IN THE HOUSE OF REPRESENTATIVES

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.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES
For necessary expenses of the Office of the Secretary, $102,481,000, of which not to exceed $2,400,000 shall be available for the immediate Office of the Secretary; not to exceed $759,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,615,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,538,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,000,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed
$2,020,000 for the Office of Public Affairs; not to exceed $1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $9,675,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $16,003,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.
FINANCIAL MANAGEMENT CAPITAL

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

OFFICE OF CIVIL RIGHTS

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

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

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

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,596,000, shall be paid from appropriations made available to the Department of Transportation: Provided, that such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working
Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $333,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $589,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,068,000, to remain available until September 30, 2013: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.
PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

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

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

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

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

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, $9,673,962,000, of which $4,900,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed
$7,618,352,000 shall be available for air traffic organization activities; not to exceed $1,250,514,000 shall be available for aviation safety activities; not to exceed $13,000,000 shall be available for commercial space transportation activities; not to exceed $112,071,000 shall be available for financial services activities; not to exceed $99,005,000 shall be available for human resources program activities; not to exceed $337,133,000 shall be available for region and center operations and regional coordination activities; not to exceed $186,347,000 shall be available for staff offices; and not to exceed $57,539,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December.
2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there
may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the funds appropriated under this heading, not less than $10,000,000 shall be for the contract tower cost-sharing program: *Provided further,* That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

**FACILITIES AND EQUIPMENT**

**(AIRPORT AND AIRWAY TRUST FUND)**

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisi-
sition of necessary sites by lease or grant; construction
and furnishing of quarters and related accommodations
for officers and employees of the Federal Aviation Admin-
istration stationed at remote localities where such accom-
modations are not available; and the purchase, lease, or
transfer of aircraft from funds available under this head-
ing, including aircraft for aviation regulation and certifi-
cation; to be derived from the Airport and Airway Trust
Fund, $2,798,250,000, of which $2,318,250,000 shall re-
main available until September 30, 2014, and of which
$480,000,000 shall remain available until September 30,
2012: Provided, That there may be credited to this appro-
priation funds received from States, counties, municipali-
ties, other public authorities, and private sources, for ex-
penses incurred in the establishment and modernization
of air navigation facilities: Provided further, That upon ini-
tial submission to the Congress of the fiscal year 2013
President’s budget, the Secretary of Transportation shall
transmit to the Congress a comprehensive capital invest-
ment plan for the Federal Aviation Administration which
includes funding for each budget line item for fiscal years
2013 through 2017, with total funding for each year of
the plan constrained to the funding targets for those years
as estimated and approved by the Office of Management
and Budget.
RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

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

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices
and systems at airports of such title; for grants authorized
under section 41743 of title 49, United States Code; and
for inspection activities and administration of airport safety
programs, including those related to airport operating
certificates under section 44706 of title 49, United States
Code, $3,600,000,000 to be derived from the Airport and
Airway Trust Fund and to remain available until ex-
pended: Provided, That none of the funds under this head-
ing shall be available for the planning or execution of pro-
grams the obligations for which are in excess of
$3,335,000,000 in fiscal year 2012, notwithstanding sec-
tion 47117(g) of title 49, United States Code: Provided
further, That none of the funds under this heading shall
be available for the replacement of baggage conveyor sys-
tems, reconfiguration of terminal baggage areas, or other
airport improvements that are necessary to install bulk ex-
plosive detection systems: Provided further, That notwith-
standing any other provision of law, of funds limited under
this heading, not more than $101,000,000 shall be obli-
gated for administration, not less than $15,000,000 shall
be available for the airport cooperative research program,
not less than $29,250,000 shall be for Airport Technology
Research.
ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Sec. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2012.

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

Sec. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2012,
49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

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

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

Sec. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.
SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner’s or operator’s aircraft registration number from any display of the Federal Aviation Administration’s Aircraft Situational Display to Industry data that is made available to the public, except data made available to a government agency, for the noncommercial flights of that owner or operator.

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

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $377,556,000, together with advances and reimbursements received by the Federal Highway Ad-
administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, funds available for the implementation or execution of Federal-aid highways and highway safety construction programs authorized under titles 23 and 49, United States Code, as amended by such authorization, shall not exceed total obligations of $27,000,000,000 for fiscal year 2012: Provided, That within the $27,000,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of transportation research programs under titles 23 and 49, United States Code, for fiscal year 2012: Provided further, That the Secretary may collect and spend fees authorized by title 23,
United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments. Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and such amounts are not subject to any obligation limitation or the limitation on administrative expenses under title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, $27,739,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended, for the payment of obligations incurred in carrying out Federal-aid highways and highway safety construction programs authorized under titles 23 and 49, United States Code, as amended by such authorization.
ADMINISTRATIVE PROVISIONS - FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 121. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 122. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—
as of the date of enactment of this Act, is not tolled;

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

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

(b) EXCEPTIONS.—

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

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

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

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

Federal Motor Carrier Safety Administration

Motor Carrier Safety Operations and Programs

(Liquidation of Contract Authorization)

(Limitation on Obligations)

(Highway Trust Fund)

Contingent upon enactment of surface transportation authorization legislation, $229,654,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, and to remain available until expended, for payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs authorized under title 49, United States Code, and the provisions of Public Law 109–59, as amended by such authorization: Provided, That funds available for implementation, execution or administration of motor carrier
safety operations and programs authorized under title 49,
United States Code, shall not exceed total obligations of
$229,654,000 in fiscal year 2012 for “Motor Carrier Safety
Operations and Programs” of which $8,586,000, to re-
main available for obligation until September 20, 2014,
is for the research and technology program and
$1,000,000 shall be available for commercial motor vehicle
operator’s grants to carry out section 4134 of Public Law
109-59: Provided further, That notwithstanding any other
 provision of law, none of the funds under this heading for
outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation
authorization legislation, $300,000,000, to be derived
from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended, for
payment of obligations incurred in carrying out motor car-
ier safety programs authorized under title 49, United
States Code, and the provisions of Public Law 109–59,
as amended by such authorization: Provided, That funds
available for the implementation or execution of motor car-
ier safety programs, shall not exceed total obligations of
$300,000,000 in fiscal year 2012 for “Motor Carrier Safety Grants”; of which $210,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISIONS - FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Contingent upon enactment of surface transportation authorization legislation, $126,572,000, for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, as amended by such authorization legislation, of which $26,156,000 shall remain available until September 30, 2013: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.
OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, $495,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended, for payment of obligations incurred in carrying out the provisions of title 23, United States Code, and the provisions of Public Law 109–59, as amended by such authorization: Provided, That funds available for the planning or executing of highway traffic safety programs authorized under title 23, United States Code, shall not exceed total obligations of $495,000,000 in fiscal year 2012, of which $235,000,000 shall be for “Highway Safety Programs”; $25,000,000 shall be for “Occupant Protection Incentive Grants”; $34,500,000 shall be for “State Traffic Safety Information System Improvements”; $139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program”; $18,500,000 shall be for “Administrative Expenses”; $29,000,000 shall be for “High Visibility Enforcement Program”; $7,000,000 shall be for
“Child Safety and Booster Seat Safety Incentive Grants” and $7,000,000 shall be for “Motorcyclist Safety”: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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

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

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $180,867,000 of which $5,492,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,030,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT

FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2012.
OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), $227,000,000, to remain available until expended: Provided, That each grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary’s satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the National Railroad Passenger Corporation: Provided further, That none of these funds may be used to fund any overtime costs in excess of $35,000 for any individual employee. Provided further, that notwithstanding the provisions of section 209 of Division B of Public Law 110-432, or any other provision of law, none of these funds may be used to fund operating expenses for state-supported routes, as described in title 49, United States Code, section 24102(5)(B) and (D) and section 24702: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the...
Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service, first class service, and long distance routes: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation and estimations of possible future savings: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2012 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-sup-
ported service; each intercity train route, including Auto-
train; and commercial activities including contract oper-
ations: Provided further, That the budget, business plan
and the 5-Year Financial Plan shall include a description
of work to be funded, along with cost estimates and an
estimated timetable for completion of the projects covered
by these plans: Provided further, That the Corporation
shall provide semiannual reports in electronic format re-
garding the pending business plan, which shall describe
the work completed to date, any changes to the business
plan, and the reasons for such changes, and shall identify
all sole source contract awards which shall be accompanied
by a justification as to why said contract was awarded on
a sole-source basis, as well as progress against the mile-
stones and target dates of the 2011 performance improve-
ment plan: Provided further, That the Corporation’s budg-
et, business plan, 5-Year Financial Plan, and all subse-
quent supplemental plans shall be displayed on the Cor-
poration’s website within a reasonable timeframe following
their submission to the appropriate entities: Provided fur-
ther, That these plans shall be accompanied by a com-
prehensive fleet plan for all Amtrak rolling stock which
shall address the Corporation’s detailed plans and time-
frames for the maintenance, refurbishment, replacement,
and expansion of the Amtrak fleet: Provided further, That
said fleet plan shall establish year-specific goals and mile-
stones and discuss potential, current, and preferred fi-
nancing options for all such activities: Provided further,
That none of the funds under this heading may be obli-
gated or expended until the Corporation agrees to con-
tinue abiding by the provisions of paragraphs 1, 2, 5, 9,
and 11 of the summary of conditions for the direct loan
agreement of June 28, 2002, in the same manner as in
effect on the date of enactment of this Act: Provided fur-
ther, That none of the funds provided in this Act may be
used after March 1, 2012, to support any route on which
Amtrak offers a discounted fare of more than 50 percent
off the normal peak fare: Provided further, That the pre-
ceding proviso does not apply to routes where the oper-
ating loss as result of the discount is covered by a State
and the State participates in the setting of fares.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make
grants to the National Railroad Passenger Corporation for
capital investments as authorized by section 101(c) of the
Passenger Rail Investment and Improvement Act of 2008
(Division B of Public law 110-432), $898,954,000, to re-
main available until expended, of which not to exceed
$271,000,000 shall be for debt service obligations as au-
33
	horized 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
19 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
20
21 ADMINISTRATION
22
23 SEC. 150. The Secretary of Transportation may pur-
24 chase promotional items of nominal value for use in public
25 outreach activities to accomplish the purposes of 49
26 U.S.C. 20134: *Provided*, That the Secretary shall pre-
27 scribe guidelines for the administration of such purchases
28 and use.
SEC. 151. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word “services” shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 152. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 153. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2012, and
quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator’s efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, $94,413,000: Provided, That of the funds available under this heading, not to exceed $1,700,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the amounts made available under this heading not to exceed $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement.
to conduct the annual audits of financial statements in
accordance with section 3521 of title 31, United States
Code: Provided further, That upon submission to the Con-
gress of the fiscal year 2013 President’s budget, the Sec-
retary of Transportation shall transmit to Congress the
annual report on new starts, including proposed alloca-
tions of funds for fiscal year 2013.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

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

CAPITAL INVESTMENT GRANTS

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

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

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

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

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under “Federal Transit Administration, Capital Investment Grants” and for bus and bus facilities under “Federal Transit Administration, Formula and Bus Grants” for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and for other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

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

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

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

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

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

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

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

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

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

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $152,304,000, of which $11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2013 for Student Incen-
tive Program payments at State Maritime Academies, and
of which $26,400,000 shall remain available until expen-
ded for facilities maintenance and repair, equipment,
and capital improvements at the United States Merchant
Marine Academy: Provided, That amounts apportioned for
the United States Merchant Marine Academy shall be
available only upon allotments made personally by the Sec-
retary of Transportation or the Assistant Secretary for
Budget and Programs: Provided further, That the Super-
intendent, Deputy Superintendent and the Director of the
Office of Resource Management of the United States Mer-
chant Marine Academy may not be allotment holders for
the United States Merchant Marine Academy, and the Ad-
ministrator of Maritime Administration shall hold all allot-
ments made by the Secretary of Transportation or the As-
sistant Secretary for Budget and Programs under the pre-
vious proviso.

SHIP DISPOSAL

For necessary expenses related to the disposal of ob-
solete vessels in the National Defense Reserve Fleet of the
Maritime Administration, $5,500,000, to remain available
until expended.
MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

ACCOUNT

(INCLUDING TRANSFER AND CANCELLATION OF FUNDS)

For necessary administrative expenses of the maritime guaranteed loan program, $3,740,000 shall be paid to the appropriation for “Operations and Training”, Maritime Administration: Provided, That, of the unobligated balance of funds made available for obligation under Public Law 110–329 and Public Law 111–118, $54,100,000 are hereby permanently cancelled.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States De-
partment of Transportation or the United States Maritime
Administration to negotiate or otherwise execute, enter
into, facilitate or perform fee-for-service contracts for ves-

tel disposal, scrapping or recycling, unless there is no do-

mestic ship recycler that will pay any sum of money to
purchase and scrap or recycle a vessel owned, operated
or managed by the Maritime Administration or that is
part of the National Defense Reserve Fleet

PIPELINE AND HAZARDOUS MATERIALS SAFETY

ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

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

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous
materials safety functions of the Pipeline and Hazardous
Materials Safety Administration, $39,020,000, of which
$1,716,000 shall remain available until September 30,
2014: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $93,291,000; of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2014; of which $74,481,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2014: Provided, That not less than $1,048,000 of the funds provided under this heading shall be for the one-call State grant program.
EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $11,860,000, of which $5,160,000 shall remain available until September 30, 2014: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.
OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $79,524,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: Provided further, That no funding through expenditure transfers shall be made between either the Federal Highway Administration or the Federal Transit Administration and the Inspector General: Provided further, That no funds made available under this heading shall be used for rental payments for the Oakland, CA, field office.
SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $28,750,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012, to result in a final appropriation from the general fund estimated at no more than $27,500,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

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

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

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

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


(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.
SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Research and University Research Centers” account, and to the Federal Railroad Administration’s “Safety and Operations” account, and used for such expenses, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or
its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any “quick release” of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

Sec. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

Sec. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to
a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be avail-
able—

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

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

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

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Secretary shall report annually to the House and Senate Committees on Appropriations the amount and reasons for these transfers: Provided further, That for purposes of this section, the term “improper payments”, has the same
meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 190. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

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

SEC. 192. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department’s Working Capital fund is hereby authorized to pro-
vide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

Sec. 193. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

Sec. 194. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

Sec. 195. No funds appropriated in this Act to an agency of the Department of Transportation shall be transferred to the Working Capital Fund without a quorum approval of the Working Capital Fund Steering Committee and approval of the Secretary.
Sec. 196. (a) Membership.—Section 49106(c)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “13 members” and inserting “17 members;” and

(2) in subparagraph (A) by striking “5 members” and inserting “9 members”.

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

(c) Removal Authority.—Section 49106(c) of such title is amended—

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

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

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

“(B) A member of the board appointed under paragraph (1)(B) shall serve at the pleasure of the Mayor of the District of Columbia.
“(C) A member of the board appointed under paragraph (1)(C) shall serve at the pleasure of the Governor of Maryland.

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

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

This title may be cited as the “Department of Transportation Appropriations Act, 2012”.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $20,663,000, of which not to exceed $3,280,000 shall be available for the immediate Office of the Secretary; not to exceed $546,000 shall be available for the Office of the Deputy Secretary and Chief Operating Officer; not to exceed $1,752,000 shall be available for the Office of Hearings and Appeals; not to exceed $705,000 shall be available for the Office of Small and Disadvan-
aged Business Utilization; not to exceed $645,000 shall be available for
the immediate Office of the Chief Financial Officer; not to exceed $1,400,000 shall be available for
the immediate Office of the General Counsel; not to exceed $2,010,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $2,800,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,760,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,800,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $2,310,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $955,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $700,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no
appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: 

Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: 

Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: 

Provided further, That the Secretary shall provide all signed reports required by Congress electronically: 

Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: 

Provided further, That the budget justification shall include funding levels for the past five fiscal years for all offices: 

Provided further, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested program, activity, or program element: 

Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.
For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $494,739,000, of which not to exceed $65,863,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $9,149,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $46,353,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $13,513,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $32,294,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $86,844,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $2,927,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,094,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $1,702,000 shall be
available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $235,000,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.
PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

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

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $91,000,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $353,126,000: Provided, That of the funds appropriated under this heading, no funds may be obligated for Housing Counseling Assistance activities until the Secretary of Housing and Urban Development completes a plan detailing by program and activity and by object class how such funding will be expended for Housing Counseling Assistance activities, and this plan is submitted to the House and Senate Committees on Appropriations.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $17,716,000.
FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $66,697,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,974,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (‘the Act’ herein), not otherwise provided for, $14,467,883,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2011), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That of the amounts made available under this heading are provided as follows:
(1) $17,043,837,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2012 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the prior calendar year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the
terms and conditions of their MTW agreements:

Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency’s allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act:

Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $135,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an
adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act:

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

(2) $75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to Section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecu-
tion agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,100,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and
other incremental vouchers: *Provided*, That no less than $1,050,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2012 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2011 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized
under section 8, including related development ac-
tivities;

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

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

(6) $75,000,000 for incremental rental voucher
assistance for use through a supported housing pro-
gram administered in conjunction with the Depart-
ment of Veterans Affairs as authorized under section
8(o)(19) of the United States Housing Act of 1937:
Provided, That the Secretary of Housing and Urban
Development shall make such funding available, not-
withstanding section 204 (competition provision) of
this title, to public housing agencies that partner
with eligible VA Medical Centers or other entities as
designated by the Secretary of the Department of
Veterans Affairs, based on geographical need for
such assistance as identified by the Secretary of the
Department of Veterans Affairs, public housing
agency administrative performance, and other fac-
tors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

HOUSING CERTIFICATE FUND

(CANCELLATION)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted
Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2012 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated are hereby permanently cancelled: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby permanently cancelled, and an amount of additional new budget authority, equivalent to the amount permanently cancelled is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”), $1,532,117,000, to remain available until September 30, 2015: Provided, That notwithstanding any other provision of law or regulation, during fiscal year
2012 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities: Provided further, That of the total amount provided under this heading up to $5,000,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2012 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2012 payments to public housing agencies (PHAs) for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $3,861,850,000: Provided, That, in determining public housing agencies’ (PHAs), including Moving to Work
(MTW) agencies’, calendar year 2012 funding allocations under this heading, the Secretary shall take into account PHAs’ excess operating reserves, as determined by the Secretary: Provided further, That if sufficient reserve-level data are not available with respect to the previous proviso, the Secretary may make a pro rata reduction in funding provided under this heading to PHAs, including MTW agencies: Provided further, none of the funds made available by this Act or any Act hereafter may be used for any public housing dwelling unit that—(1) was assisted with amounts made available under the heading “Department of Housing and Urban Development—Public and Indian Housing—Public Housing Capital Fund” in title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 214); (2) is administered by a public housing agency (as such term is defined in section 3(b) of such Act (42 U.S.C. 1437a(b))) pursuant to acquisition of such dwelling unit in connection with the provision of assistance described in paragraph (1) for the unit; and (3) immediately before such acquisition was owned, operated, or assisted by a State or State agency and was not assisted as a public housing dwelling unit.
NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,700,000, to remain available for three years: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That no funds shall be awarded to a tribe that has over $10,000,000 in unexpended balances at the beginning of the fiscal year, excluding unexpended balances from fiscal year 2011: Provided further, That of the amount provided under this heading, $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of such Indian housing assistance, including up to $200,000 for related travel: Provided further, That $1,620,000 shall be made available for the cost of guaranteed notes and
other obligations, as authorized by title VI of NAHASDA:

Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $15,000,000: Provided further, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $360,000,000: Provided further, That up to $750,000 of this amount may be used for administrative contract expenses including management processes and systems to carry out the loan guarantee program.
NATIVE HAWAIIAN LOAN GUARANTEE FUND PROGRAM

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

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $334,330,000, to remain available until September 30, 2013, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2014: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing
that were funded under section 854(c)(3) of such Act that
meet all program requirements before awarding funds for
new contracts and activities authorized under this section:

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

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local govern-
ment, and to other entities, for economic and community
development activities, and for other purposes,
$3,500,984,000, to remain available until September 30,
2014, unless otherwise specified: Provided, That of the
total amount provided, $3,500,984,000 is for carrying out
the community development block grant program under
Title I of the Housing and Community Development Act
of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
et seq.): Provided further, That unless explicitly provided
for under this heading, not to exceed 10 percent of any
grant made with funds appropriated under this heading
may be expended for planning, management, and adminis-
tration: Provided further, That of the funds provided,
$35,010,000 shall be for grants to Indian tribes pursuant
to section 106(a)(1) of such Act, of which, notwith-
standing any other provision of law (including section 204
of this Act), up to $3,000,000 may be used for emer-
gencies that constitute imminent threats to health and safety: Provided further, That of the funds provided, $7,000,000 shall be for insular areas, to be distributed in accordance with section 106(a)(2) of such Act: Provided further, That none of the funds made available under such heading by this division may be used for grants for the Economic Development Initiative (“EDI”) or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used for the proposed Sustainable Communities Initiative (including, but not limited to, personnel, research, grant management, policy development, capacity building of grantees and potential applicants, and interagency coordination on livable communities or sustainable development): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

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

HOME INVESTMENT PARTNERSHIPS PROGRAM

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

OPPORTUNITY PROGRAM

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

CAPACITY BUILDING

For the first four capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), $33,500,000, to remain available until September 30, 2014: Provided, That of the amount provided under this heading, $5,000,000 shall be for rural and tribal capacity building activities: Provided further, That the Department shall notify grantees of the availability of funding within 60 days of enactment of this Act.
HOMELESS ASSISTANCE GRANTS
(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, and the continuum of care grants program authorized under subtitle C of title IV of such Act, as amended, $1,901,190,000, of which $1,896,190,000 shall remain available until September 30, 2014, and of which $5,000,000 shall remain available until expended for project-based rental assistance rehabilitation with 10-year grant terms: Provided, That any rental assistance amounts recaptured under the continuum of care program shall remain available in the continuum of care program until expended: Provided further, That no less than $225,000,000 of the funds appropriated under this heading shall be available for the emergency solutions grants program, notwithstanding any other provision of law: Provided further, That no less than $1,670,190,000 of the funds appropriated under this heading shall be available for the continuum of care grants program: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further,
That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That grant funds provided under this heading shall be used only in accordance with the provisions of subtitles B and C of title IV of the McKinney-Vento Homeless Assistance Act, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (division B of Public Law 111-22): Provided further, That no funds provided under this heading may be used for grants under the provisions of title IV of the McKinney-Vento Homeless Assistance Act, as in effect before the amendments made to such Act by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.
HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, $9,028,672,000, to remain available until expended, shall be available on October 1, 2011 (in addition to the $400,000,000 previously appropriated under this heading that will become available October 1, 2011), and $400,000,000, to remain available until expended, shall be available on October 1, 2012: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance.
funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed $289,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided further, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or
the heading "Housing Certificate Fund" may be used for
renewals of or amendments to section 8 project-based con-
tracts or for performance-based contract administrators,
notwithstanding the purposes for which such amounts
were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to cap-
ital advance contracts, for housing for the elderly, as au-
thorized by section 202 of the Housing Act of 1959, as
amended, and for project rental assistance for the elderly
under section 202(e)(2) of such Act, including amend-
ments to contracts for such assistance and renewal of ex-
piring contracts for such assistance for up to a 1-year
term, and for senior preservation rental assistance con-
tracts, as authorized by section 811(e) of the American
Housing and Economic Opportunity Act of 2000, as
amended, and for supportive services associated with the
housing, $600,000,000, to remain available until Sep-
tember 30, 2015; Provided, That amounts for project rent-
al assistance contracts are to remain available through fis-
cal year 2025 for the liquidation of valid obligations in-
curred: Provided further, That of the amount provided
under this heading, up to $80,000,000 shall be for service
coordinators and the continuation of existing congregate
service grants for residents of assisted housing projects,
and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), $196,000,000, to remain available until September 30, 2015: Provided, That amounts for project rental assistance contracts are to remain available through fiscal year 2025 for the liquidation of valid obligations incurred: Provided further, That the Secretary may amend and renew funding for expiring contracts for project rental assistance under section 811(d)(2) of the Cranston-Gonzalez Na-
tional Afforable Housing Act for up to a 1-year term: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

**OTHER ASSISTED HOUSING PROGRAMS**

**RENTAL HOUSING ASSISTANCE**

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

**RENT SUPPLEMENT**

(RESCISSION)

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

PAYMENT TO MANUFACTURED HOUSING FEES TRUST
FUND

For necessary expenses as authorized by the National
Manufactured Housing Construction and Safety Stand-
ard Act of 1974 (42 U.S.C. 5401 et seq.), up to
$7,000,000, to remain available until expended, which is
to be derived from the Manufactured Housing Fees Trust
Fund: Provided, That not to exceed the total amount ap-
propriated under this heading shall be available from the
general fund of the Treasury to the extent necessary to
incur obligations and make expenditures pending the re-
ceipt of collections to the Fund pursuant to section 620
of such Act: Provided further, That the amount made
available under this heading from the general fund shall
be reduced as such collections are received during fiscal
year 2012 so as to result in no fiscal year 2012 appropria-
tion from the general fund and fees pursuant to such sec-
tion 620 shall be modified as necessary to ensure such
a final fiscal year 2012 appropriation: Provided further,
That for the dispute resolution and installation programs,
the Secretary of Housing and Urban Development may
assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

Federal Housing Administration

Mutual Mortgage Insurance Program Account

(including transfer of funds)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, [2012] 2013: Provided, That during fiscal year 2012, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative
contract expenses of the Federal Housing Administration,

$207,000,000 to remain available until September 30,

2013, of which up to $72,000,000 may be transferred to
the Working Capital Fund: Provided further, That to the
extent guaranteed loan commitments exceed

$200,000,000,000 on or before April 1, 2012, an addi-
tional $1,400 for administrative contract expenses shall be
available for each $1,000,000 in additional guaranteed
loan commitments (including a pro rata amount for any
amount below $1,000,000), but in no case shall funds
made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

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

Gross obligations for the principal amount of direct
loans, as authorized by sections 204(g), 207(l), 238, and
519(a) of the National Housing Act, shall not exceed

$20,000,000, which shall be for loans to non-profit and
governmental entities in connection with the sale of single
family real properties owned by the Secretary and for-
merly insured under such Act.

**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION**

**GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN**

**GUARANTEE PROGRAM ACCOUNT**

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

**POLICY DEVELOPMENT AND RESEARCH**

**RESEARCH AND TECHNOLOGY**

For contracts, grants, and necessary expenses of pro-
grams of research and studies relating to housing and
urban problems, not otherwise provided for, as authorized
by title V of the Housing and Urban Development Act
of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
out the functions of the Secretary of Housing and Urban
Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,904,000, to remain available until September 30, 2013: Provided, That, with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other federal agencies, or state or local governments and their agencies for research projects: Provided further, That, with respect to the previous proviso, such partners to the cooperative agreements must contribute substantial resources, as defined by the Secretary, toward the cost of the project.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $50,000,000, to remain available until September 30, 2013: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to
lobby the executive or legislative branches of the Federal
Government in connection with a specific contract, grant
or loan.

**Office of Lead Hazard Control and Healthy Homes**

**Lead Hazard Reduction**

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $119,760,000, to remain available until September 30, 2013: *Provided,* $20,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 and 1701z-2), for research, studies, testing, demonstration, education, and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided further,* That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative or the Lead Technical Studies program under this heading shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further,* That
amounts made available under this heading, and that re-
main available following a program competition because
of undersubscription of the program, may be used for any
purpose under this heading notwithstanding the original
purpose for which such amounts were appropriated.

MANAGEMENT AND ADMINISTRATION

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

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of
Inspector General in carrying out the Inspector General
Act of 1978, as amended, $115,000,000; Provided, That
no funding may be obligated for field office rent, commu-
communications, and utilities unless the Committees on Appropriations in the House and Senate receive a review of the Inspector General field office location strategy that (1) identifies at least three field offices for closure and (2) realizes a five percent reduction in total rental fees, using fiscal year 2011 as the base year, within 180 of the signing of this bill.

TRANSFORMATION INITIATIVE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $49,745,000 to remain available until September 30, 2013: Provided, That with respect to amounts made available under this heading for research, evaluation and program metrics or program demonstrations, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING CANCELLATION OF FUNDS)

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

Sec. 202. None of the amounts made available under this Act may be used during fiscal year 2012 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction

Sec. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C.
1 12903(e)(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
7 (1) received an allocation in a prior fiscal year
8 under clause (ii) of such section; and
9
10 (2) is not otherwise eligible for an allocation for
11 fiscal year 2012 under such clause (ii) because the
12 areas in the State outside of the metropolitan statis-
13
tical areas that qualify under clause (i) in fiscal year
14 2012 do not have the number of cases of acquired
15 immunodeficiency syndrome (AIDS) required under
16 such clause.
17
18 (b) The amount of the allocation and grant for any
19 State described in subsection (a) shall be an amount based
20 on the cumulative number of AIDS cases in the areas of
21 that State that are outside of metropolitan statistical
22 areas that qualify under clause (i) of such section
23 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS
24 cases among cities and States that qualify under clauses
25 (i) and (ii) of such section and States deemed eligible
26 under subsection (a).
27
28 (c) Notwithstanding any other provision of law, the
29 amount allocated for fiscal year 2012 under section 854(e)
of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter “metropolitan division”) of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the
AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

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

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

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

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

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2012 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this pro-
visor shall not apply to the mortgage insurance or guaranty
operations of these corporations, or where loans or mort-
gage purchases are necessary to protect the financial in-
terest of the United States Government.

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

SEC. 209. (a) Notwithstanding any other provision
of law, the amount allocated for fiscal year 2012 under
section 854(c) of the AIDS Housing Opportunity Act (42
U.S.C. 12903(c)), to the City of Wilmington, Delaware,
on behalf of the Wilmington, Delaware-Maryland-New
Jersey Metropolitan Division (hereafter “metropolitan di-
vision”), shall be adjusted by the Secretary of Housing
and Urban Development by allocating to the State of New
Jersey the proportion of the metropolitan division’s
amount that is based on the number of cases of AIDS
reported in the portion of the metropolitan division that
is located in New Jersey, and adjusting for the proportion
of the metropolitan division’s high incidence bonus if this
area in New Jersey also has a higher than average per
capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2012 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State
or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President’s formal budget request for fiscal year 2013, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;
(2) the term “multifamily housing project” means housing that meets one of the following conditions—

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

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

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

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

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

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

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;
(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

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

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

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

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

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and
(6) the term “Secretary” means the Secretary of Housing and Urban Development.

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

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

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

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

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

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

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

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2012, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).
SEC. 217. Notwithstanding any other provision of law, in fiscal year 2012, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contrac-
tual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After dis-
position of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under sec-
tion 524 of MAHRAA.

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

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

SEC. 220. The amounts provided under the sub-
heading “Program Account” under the heading “Commu-
nity Development Loan Guarantees” may be used to guar-
antee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

Sec. 221. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

Sec. 222. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs.
pursuant to section 9(g)(1) or 9(g)(2) of the United States
Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Pro-
vided, That a public housing agency may not use capital
funds authorized under section 9(d) for activities that are
eligible under section 9(e) for assistance with amounts
from the operating fund in excess of the amounts per-
mitted under section 9(g)(1) or 9(g)(2).

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

SEC. 224. The Secretary of Housing and Urban De-
velopment shall report quarterly to the House of Rep-
resentatives and Senate Committees on Appropriations on
the status of all section 8 project-based housing, including
the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

Sec. 225. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

Sec. 226. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2012
and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2012 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Sec. 231. The Comptroller General of the United States shall carry out a study to identify waste, fraud, and abuse in the block grant programs administered by the Office of Community Planning and Development of the Department of Housing and Urban Development. Not later than 180 days of enactment of this Act, the Comptroller General shall submit a report to the Congress describing any such waste, fraud, and abuse and recommending policies or actions to eliminate such problems.

Sec. 232. The Secretary shall take actions necessary to improve data quality, data management, and grantee oversight and accountability with respect to programs and activities administered by the Office of Community Planning and Development. The Secretary shall address the problems identified by the Inspector General of the Department in audits and audit reports since 2006, including ongoing audits, with respect to such programs and activities. Not later than 120 days after enactment of this Act, the Secretary shall submit a report to the Congress on progress achieved by the Department with respect to addressing such problems and identifying further improvements that can be made (including improvements relating
to information technology) and proposed actions and
timelines to carry out such improvements.

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

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

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

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

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

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

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

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

studies, analyses, and other services with public agencies
and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the National Railroad Passenger Corporation: Provided further, That concurrent with the President’s budget request for fiscal year 2012, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefore, as authorized by law (5 U.S.C. 5901-5902) $102,400,000, of which not to exceed $2,000
may be used for official reception and representation expenses: Provided, That of the funds provided under this heading, $2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation’s Office of Inspector General to audit the National Transportation Safety Board’s financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

**NEIGHBORHOOD REINVESTMENT CORPORATION**

**PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $135,300,000: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, ‘‘, except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule’’: Provided further, That in addition, $80,000,000 shall
be made available until expended to the Neighborhood Re-
investment Corporation for mortgage foreclosure mitiga-
tion activities, under the following terms and conditions:

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

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

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower’s financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling re-
regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

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

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

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

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

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

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

GENERAL PROVISIONS—THIS ACT

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

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

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

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

Sec. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by pre-
vious appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this
Act, each agency funded by this Act shall submit a report
to the Committees on Appropriations of the Senate and
of the House of Representatives to establish the baseline
for application of reprogramming and transfer authorities
for the current fiscal year: Provided further, That the re-
port shall include: (1) a table for each appropriation with
a separate column to display the President’s budget re-
quest, adjustments made by Congress, adjustments due to
enacted rescissions, if appropriate, and the fiscal year en-
acted level; (2) a delineation in the table for each appro-
priation both by object class and program, project, and
activity as detailed in the budget appendix for the respec-
tive appropriation; and (3) an identification of items of
special congressional interest: Provided further, That the
amount appropriated or limited for salaries and expenses
for an agency shall be reduced by $100,000 per day for
each day after the required date that the report has not
been submitted to the Congress.

Sec. 406. All Federal agencies and departments that
are funded under this Act shall issue a report to the House
and Senate Committees on Appropriations on all sole
source contracts by no later than July 30, 2012. Such re-
port shall include the contractor, the amount of the con-
tract and the rationale for using a sole source contract.
SEC. 407. (a) None of the funds made available in this Act may be obligated or expended for any employee training that— (1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties; (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants; does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation; (3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation; (4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

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

SEC. 408. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for pur-
poses of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 409. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

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

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

Sec. 412. No funds appropriated or otherwise made
available under this Act shall be made available to any
person or entity that has been found to violate the Buy

Sec. 413. None of the funds made available in this
Act may be used for first-class airline accommodations in
contravention of sections 301–10.122 and 301–10.123 of

Sec. 414. None of the funds made available under
this Act or any prior Act may be provided to the Associa-
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”.
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.

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

September 7, 2011