That such costs, including the costs of
3 modifying such notes and other obligations, shall be as de-
4 fined in section 502 of the Congressional Budget Act of
5 1974, as amended: *Provided further*, That these funds are
6 available to subsidize the total principal amount of any
7 notes and other obligations, any part of which is to be
8 guaranteed, not to exceed \$15,000,000: *Provided further*,
9 That the Department will notify grantees of their formula
10 allocation within 60 days of enactment of this Act.

11 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

12 ACCOUNT

13 For the cost of guaranteed loans, as authorized by
14 section 184 of the Housing and Community Development
15 Act of 1992 (12 U.S.C. 1715z), \$6,000,000, to remain
16 available until expended: *Provided*, That such costs, in-
17 cluding the costs of modifying such loans, shall be as de-
18 fined in section 502 of the Congressional Budget Act of
19 1974: *Provided further*, That these funds are available to
20 subsidize total loan principal, any part of which is to be
21 guaranteed, up to \$360,000,000: *Provided further*, That
22 up to \$750,000 of this amount may be used for adminis-
23 trative contract expenses including management processes
24 and systems to carry out the loan guarantee program.

1 NATIVE HAWAIIAN LOAN GUARANTEE FUND PROGRAM

2 ACOCUNT

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

16 COMMUNITY PLANNING AND DEVELOPMENT

17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

18 For carrying out the Housing Opportunities for Per-
19 sons with AIDS program, as authorized by the AIDS
20 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
21 \$334,330,000, to remain available until September 30,
22 2013, except that amounts allocated pursuant to section
23 854(c)(3) of such Act shall remain available until Sep-
24 tember 30, 2014: *Provided*, That the Secretary shall renew
25 all expiring contracts for permanent supportive housing

1 that were funded under section 854(c)(3) of such Act that
2 meet all program requirements before awarding funds for
3 new contracts and activities authorized under this section:
4 *Provided further*, That the Department shall notify grant-
5 ees of their formula allocation within 60 days of enactment
6 of this Act.

7 COMMUNITY DEVELOPMENT FUND

8 For assistance to units of State and local govern-
9 ment, and to other entities, for economic and community
10 development activities, and for other purposes,
11 \$3,500,984,000, to remain available until September 30,
12 2014, unless otherwise specified: *Provided*, That of the
13 total amount provided, \$3,500,984,000 is for carrying out
14 the community development block grant program under
15 Title I of the Housing and Community Development Act
16 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
17 et seq.): *Provided further*, That unless explicitly provided
18 for under this heading, not to exceed 10 percent of any
19 grant made with funds appropriated under this heading
20 may be expended for planning, management, and adminis-
21 tration: *Provided further*, That of the funds provided,
22 \$35,010,000 shall be for grants to Indian tribes pursuant
23 to section 106(a)(1) of such Act, of which, notwith-
24 standing any other provision of law (including section 204
25 of this Act), up to \$3,000,000 may be used for emer-

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

20 COMMUNITY DEVELOPMENT LOAN GUARANTEES

21 PROGRAM ACCOUNT

22 For the cost of guaranteed loans, as authorized by
23 section 108 of the Housing and Community Development
24 Act of 1974 (42 U.S.C. 5308), \$6,820,000: *Provided*,
25 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That these
3 funds are available to subsidize total loan principal, any
4 part of which is to be guaranteed, not to exceed
5 \$275,000,000, notwithstanding any aggregate limitation
6 on outstanding obligations guaranteed in section 108(k)
7 of the Housing and Community Development Act of 1974,
8 as amended.

9 HOME INVESTMENT PARTNERSHIPS PROGRAM

10 For the HOME investment partnerships program, as
11 authorized under title II of the Cranston-Gonzalez Na-
12 tional Affordable Housing Act, as amended,
13 \$1,200,000,000 to remain available until September 30,
14 2014: *Provided*, That funds provided in prior appropria-
15 tions Acts for technical assistance, which were made avail-
16 able for Community Housing Development Organizations
17 technical assistance and which still remain available, may
18 be used for HOME technical assistance notwithstanding
19 the purposes for which such amounts were appropriated:
20 *Provided further*, That the Department shall notify grant-
21 ees of their formula allocation within 60 days of enactment
22 of this Act.

1 SELF-HELP AND ASSISTED HOMEOWNERSHIP
2 OPPORTUNITY PROGRAM

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

13 CAPACITY BUILDING

14 For the first four capacity building activities author-
15 ized under section 4(a) of the HUD Demonstration Act
16 of 1993 (42 U.S.C. 9816 note), \$33,500,000, to remain
17 available until September 30, 2014: *Provided*, That of the
18 amount provided under this heading, \$5,000,000 shall be
19 for rural and tribal capacity building activities: *Provided*
20 *further*, That the Department shall notify grantees of the
21 availability of funding within 60 days of enactment of this
22 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, [2012] *2013: Provided*, That during fiscal
18 year *2012*, obligations to make direct loans to carry out
19 the purposes of section 204(g) of the National Housing
20 Act, as amended, shall not exceed \$50,000,000: *Provided*
21 *further*, 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 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 \$50,000,000, to remain available until September 30,
21 2013: *Provided*, That notwithstanding 31 U.S.C. 3302,
22 the Secretary may assess and collect fees to cover the costs
23 of the Fair Housing Training Academy, and may use such
24 funds to provide such training: *Provided further*, That no
25 funds made available under this heading shall be used to

1 lobby the executive or legislative branches of the Federal
2 Government in connection with a specific contract, grant
3 or loan.

4 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
5 HOMES
6 LEAD HAZARD REDUCTION

7 For the Lead Hazard Reduction Program, as author-
8 ized by section 1011 of the Residential Lead-Based Paint
9 Hazard Reduction Act of 1992, \$119,760,000, to remain
10 available until September 30, 2013: *Provided*,
11 \$20,000,000 of that amount shall be for the Healthy
12 Homes Initiative, pursuant to sections 501 and 502 of the
13 Housing and Urban Development Act of 1970 (12 U.S.C.
14 1701z-1 and 1701z-2), for research, studies, testing, dem-
15 onstration, education, and outreach concerning lead-based
16 paint poisoning and other housing-related diseases and
17 hazards: *Provided further*, That for purposes of environ-
18 mental review, pursuant to the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other
20 provisions of the law that further the purposes of such
21 Act, a grant under the Healthy Homes Initiative or the
22 Lead Technical Studies program under this heading shall
23 be considered to be funds for a special project for purposes
24 of section 305(c) of the Multifamily Housing Property
25 Disposition Reform Act of 1994: *Provided further*, That

1 amounts made available under this heading, and that re-
2 main available following a program competition because
3 of undersubscription of the program, may be used for any
4 purpose under this heading notwithstanding the original
5 purpose for which such amounts were appropriated.

6 MANAGEMENT AND ADMINISTRATION

7 For additional capital for the Working Capital Fund
8 (42 U.S.C. 3535) for the development of, modifications
9 to, and infrastructure for Department-wide and program-
10 specific information technology systems, for the continuing
11 operation and maintenance of both Department-wide and
12 program-specific information systems, \$243,000,000, to
13 remain available until September 30, 2013: Provided,
14 That any amounts transferred to this Fund under this Act
15 shall remain available until expended: Provided further,
16 That any amounts transferred to this Fund from amounts
17 appropriated by previously enacted appropriations Acts or
18 from within this Act may be used only for the purposes
19 specified under this Fund, in addition to the purposes for
20 which such amounts were appropriated.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary salaries and expenses of the Office of
23 Inspector General in carrying out the Inspector General
24 Act of 1978, as amended, \$115,000,000; *Provided*, That
25 no funding may be obligated for field office rent, commu-

1 from projects described in section 1012(a) of the Stewart
2 B. McKinney Homeless Assistance Amendments Act of
3 1988 (42 U.S.C. 1437 note) shall be cancelled or in the
4 case of cash, shall be remitted to the Treasury, and such
5 amounts of budget authority or cash recaptured and not
6 cancelled or remitted to the Treasury shall be used by
7 State housing finance agencies or local governments or
8 local housing agencies with projects approved by the Sec-
9 retary of Housing and Urban Development for which set-
10 tlement occurred after January 1, 1992, in accordance
11 with such section. Notwithstanding the previous sentence,
12 the Secretary may award up to 15 percent of the budget
13 authority or cash recaptured and not cancelled or remitted
14 to the Treasury to provide project owners with incentives
15 to refinance their project at a lower interest rate.

16 SEC. 202. None of the amounts made available under
17 this Act may be used during fiscal year 2012 to investigate
18 or prosecute under the Fair Housing Act any otherwise
19 lawful activity engaged in by one or more persons, includ-
20 ing the filing or maintaining of a non-frivolous legal ac-
21 tion, that is engaged in solely for the purpose of achieving
22 or preventing action by a Government official or entity,
23 or a court of competent jurisdiction

24 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
25 of the AIDS Housing Opportunity Act (42 U.S.C.

1 12903(c)(1)(A)), from any amounts made available under
2 this title for fiscal year 2012 that are allocated under such
3 section, the Secretary of Housing and Urban Development
4 shall allocate and make a grant, in the amount determined
5 under subsection (b), for any State that—

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

8 (2) is not otherwise eligible for an allocation for
9 fiscal year 2012 under such clause (ii) because the
10 areas in the State outside of the metropolitan statis-
11 tical areas that qualify under clause (i) in fiscal year
12 2012 do not have the number of cases of acquired
13 immunodeficiency syndrome (AIDS) required under
14 such clause.

15 (b) The amount of the allocation and grant for any
16 State described in subsection (a) shall be an amount based
17 on the cumulative number of AIDS cases in the areas of
18 that State that are outside of metropolitan statistical
19 areas that qualify under clause (i) of such section
20 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS
21 cases among cities and States that qualify under clauses
22 (i) and (ii) of such section and States deemed eligible
23 under subsection (a).

24 (c) Notwithstanding any other provision of law, the
25 amount allocated for fiscal year 2012 under section 854(c)

1 of the AIDS Housing Opportunity Act (42 U.S.C.
2 12903(c)), to the City of New York, New York, on behalf
3 of the New York-Wayne-White Plains, New York-New
4 Jersey Metropolitan Division (hereafter “metropolitan di-
5 vision”) of the New York-Newark-Edison, NY–NJ–PA
6 Metropolitan Statistical Area, shall be adjusted by the
7 Secretary of Housing and Urban Development by: (1) allo-
8 cating to the City of Jersey City, New Jersey, the propor-
9 tion of the metropolitan area’s or division’s amount that
10 is based on the number of cases of AIDS reported in the
11 portion of the metropolitan area or division that is located
12 in Hudson County, New Jersey, and adjusting for the pro-
13 portion of the metropolitan division’s high incidence bonus
14 if this area in New Jersey also has a higher than average
15 per capita incidence of AIDS; and (2) allocating to the
16 City of Paterson, New Jersey, the proportion of the metro-
17 politan area’s or division’s amount that is based on the
18 number of cases of AIDS reported in the portion of the
19 metropolitan area or division that is located in Bergen
20 County and Passaic County, New Jersey, and adjusting
21 for the proportion of the metropolitan division’s high inci-
22 dence bonus if this area in New Jersey also has a higher
23 than average per capita incidence of AIDS. The recipient
24 cities shall use amounts allocated under this subsection
25 to carry out eligible activities under section 855 of the

1 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
2 their respective portions of the metropolitan division that
3 is located in New Jersey.

4 (d) Notwithstanding any other provision of law, the
5 amount allocated for fiscal year 2012 under section 854(c)
6 of the AIDS Housing Opportunity Act (42 U.S.C.
7 12903(c)) to areas with a higher than average per capita
8 incidence of AIDS, shall be adjusted by the Secretary on
9 the basis of area incidence reported over a 3-year period.

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

16 SEC. 205. Funds of the Department of Housing and
17 Urban Development subject to the Government Corpora-
18 tion Control Act or section 402 of the Housing Act of
19 1950 shall be available, without regard to the limitations
20 on administrative expenses, for legal services on a contract
21 or fee basis, and for utilizing and making payment for
22 services and facilities of the Federal National Mortgage
23 Association, Government National Mortgage Association,
24 Federal Home Loan Mortgage Corporation, Federal Fi-
25 nancing Bank, Federal Reserve banks or any member

1 thereof, Federal Home Loan banks, and any insured bank
2 within the meaning of the Federal Deposit Insurance Cor-
3 poration Act, as amended (12 U.S.C. 1811-1).

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

10 SEC. 207. Corporations and agencies of the Depart-
11 ment of Housing and Urban Development which are sub-
12 ject to the Government Corporation Control Act, are here-
13 by authorized to make such expenditures, within the limits
14 of funds and borrowing authority available to each such
15 corporation or agency and in accordance with law, and to
16 make such contracts and commitments without regard to
17 fiscal year limitations as provided by section 104 of such
18 Act as may be necessary in carrying out the programs set
19 forth in the budget for 2012 for such corporation or agen-
20 cy except as hereinafter provided: Provided, That collec-
21 tions of these corporations and agencies may be used for
22 new loan or mortgage purchase commitments only to the
23 extent expressly provided for in this Act (unless such loans
24 are in support of other forms of assistance provided for
25 in this or prior appropriations Acts), except that this pro-

1 viso shall not apply to the mortgage insurance or guaranty
2 operations of these corporations, or where loans or mort-
3 gage purchases are necessary to protect the financial in-
4 terest of the United States Government.

5 SEC. 208. The Secretary of Housing and Urban De-
6 velopment shall provide quarterly reports to the House
7 and Senate Committees on Appropriations regarding all
8 uncommitted, unobligated, recaptured and excess funds in
9 each program and activity within the jurisdiction of the
10 Department and shall submit additional, updated budget
11 information to these Committees upon request.

12 SEC. 209. (a) Notwithstanding any other provision
13 of law, the amount allocated for fiscal year 2012 under
14 section 854(c) of the AIDS Housing Opportunity Act (42
15 U.S.C. 12903(c)), to the City of Wilmington, Delaware,
16 on behalf of the Wilmington, Delaware-Maryland-New
17 Jersey Metropolitan Division (hereafter “metropolitan di-
18 vision”), shall be adjusted by the Secretary of Housing
19 and Urban Development by allocating to the State of New
20 Jersey the proportion of the metropolitan division’s
21 amount that is based on the number of cases of AIDS
22 reported in the portion of the metropolitan division that
23 is located in New Jersey, and adjusting for the proportion
24 of the metropolitan division’s high incidence bonus if this
25 area in New Jersey also has a higher than average per

1 capita incidence of AIDS. The State of New Jersey shall
2 use amounts allocated to the State under this subsection
3 to carry out eligible activities under section 855 of the
4 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
5 portion of the metropolitan division that is located in New
6 Jersey.

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

18 (c) Notwithstanding section 854(c) of the AIDS
19 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
20 retary of Housing and Urban Development may adjust the
21 allocation of the amounts that otherwise would be allo-
22 cated for fiscal year 2012 under section 854(c) of such
23 Act, upon the written request of an applicant, in conjunc-
24 tion with the State(s), for a formula allocation on behalf
25 of a metropolitan statistical area, to designate the State

1 or States in which the metropolitan statistical area is lo-
2 cated as the eligible grantee(s) of the allocation. In the
3 case that a metropolitan statistical area involves more
4 than one State, such amounts allocated to each State shall
5 be in proportion to the number of cases of AIDS reported
6 in the portion of the metropolitan statistical area located
7 in that State. Any amounts allocated to a State under this
8 section shall be used to carry out eligible activities within
9 the portion of the metropolitan statistical area located in
10 that State.

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

18 SEC. 211. A public housing agency or such other enti-
19 ty that administers Federal housing assistance for the
20 Housing Authority of the county of Los Angeles, Cali-
21 fornia, the States of Alaska, Iowa, and Mississippi shall
22 not be required to include a resident of public housing or
23 a recipient of assistance provided under section 8 of the
24 United States Housing Act of 1937 on the board of direc-
25 tors or a similar governing board of such agency or entity

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

14 SEC. 212. (a) Notwithstanding any other provision
15 of law, subject to the conditions listed in subsection (b),
16 for fiscal years 2012 and 2013, the Secretary of Housing
17 and Urban Development may authorize the transfer of
18 some or all project-based assistance, debt and statutorily
19 required low-income and very low-income use restrictions,
20 associated with one or more multifamily housing project
21 to another multifamily housing project or projects.

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

24 (1) The number of low-income and very low-in-
25 come units and the net dollar amount of Federal as-

1 assistance provided by the transferring project shall
2 remain the same in the receiving project or projects.

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

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

9 (4) The owner or mortgagor of the transferring
10 project shall notify and consult with the tenants re-
11 siding in the transferring project and provide a cer-
12 tification of approval by all appropriate local govern-
13 mental officials.

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

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

22 (7) If either the transferring project or the re-
23 ceiving project or projects meets the condition speci-
24 fied in subsection (c)(2)(A), any lien on the receiving
25 project resulting from additional financing obtained

1 by the owner shall be subordinate to any FHA-in-
2 sured mortgage lien transferred to, or placed on,
3 such project by the Secretary.

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

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

16 (10) The Secretary determines that Federal li-
17 ability with regard to this project will not be in-
18 creased.

19 (c) For purposes of this section—

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

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

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

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

11 (C) housing that is assisted under section
12 202 of the Housing Act of 1959 as amended by
13 section 801 of the Cranston-Gonzales National
14 Affordable Housing Act;

15 (D) housing that is assisted under section
16 202 of the Housing Act of 1959, as such sec-
17 tion existed before the enactment of the Cran-
18 ston-Gonzales National Affordable Housing Act;

19 or

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

22 (3) the term “project-based assistance”
23 means—

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

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

6 (C) rent supplement payments under sec-
7 tion 101 of the Housing and Urban Develop-
8 ment Act of 1965;

9 (D) interest reduction payments under sec-
10 tion 236 and/or additional assistance payments
11 under section 236(f)(2) of the National Hous-
12 ing Act; and

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

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

20 (5) the term “transferring project” means the
21 multifamily housing project which is transferring
22 some or all of the project-based assistance, debt and
23 the statutorily required low-income and very low-in-
24 come use restrictions to the receiving project or
25 projects; and

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

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

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

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

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

18 (2) is under 24 years of age;

19 (3) is not a veteran;

20 (4) is unmarried;

21 (5) does not have a dependent child;

22 (6) is not a person with disabilities, as such term is
23 defined in section 3(b)(3)(E) of the United States Hous-
24 ing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not

1 receiving assistance under such section 8 as of November
2 30, 2005; and

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

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

18 SEC. 216. Notwithstanding the limitation in the first
19 sentence of section 255(g) of the National Housing Act
20 (12 U.S.C. 1715z–g)), the Secretary of Housing and
21 Urban Development may, until September 30, 2012, in-
22 sure and enter into commitments to insure mortgages
23 under section 255(g) of the National Housing Act (12
24 U.S.C. 1715z–20).

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

1 tual abatement remedies to assist relocation of tenants for
2 imminent major threats to health and safety. After dis-
3 position of any multifamily property described under this
4 section, the contract and allowable rent levels on such
5 properties shall be subject to the requirements under sec-
6 tion 524 of MAHRAA.

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

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

23 SEC. 220. The amounts provided under the sub-
24 heading "Program Account" under the heading "Commu-
25 nity Development Loan Guarantees" may be used to guar-

1 antee, or make commitments to guarantee, notes, or other
2 obligations issued by any State on behalf of non-entitle-
3 ment communities in the State in accordance with the re-
4 quirements of section 108 of the Housing and Community
5 Development Act of 1974: Provided, That, any State re-
6 ceiving such a guarantee or commitment shall distribute
7 all funds subject to such guarantee to the units of general
8 local government in non-entitlement areas that received
9 the commitment.

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

18 SEC. 222. With respect to the use of amounts pro-
19 vided in this Act and in future Acts for the operation, cap-
20 ital improvement and management of public housing as
21 authorized by sections 9(d) and 9(e) of the United States
22 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
23 Secretary shall not impose any requirement or guideline
24 relating to asset management that restricts or limits in
25 any way the use of capital funds for central office costs

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

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

22 SEC. 224. The Secretary of Housing and Urban De-
23 velopment shall report quarterly to the House of Rep-
24 resentatives and Senate Committees on Appropriations on
25 the status of all section 8 project-based housing, including

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

17 SEC. 225. Payment of attorney fees in program-re-
18 lated litigation must be paid from individual program of-
19 fice personnel benefits and compensation funding. The an-
20 nual budget submission for program office personnel ben-
21 efit and compensation funding must include program-re-
22 lated litigation costs for attorney fees as a separate line
23 item request.

24 SEC. 226. The Secretary of the Department of Hous-
25 ing and Urban Development shall for Fiscal Year 2012

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

12 SEC. 227. (a) APPROVAL OF PREPAYMENT OF
13 DEBT.—Upon request of the project sponsor of a
14 project assisted with a loan under section 202 of the
15 Housing Act of 1959 (as in effect before the enactment
16 of the Cranston-Gonzalez National Affordable Housing
17 Act), for which the Secretary's consent to prepayment is
18 required, the Secretary shall approve the prepayment of
19 any indebtedness to the Secretary relating to any remain-
20 ing principal and interest under the loan as part of a pre-
21 payment plan under which—

22 (1) the project sponsor agrees to operate the project
23 until the maturity date of the original loan under terms
24 at least as advantageous to existing and future tenants
25 as the terms required by the original loan agreement or

1 any project-based rental assistance payments contract
2 under section 8 of the United States Housing Act of 1937
3 (or any other project-based rental housing assistance pro-
4 grams of the Department of Housing and Urban Develop-
5 ment, including the rent supplement program under sec-
6 tion 101 of the Housing and Urban Development Act of
7 1965 (12 U.S.C. 1701s)) or any successor project-based
8 rental assistance program, except as provided by sub-
9 section (a)(2)(B); and

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

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

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

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

21 (ii) the prepayment plan for the trans-
22 action, including the refinancing, shall meet a
23 cost benefit analysis, as established by the Sec-
24 retary, that the benefit of the transaction out-

1 weighs the cost of the transaction including any
2 increases in rent charged to unassisted tenants;

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

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

14 (II) mark-up-to-budget contracts pur-
15 suant to section 524(a)(4) of the Multi-
16 family Assisted Housing Reform and Af-
17 fordability Act (42 U.S.C. 1437f note), as
18 such section is carried out by the Secretary
19 for properties owned by eligible owners (as
20 such term is defined in section 202(k) of
21 the Housing Act of 1959 (12 U.S.C.
22 1701q(k));

23 (iv) the project owner may charge tenants
24 rent sufficient to meet debt service payments
25 and operating cost requirements, as approved

1 by the Secretary, if project-based rental assist-
2 ance is not available or is insufficient for the
3 debt service and operating cost of the project
4 after refinancing. Such approval by the Sec-
5 retary—

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

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

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

24 (vi) there shall be a use agreement of 20
25 years from the date of the maturity date of the

1 original 202 loan for all units, including units
2 to be occupied by tenants assisted under section
3 8(t) of the United States Housing Act of 1937
4 (42 U.S.C. 1437f(t)).

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

16 SEC. 229. The Disaster Housing Assistance Pro-
17 grams, administered by the Department of Housing and
18 Urban Development, shall be considered a “program of
19 the Department of Housing and Urban Development”
20 under section 904 of the McKinney Act for the purpose
21 of income verifications and matching.

22 SEC. 230. None of the funds made available in this
23 title may be used to carry out or enforce section 216(10)
24 of the Cranston-Gonzalez National Affordable Housing
25 Act (42 U.S.C. 12746(10)) with respect to amounts ap-

1 appropriated pursuant to section 205 of such Act for fiscal
2 year 2012.

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

12 SEC. 232. The Secretary shall take actions necessary
13 to improve data quality, data management, and grantee
14 oversight and accountability with respect to programs and
15 activities administered by the Office of Community Plan-
16 ning and Development. The Secretary shall address the
17 problems identified by the Inspector General of the De-
18 partment in audits and audit reports since 2006, including
19 ongoing audits, with respect to such programs and activi-
20 ties. Not later than 120 days after enactment of this Act,
21 the Secretary shall submit a report to the Congress on
22 progress achieved by the Department with respect to ad-
23 dressing such problems and identifying further improve-
24 ments that can be made (including improvements relating

1 to information technology) and proposed actions and
2 timelines to carry out such improvements.

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

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

13 TITLE III—RELATED AGENCIES

14 ACCESS BOARD

15 SALARIES AND EXPENSES

16 For the expenses necessary for the Access Board, as
17 authorized by section 502 of the Rehabilitation Act of
18 1973, as amended, \$7,285,000: *Provided*, That notwith-
19 standing any other provision of law, there may be credited
20 to this appropriation funds received for publications and
21 training expenses.

22 FEDERAL MARITIME COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Federal Maritime
25 Commission as authorized by section 201(d) of the Mer-

1 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
2 cluding services as authorized by 5 U.S.C. 3109; hire of
3 passenger motor vehicles as authorized by 31 U.S.C.
4 1343(b); and uniforms or allowances therefore, as author-
5 ized by 5 U.S.C. 5901–5902, \$24,087,000: *Provided*, That
6 not to exceed \$2,000 shall be available for official recep-
7 tion and representation expenses.

8 NATIONAL RAILROAD PASSENGER CORPORATION

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11

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

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

17 NATIONAL TRANSPORTATION SAFETY BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the National Transpor-
20 tation Safety Board, including hire of passenger motor ve-
21 hicles and aircraft; services as authorized by 5 U.S.C.
22 3109, but at rates for individuals not to exceed the per
23 diem rate equivalent to the rate for a GS-15; uniforms,
24 or allowances therefore, as authorized by law (5 U.S.C.
25 5901-5902) \$102,400,000, of which not to exceed \$2,000

1 may be used for official reception and representation ex-
2 penses: *Provided*, That of the funds provided under this
3 heading, \$2,416,000 shall remain available through Sep-
4 tember 30, 2011: *Provided further*, That of the funds pro-
5 vided, up to \$100,000 shall be provided through reim-
6 bursement to the Department of Transportation's Office
7 of Inspector General to audit the National Transportation
8 Safety Board's financial statements. The amounts made
9 available to the National Transportation Safety Board in
10 this Act include amounts necessary to make lease pay-
11 ments on an obligation incurred in fiscal year 2001 for
12 a capital lease.

13 NEIGHBORHOOD REINVESTMENT CORPORATION
14 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
15 CORPORATION

16 For payment to the Neighborhood Reinvestment Cor-
17 poration for use in neighborhood reinvestment activities,
18 as authorized by the Neighborhood Reinvestment Corpora-
19 tion Act (42 U.S.C. 8101-8107), \$135,300,000: *Provided*,
20 That section 605(a) of the Neighborhood Reinvestment
21 Corporation Act (42 U.S.C. 8104) is amended by adding
22 at the end of the first sentence, prior to the period, ``,
23 except that the board-appointed officers may be paid sal-
24 ary at a rate not to exceed level II of the Executive Sched-
25 ule'': *Provided further*, That in addition, \$80,000,000 shall

1 be made available until expended to the Neighborhood Re-
2 investment Corporation for mortgage foreclosure mitiga-
3 tion activities, under the following terms and conditions:

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

1 this paragraph. A HUD-approved counseling inter-
2 mediary shall meet certain mortgage foreclosure
3 mitigation assistance counseling requirements, as de-
4 termined by the NRC, and shall be approved by
5 HUD or the NRC as meeting these requirements.

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

20 (3) The use of Mortgage Foreclosure Mitigation
21 Assistance by approved counseling intermediaries
22 and State Housing Finance Agencies shall involve a
23 reasonable analysis of the borrower's financial situa-
24 tion, an evaluation of the current value of the prop-
25 erty that is subject to the mortgage, counseling re-

1 garding the assumption of the mortgage by another
2 non-Federal party, counseling regarding the possible
3 purchase of the mortgage by a non-Federal third
4 party, counseling and advice of all likely restruc-
5 turing and refinancing strategies or the approval of
6 a work-out strategy by all interested parties.

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

15 (5) HUD-approved counseling entities and
16 State Housing Finance Agencies receiving funds
17 under this paragraph shall have demonstrated expe-
18 rience in successfully working with financial institu-
19 tions as well as borrowers facing default, delin-
20 quency and foreclosure as well as documented coun-
21 seling capacity, outreach capacity, past successful
22 performance and positive outcomes with documented
23 counseling plans (including post mortgage fore-
24 closure mitigation counseling), loan workout agree-
25 ments and loan modification agreements. NRC may

1 use other criteria to demonstrate capacity in under-
2 served areas.

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

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

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

19 (9) The NRC shall continue to report bi-annu-
20 ally to the House and Senate Committees on Appro-
21 priations as well as the Senate Banking Committee
22 and House Financial Services Committee on its ef-
23 forts to mitigate mortgage default.

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 401. Such sums as may be necessary for fiscal
4 year 2012 pay raises for programs funded in this Act shall
5 be absorbed within the levels appropriated in this Act or
6 previous appropriations Acts.

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

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

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

24 SEC. 405. Except as otherwise provided in this Act,
25 none of the funds provided in this Act, provided by pre-

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2012, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that: (1) creates a new program;
8 (2) eliminates a program, project, or activity; (3) increases
9 funds or personnel for any program, project, or activity
10 for which funds have been denied or restricted by the Con-
11 gress; (4) proposes to use funds directed for a specific ac-
12 tivity by either the House or Senate Committees on Ap-
13 propriations for a different purpose; (5) augments existing
14 programs, projects, or activities in excess of \$5,000,000
15 or 10 percent, whichever is less; (6) reduces existing pro-
16 grams, projects, or activities by \$5,000,000 or 10 percent,
17 whichever is less; or (7) creates, reorganizes, or restruc-
18 tures a branch, division, office, bureau, board, commis-
19 sion, agency, administration, or department different from
20 the budget justifications submitted to the Committees on
21 Appropriations or the table accompanying the explanatory
22 statement accompanying this Act, whichever is more de-
23 tailed, unless prior approval is received from the House
24 and Senate Committees on Appropriations: *Provided*, That
25 not later than 60 days after the date of enactment of this

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

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

1 SEC. 407. (a) None of the funds made available in
2 this Act may be obligated or expended for any employee
3 training that— (1) does not meet identified needs for
4 knowledge, skills, and abilities bearing directly upon the
5 performance of official duties; (2) contains elements likely
6 to induce high levels of emotional response or psycho-
7 logical stress in some participants; does not require prior
8 employee notification of the content and methods to be
9 used in the training and written end of course evaluation;
10 (3) does not require prior employee notification of the con-
11 tent and methods to be used in the training and written
12 end of course evaluation; (4) contains any methods or con-
13 tent associated with religious or quasi-religious belief sys-
14 tems or “new age” belief systems as defined in Equal Em-
15 ployment Opportunity Commission Notice N-915.022,
16 dated September 2, 1988; (5) is offensive to, or designed
17 to change, participants’ personal values or lifestyle outside
18 the workplace.

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

22 SEC. 408. No funds in this Act may be used to sup-
23 port any Federal, State, or local projects that seek to use
24 the power of eminent domain, unless eminent domain is
25 employed only for a public use: Provided, That for pur-

1 poses of this section, public use shall not be construed to
2 include economic development that primarily benefits pri-
3 vate entities: Provided further, That any use of funds for
4 mass transit, railroad, airport, seaport or highway projects
5 as well as utility projects which benefit or serve the gen-
6 eral public (including energy-related, communication-re-
7 lated, water-related and wastewater-related infrastruc-
8 ture), other structures designated for use by the general
9 public or which have other common-carrier or public-util-
10 ity functions that serve the general public and are subject
11 to regulation and oversight by the government, and
12 projects for the removal of an immediate threat to public
13 health and safety or brownsfield as defined in the Small
14 Business Liability Relief and Brownsfield Revitalization
15 Act (Public Law 107–118) shall be considered a public
16 use for purposes of eminent domain.

17 SEC. 409. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriations Act.

22 SEC. 410. No part of any appropriation contained in
23 this Act shall be available to pay the salary for any person
24 filling a position, other than a temporary position, for-
25 merly held by an employee who has left to enter the Armed

1 Forces of the United States and has satisfactorily com-
2 pleted his period of active military or naval service, and
3 has within 90 days after his release from such service or
4 from hospitalization continuing after discharge for a pe-
5 riod of not more than 1 year, made application for restora-
6 tion to his former position and has been certified by the
7 Office of Personnel Management as still qualified to per-
8 form the duties of his former position and has not been
9 restored thereto.

10 SEC. 411. No funds appropriated pursuant to this
11 Act may be expended in contravention of sections 2
12 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
13 10c, popularly known as the “Buy American Act”).

14 SEC. 412. No funds appropriated or otherwise made
15 available under this Act shall be made available to any
16 person or entity that has been found to violate the Buy
17 American Act (41 U.S.C. 10a-10c).

18 SEC. 413. None of the funds made available in this
19 Act may be used for first-class airline accommodations in
20 contravention of sections 301-10.122 and 301-10.123 of
21 title 41, Code of Federal Regulations.

22 SEC. 414. None of the funds made available under
23 this Act or any prior Act may be provided to the Associa-
24 tion of Community Organizations for Reform Now

1 (ACORN), or any of its affiliates, subsidiaries, or allied
2 organizations.

3 This Act may be cited as the “Transportation, Hous-
4 ing and Urban Development, and Related Agencies Appro-
5 priations Act, 2012”.

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Union Calendar No. _____

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