

Calendar No. 177112TH CONGRESS
1ST SESSION**S. 1596****[Report No. 112-83]**

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2011

Mrs. MURRAY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban

1 Development, and related agencies for the fiscal year end-
2 ing September 30, 2012, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$102,202,000, of which not to exceed \$2,618,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$981,000 shall be available for the Immediate
11 Office of the Deputy Secretary; not to exceed \$19,515,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$11,004,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$10,538,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,544,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$25,469,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$2,046,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,649,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$1,492,000 shall be available for the Office of Small and
25 Disadvantaged Business Utilization; not to exceed

1 \$10,578,000 for the Office of Intelligence, Security, and
2 Emergency Response; and not to exceed \$13,768,000 shall
3 be available for the Office of the Chief Information Offi-
4 cer: *Provided*, That the Secretary of Transportation is au-
5 thorized to transfer funds appropriated for any office of
6 the Office of the Secretary to any other office of the Office
7 of the Secretary: *Provided further*, That no appropriation
8 for any office shall be increased or decreased by more than
9 5 percent by all such transfers: *Provided further*, That no-
10 tice of any change in funding greater than 5 percent shall
11 be submitted for approval to the House and Senate Com-
12 mittees on Appropriations: *Provided further*, That not to
13 exceed \$60,000 shall be for allocation within the Depart-
14 ment for official reception and representation expenses as
15 the Secretary may determine: *Provided further*, That not-
16 withstanding any other provision of law, excluding fees au-
17 thorized in Public Law 107–71, there may be credited to
18 this appropriation up to \$2,500,000 in funds received in
19 user fees: *Provided further*, That none of the funds pro-
20 vided in this Act shall be available for the position of As-
21 sistant Secretary for Public Affairs.

22 NATIONAL INFRASTRUCTURE INVESTMENTS

23 For capital investments in surface transportation in-
24 frastructure, \$550,000,000, to remain available through
25 September 30, 2013: *Provided*, That the Secretary of

1 Transportation shall distribute funds provided under this
2 heading as discretionary grants to be awarded to a State,
3 local government, transit agency, or a collaboration among
4 such entities on a competitive basis for projects that will
5 have a significant impact on the Nation, a metropolitan
6 area, or a region: *Provided further*, That projects eligible
7 for funding provided under this heading shall include, but
8 not be limited to, highway or bridge projects eligible under
9 title 23, United States Code; public transportation
10 projects eligible under chapter 53 of title 49, United
11 States Code; passenger and freight rail transportation
12 projects; and port infrastructure investments: *Provided*
13 *further*, That the Secretary may use up to 35 percent of
14 the funds made available under this heading for the pur-
15 pose of paying the subsidy and administrative costs of
16 projects eligible for Federal credit assistance under chap-
17 ter 6 of title 23, United States Code, if the Secretary finds
18 that such use of the funds would advance the purposes
19 of this paragraph: *Provided further*, That in distributing
20 funds provided under this heading, the Secretary shall
21 take such measures so as to ensure an equitable geo-
22 graphic distribution of funds, an appropriate balance in
23 addressing the needs of urban and rural areas, and the
24 investment in a variety of transportation modes: *Provided*
25 *further*, That a grant funded under this heading shall be

1 not less than \$10,000,000 and not greater than
2 \$200,000,000: *Provided further*, That not more than 25
3 percent of the funds made available under this heading
4 may be awarded to projects in a single State: *Provided*
5 *further*, That the Federal share of the costs for which an
6 expenditure is made under this heading shall be, at the
7 option of the recipient, up to 80 percent: *Provided further*,
8 That the Secretary shall give priority to projects that re-
9 quire a contribution of Federal funds in order to complete
10 an overall financing package: *Provided further*, That not
11 less than \$120,000,000 of the funds provided under this
12 heading shall be for projects located in rural areas: *Pro-*
13 *vided further*, That for projects located in rural areas, the
14 minimum grant size shall be \$1,000,000 and the Secretary
15 may increase the Federal share of costs above 80 percent:
16 *Provided further*, That projects conducted using funds pro-
17 vided under this heading must comply with the require-
18 ments of subchapter IV of chapter 31 of title 40, United
19 States Code: *Provided further*, That the Secretary shall
20 conduct a new competition to select the grants and credit
21 assistance awarded under this heading: *Provided further*,
22 That the Secretary may retain up to \$25,000,000 of the
23 funds provided under this heading, and may transfer por-
24 tions of those funds to the Administrators of the Federal
25 Highway Administration, the Federal Transit Administra-

1 tion, the Federal Railroad Administration and the Federal
2 Maritime Administration, to fund the award and oversight
3 of grants and credit assistance made under this heading.

4 FINANCIAL MANAGEMENT CAPITAL

5 For necessary expenses for upgrading and enhancing
6 the Department of Transportation's financial systems and
7 re-engineering business processes, \$4,990,000, to remain
8 available through September 30, 2013.

9 CYBER SECURITY INITIATIVES

10 For necessary expenses for cyber security initiatives,
11 including improvement of network perimeter controls and
12 identity management, testing and assessment of informa-
13 tion technology against business, security, and other re-
14 quirements, implementation of Federal cyber security ini-
15 tiatives and information infrastructure enhancements, im-
16 plementation of enhanced security controls on network de-
17 vices, and enhancement of cyber security workforce train-
18 ing tools, \$10,000,000, to remain available through Sep-
19 tember 30, 2013.

20 OFFICE OF CIVIL RIGHTS

21 For necessary expenses of the Office of Civil Rights,
22 \$9,648,000.

1 MINORITY BUSINESS RESOURCE CENTER PROGRAM

2 For the cost of guaranteed loans, \$351,000, as au-
3 thORIZED by 49 U.S.C. 332: *Provided*, That such costs, in-
4 cluding the cost of modifying such loans, shall be as de-
5 fined in section 502 of the Congressional Budget Act of
6 1974: *Provided further*, That these funds are available to
7 subsidize total loan principal, any part of which is to be
8 guaranteed, not to exceed \$18,367,000. In addition, for
9 administrative expenses to carry out the guaranteed loan
10 program, \$570,000.

11 MINORITY BUSINESS OUTREACH

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

18 PAYMENTS TO AIR CARRIERS

19 (AIRPORT AND AIRWAY TRUST FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 In addition to funds made available from any other
22 source to carry out the essential air service program under
23 49 U.S.C. 41731 through 41742, \$143,000,000, to be de-
24 rived from the Airport and Airway Trust Fund, to remain
25 available until expended: *Provided*, That in determining

1 between or among carriers competing to provide service
2 to a community, the Secretary may consider the relative
3 subsidy requirements of the carriers: *Provided further,*
4 That no funds made available under section 41742 of title
5 49, United States Code, and no funds made available in
6 this Act or any other Act in any fiscal year, shall be avail-
7 able to carry out the essential air service program under
8 sections 41731 through 41742 of such title 49 in commu-
9 nities in the 48 contiguous States unless the community
10 received subsidized essential air service or received a 90-
11 day notice of intent to terminate service and the Secretary
12 required the air carrier to continue to provide service to
13 the community at any time between September 30, 2010,
14 and September 30, 2011, inclusive: *Provided further,* That
15 basic essential air service minimum requirements shall not
16 include the 15-passenger capacity requirement under sub-
17 section 41732(b)(3) of title 49, United States Code: *Pro-*
18 *vided further,* That if the funds under this heading are
19 insufficient to meet the costs of the essential air service
20 program in the current fiscal year, the Secretary shall
21 transfer such sums as may be necessary to carry out the
22 essential air service program from any available amounts
23 appropriated to or directly administered by the Office of
24 the Secretary for such fiscal year.

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

3 SEC. 101. None of the funds made available in this
4 Act to the Department of Transportation may be obligated
5 for the Office of the Secretary of Transportation to ap-
6 prove assessments or reimbursable agreements pertaining
7 to funds appropriated to the modal administrations in this
8 Act, except for activities underway on the date of enact-
9 ment of this Act, unless such assessments or agreements
10 have completed the normal reprogramming process for
11 Congressional notification.

12 SEC. 102. None of the funds made available under
13 this Act may be obligated or expended to establish or im-
14 plement a program under which essential air service com-
15 munities are required to assume subsidy costs commonly
16 referred to as the EAS local participation program.

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

20 (RESCISSION)

21 SEC. 104. Of the amounts made available by section
22 185 of Public Law 109–115, all unobligated balances as
23 of the date of enactment of this Act are hereby rescinded.

24 SEC. 105. Notwithstanding section 3324 of title 31,
25 United States Code, in addition to authority provided by

1 section 327 of title 49, United States Code, the Depart-
2 ment's Working Capital Fund is hereby authorized to pro-
3 vide payments in advance to vendors that are necessary
4 to carry out the Federal transit pass transportation fringe
5 benefit program under Executive Order 13150 and section
6 3049 of Public Law 109-59: *Provided*, That the Depart-
7 ment shall include adequate safeguards in the contract
8 with the vendors to ensure timely and high-quality per-
9 formance under the contract.

10 SEC. 106. The Secretary shall post on the Web site
11 of the Department of Transportation a schedule of all
12 meetings of the Credit Council, including the agenda for
13 each meeting, and require the Credit Council to record the
14 minutes of each meeting.

15 FEDERAL AVIATION ADMINISTRATION

16 OPERATIONS

17 (AIRPORT AND AIRWAY TRUST FUND)

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Federal Aviation Ad-
20 ministration, not otherwise provided for, including oper-
21 ations and research activities related to commercial space
22 transportation, administrative expenses for research and
23 development, establishment of air navigation facilities, the
24 operation (including leasing) and maintenance of aircraft,
25 subsidizing the cost of aeronautical charts and maps sold

1 to the public, lease or purchase of passenger motor vehi-
2 cles for replacement only, in addition to amounts made
3 available by Public Law 108–176, \$9,635,710,000, of
4 which \$5,000,000,000 shall be derived from the Airport
5 and Airway Trust Fund, of which not to exceed
6 \$7,560,815,000 shall be available for air traffic organiza-
7 tion activities; not to exceed \$1,253,381,000 shall be avail-
8 able for aviation safety activities; not to exceed
9 \$15,005,000 shall be available for commercial space trans-
10 portation activities; not to exceed \$112,459,000 shall be
11 available for financial services activities; not to exceed
12 \$98,858,000 shall be available for human resources pro-
13 gram activities; not to exceed \$337,944,000 shall be avail-
14 able for region and center operations and regional coordi-
15 nation activities; not to exceed \$207,065,000 shall be
16 available for staff offices; and not to exceed \$50,183,000
17 shall be available for information services: *Provided*, That
18 not to exceed 2 percent of any budget activity, except for
19 aviation safety budget activity, may be transferred to any
20 budget activity under this heading: *Provided further*, That
21 no transfer may increase or decrease any appropriation
22 by more than 2 percent: *Provided further*, That any trans-
23 fer in excess of 2 percent shall be treated as a reprogram-
24 ming of funds under section 405 of this Act and shall not
25 be available for obligation or expenditure except in compli-

1 ance with the procedures set forth in that section: *Pro-*
2 *vided further*, That not later than May 31, 2012, the Ad-
3 ministrators shall submit to the House and Senate Com-
4 mittees on Appropriations a comprehensive report that de-
5 scribes all of the findings and conclusions reached during
6 the Federal Aviation Administration's efforts to develop
7 an objective, data-driven method for placing air traffic
8 controllers after the successful completion of their training
9 at the Federal Aviation Administration Academy, lists all
10 available options for establishing such method, and dis-
11 cusses the benefits and challenges of each option: *Provided*
12 *further*, That not later than March 31 of each fiscal year
13 hereafter, the Administrator of the Federal Aviation Ad-
14 ministration shall transmit to Congress an annual update
15 to the report submitted to Congress in December 2004
16 pursuant to section 221 of Public Law 108–176: *Provided*
17 *further*, That the amount herein appropriated shall be re-
18 duced by \$100,000 for each day after March 31 that such
19 report has not been submitted to the Congress: *Provided*
20 *further*, That not later than March 31 of each fiscal year
21 hereafter, the Administrator shall transmit to Congress a
22 companion report that describes a comprehensive strategy
23 for staffing, hiring, and training flight standards and air-
24 craft certification staff in a format similar to the one uti-
25 lized for the controller staffing plan, including stated attri-

1 tion estimates and numerical hiring goals by fiscal year,
2 and a benchmark for assessing the amount of time avia-
3 tion inspectors spend directly observing industry field op-
4 erations: *Provided further*, That the amount herein appro-
5 priated shall be reduced by \$100,000 per day for each day
6 after March 31 that such report has not been submitted
7 to Congress: *Provided further*, That funds may be used
8 to enter into a grant agreement with a nonprofit standard-
9 setting organization to assist in the development of avia-
10 tion safety standards: *Provided further*, That none of the
11 funds in this Act shall be available for new applicants for
12 the second career training program: *Provided further*,
13 That none of the funds in this Act shall be available for
14 the Federal Aviation Administration to finalize or imple-
15 ment any regulation that would promulgate new aviation
16 user fees not specifically authorized by law after the date
17 of the enactment of this Act: *Provided further*, That there
18 may be credited to this appropriation as offsetting collec-
19 tions funds received from States, counties, municipalities,
20 foreign authorities, other public authorities, and private
21 sources for expenses incurred in the provision of agency
22 services, including receipts for the maintenance and oper-
23 ation of air navigation facilities, and for issuance, renewal
24 or modification of certificates, including airman, aircraft,
25 and repair station certificates, or for tests related thereto,

1 or for processing major repair or alteration forms: *Pro-*
2 *vided further*, That of the funds appropriated under this
3 heading, not less than \$9,500,000 shall be for the contract
4 tower cost-sharing program: *Provided further*, That none
5 of the funds in this Act for aeronautical charting and car-
6 tography are available for activities conducted by, or co-
7 ordinated through, the Working Capital Fund.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of national
13 airspace systems and experimental facilities and equip-
14 ment, as authorized under part A of subtitle VII of title
15 49, United States Code, including initial acquisition of
16 necessary sites by lease or grant; engineering and service
17 testing, including construction of test facilities and acqui-
18 sition of necessary sites by lease or grant; construction
19 and furnishing of quarters and related accommodations
20 for officers and employees of the Federal Aviation Admin-
21 istration stationed at remote localities where such accom-
22 modations are not available; and the purchase, lease, or
23 transfer of aircraft from funds available under this head-
24 ing, including aircraft for aviation regulation and certifi-
25 cation; to be derived from the Airport and Airway Trust

1 Fund, \$2,630,731,000, of which \$474,000,000 shall re-
2 main available until September 30, 2012, and of which
3 \$2,156,731,000 shall remain available until September 30,
4 2014: *Provided*, That there may be credited to this appro-
5 priation funds received from States, counties, municipali-
6 ties, other public authorities, and private sources, for ex-
7 penses incurred in the establishment, improvement, and
8 modernization of national airspace systems: *Provided fur-*
9 *ther*, That upon initial submission to the Congress of the
10 fiscal year 2013 President's budget, the Secretary of
11 Transportation shall transmit to the Congress a com-
12 prehensive capital investment plan for the Federal Avia-
13 tion Administration which includes funding for each budg-
14 et line item for fiscal years 2013 through 2017, with total
15 funding for each year of the plan constrained to the fund-
16 ing targets for those years as estimated and approved by
17 the Office of Management and Budget.

18 RESEARCH, ENGINEERING, AND DEVELOPMENT

19 (AIRPORT AND AIRWAY TRUST FUND)

20 For necessary expenses, not otherwise provided for,
21 for research, engineering, and development, as authorized
22 under part A of subtitle VII of title 49, United States
23 Code, including construction of experimental facilities and
24 acquisition of necessary sites by lease or grant,
25 \$157,000,000, to be derived from the Airport and Airway

1 Trust Fund and to remain available until September 30,
 2 2014: *Provided*, That there may be credited to this appro-
 3 priation as offsetting collections, funds received from
 4 States, counties, municipalities, other public authorities,
 5 and private sources, which shall be available for expenses
 6 incurred for research, engineering, and development.

7 GRANTS-IN-AID FOR AIRPORTS

8 (LIQUIDATION OF CONTRACT AUTHORIZATION)

9 (LIMITATION ON OBLIGATIONS)

10 (AIRPORT AND AIRWAY TRUST FUND)

11 (INCLUDING TRANSFER OF FUNDS)

12 For liquidation of obligations incurred for grants-in-
 13 aid for airport planning and development, and noise com-
 14 patibility planning and programs as authorized under sub-
 15 chapter I of chapter 471 and subchapter I of chapter 475
 16 of title 49, United States Code, and under other law au-
 17 thorizing such obligations; for procurement, installation,
 18 and commissioning of runway incursion prevention devices
 19 and systems at airports of such title; for grants authorized
 20 under section 41743 of title 49, United States Code; and
 21 for inspection activities and administration of airport safe-
 22 ty programs, including those related to airport operating
 23 certificates under section 44706 of title 49, United States
 24 Code, \$4,691,000,000 to be derived from the Airport and
 25 Airway Trust Fund and to remain available until ex-

1 pended: *Provided*, That none of the funds under this head-
 2 ing shall be available for the planning or execution of pro-
 3 grams the obligations for which are in excess of
 4 \$3,515,000,000 in fiscal year 2012, notwithstanding sec-
 5 tion 47117(g) of title 49, United States Code: *Provided*
 6 *further*, That none of the funds under this heading shall
 7 be available for the replacement of baggage conveyor sys-
 8 tems, reconfiguration of terminal baggage areas, or other
 9 airport improvements that are necessary to install bulk ex-
 10 plosive detection systems: *Provided further*, That notwith-
 11 standing any other provision of law, of funds limited under
 12 this heading, not more than \$101,000,000 shall be obli-
 13 gated for administration, not less than \$15,000,000 shall
 14 be available for the airport cooperative research program,
 15 not less than \$29,250,000 shall be for Airport Technology
 16 Research and \$6,000,000, to remain available until ex-
 17 pended, shall be available and transferred to “Office of
 18 the Secretary, Salaries and Expenses” to carry out the
 19 Small Community Air Service Development Program.

20 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

21 ADMINISTRATION

22 SEC. 110. None of the funds in this Act may be used
 23 to compensate in excess of 600 technical staff-years under
 24 the federally funded research and development center con-
 25 tract between the Federal Aviation Administration and the

1 Center for Advanced Aviation Systems Development dur-
2 ing fiscal year 2012.

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

16 SEC. 112. The Administrator of the Federal Aviation
17 Administration may reimburse amounts made available to
18 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
19 49 U.S.C. 45303: *Provided*, That during fiscal year 2012,
20 49 U.S.C. 41742(b) shall not apply, and any amount re-
21 maining in such account at the close of that fiscal year
22 may be made available to satisfy section 41742(a)(1) for
23 the subsequent fiscal year.

24 SEC. 113. Amounts collected under section 40113(e)
25 of title 49, United States Code, shall be credited to the

1 appropriation current at the time of collection, to be
2 merged with and available for the same purposes of such
3 appropriation.

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

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

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

23 SEC. 117. The Secretary shall apportion to the spon-
24 sor of an airport that received scheduled or unscheduled
25 air service from a large certified air carrier (as defined

1 in part 241 of title 14 Code of Federal Regulations, or
2 such other regulations as may be issued by the Secretary
3 under the authority of section 41709) an amount equal
4 to the minimum apportionment specified in 49 U.S.C.
5 47114(c), if the Secretary determines that airport had
6 more than 10,000 passenger boardings in the preceding
7 calendar year, based on data submitted to the Secretary
8 under part 241 of title 14, Code of Federal Regulations.

9 SEC. 118. None of the funds in this Act may be obli-
10 gated or expended for retention bonuses for an employee
11 of the Federal Aviation Administration without the prior
12 written approval of the Deputy Assistant Secretary for
13 Administration of the Department of Transportation.

14 SEC. 119. Subparagraph (D) of section 47124(b)(3)
15 of title 49, United States Code, is amended by striking
16 “benefit.” and inserting “benefit, with the maximum al-
17 lowable local cost share capped at 20 percent.”.

18 SEC. 119A. Notwithstanding any other provision of
19 law, none of the funds made available under this Act or
20 any prior Act may be used to implement or to continue
21 to implement any limitation on the ability of any owner
22 or operator of a private aircraft to obtain, upon a request
23 to the Administrator of the Federal Aviation Administra-
24 tion, a blocking of that owner’s or operator’s aircraft reg-
25 istration number from any display of the Federal Aviation

1 Administration's Aircraft Situational Display to Industry
2 data that is made available to the public, except data made
3 available to a Government agency, for the noncommercial
4 flights of that owner or operator.

5 SEC. 119B. (a) COMPENSATION FOR FEDERAL EM-
6 PLOYEES.—Any Federal employees furloughed as a result
7 of the lapse in expenditure authority from the Airport and
8 Airway Trust Fund after 11:59 p.m. on July 22, 2011,
9 through August 5, 2011, may be compensated for the pe-
10 riod of that lapse at their standard rates of compensation,
11 as determined under policies established by the Secretary
12 of Transportation.

13 (b) RATIFICATION OF ESSENTIAL ACTIONS.—All ac-
14 tions taken by Federal employees, contractors, and grant-
15 ees for the purposes of maintaining the essential level of
16 Government operations, services, and activities to protect
17 life and property and to bring about orderly termination
18 of Government functions during the lapse in expenditure
19 authority from the Airport and Airway Trust Fund after
20 11:59 p.m. on July 22, 2011, through August 5, 2011,
21 are hereby ratified and approved, if otherwise in accord
22 with the provisions of the Airport and Airway Extension
23 Act of 2011, part IV (Public Law 112–27).

24 (c) TRUST FUND CODE.—Paragraph (1) of section
25 9502(d) of the Internal Revenue Code of 1986 (26 U.S.C.

1 9502(d)(1)) is amended by inserting “or the Department
 2 of Transportation Appropriations Act, 2012” before the
 3 semicolon at the end of subparagraph (A).

4 FEDERAL HIGHWAY ADMINISTRATION

5 FEDERAL-AID HIGHWAYS

6 LIMITATION ON ADMINISTRATIVE EXPENSES

7 (HIGHWAY TRUST FUND)

8 (INCLUDING TRANSFER OF FUNDS)

9 Not to exceed \$415,533,000, together with advances
 10 and reimbursements received by the Federal Highway Ad-
 11 ministration, shall be paid in accordance with law from
 12 appropriations made available by this Act to the Federal
 13 Highway Administration for necessary expenses for ad-
 14 ministration and operation. In addition, not to exceed
 15 \$3,220,000 shall be paid from appropriations made avail-
 16 able by this Act and transferred to the Appalachian Re-
 17 gional Commission in accordance with section 104 of title
 18 23, United States Code.

19 LIMITATION ON OBLIGATIONS

20 (HIGHWAY TRUST FUND)

21 None of the funds in this Act shall be available for
 22 the implementation or execution of programs, the obliga-
 23 tions for which are in excess of \$41,107,000,000 for Fed-
 24 eral-aid highways and highway safety construction pro-
 25 grams for fiscal year 2012: *Provided*, That within the

1 \$41,107,000,000 obligation limitation on Federal-aid
2 highways and highway safety construction programs, not
3 more than \$429,800,000 shall be available for the imple-
4 mentation or execution of programs for transportation re-
5 search (chapter 5 of title 23, United States Code; sections
6 111, 5505, and 5506 of title 49, United States Code; and
7 title 5 of Public Law 109–59) for fiscal year 2012: *Pro-*
8 *vided further*, That this limitation on transportation re-
9 search programs shall not apply to any authority pre-
10 viously made available for obligation: *Provided further*,
11 That the Secretary may, as authorized by section 605(b)
12 of title 23, United States Code, collect and spend fees to
13 cover the costs of services of expert firms, including coun-
14 sel, in the field of municipal and project finance to assist
15 in the underwriting and servicing of Federal credit instru-
16 ments and all or a portion of the costs to the Federal Gov-
17 ernment of servicing such credit instruments: *Provided*
18 *further*, That such fees are available until expended to pay
19 for such costs: *Provided further*, That such amounts are
20 in addition to administrative expenses that are also avail-
21 able for such purpose, and are not subject to any obliga-
22 tion limitation or the limitation on administrative expenses
23 under section 608 of title 23, United States Code.

1 Code, for expenses resulting from a disaster eligible under
2 section 125 of title 23, United States Code, occurring in
3 fiscal years 2011 or 2012, the Secretary shall extend the
4 time period in 120(e) in consideration of any delay in the
5 State's ability to access damaged facilities to evaluate
6 damage and estimate the cost of repair: *Provided further*,
7 That notwithstanding sections 120(a) and 120(b) of title
8 23, United States Code, the Federal share for permanent
9 repairs resulting from a disaster eligible under section 125
10 of title 23, United States Code, occurring in fiscal years
11 2011 or 2012 may be up to 100 percent at the Secretary's
12 discretion if the eligible expenses incurred by a State due
13 to such a disaster exceeds twice the State's annual appor-
14 tionment under the Federal-aid Highway program for the
15 year in which the disaster occurred: *Provided further*, That
16 the amount provided under this heading is designated by
17 Congress as being for disaster relief pursuant to section
18 251(b)(2)(D) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985 (Public Law 99-177), as
20 amended.

21 RESCISSION

22 Of unobligated balances of funds made available for
23 obligation from the general fund of the Treasury for pro-
24 grams administered by the Federal Highway Administra-
25 tion in Public Laws 91-605, 93-87, 93-643, 94-280, 96-

1 131, 97–424, 98–8, 98–473, 99–190, 100–17, 100–202,
2 100–457, 101–164, 101–516, 102–143, 102–240, 103–
3 122, 103–331, 106–346, 107–87, 108–7 and 108–199, ex-
4 cluding any unobligated balance of funds provided for the
5 Appalachian Development Highway System, \$73,000,000
6 are permanently rescinded.

7 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

8 ADMINISTRATION

9 SEC. 120. (a) For fiscal year 2012, the Secretary of
10 Transportation shall—

11 (1) not distribute from the obligation limitation
12 for Federal-aid highways amounts authorized for ad-
13 ministrative expenses and programs by section
14 104(a) of title 23, United States Code; programs
15 funded from the administrative takedown authorized
16 by section 104(a)(1) of title 23, United States Code
17 (as in effect on the date before the date of enact-
18 ment of the Safe, Accountable, Flexible, Efficient
19 Transportation Equity Act: A Legacy for Users); the
20 highway use tax evasion program; and the Bureau of
21 Transportation Statistics;

22 (2) not distribute an amount from the obliga-
23 tion limitation for Federal-aid highways that is equal
24 to the unobligated balance of amounts made avail-
25 able from the Highway Trust Fund (other than the

1 Mass Transit Account) for Federal-aid highways and
2 highway safety programs for previous fiscal years
3 the funds for which are allocated by the Secretary;

4 (3) determine the ratio that—

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

9 (B) the total of the sums authorized to be
10 appropriated for Federal-aid highways and
11 highway safety construction programs (other
12 than sums authorized to be appropriated for
13 provisions of law described in paragraphs (1)
14 through (9) of subsection (b) and sums author-
15 ized to be appropriated for section 105 of title
16 23, United States Code, equal to the amount
17 referred to in subsection (b)(10) for such fiscal
18 year), less the aggregate of the amounts not
19 distributed under paragraphs (1) and (2) of
20 this subsection;

21 (4)(A) distribute the obligation limitation for
22 Federal-aid highways, less the aggregate amounts
23 not distributed under paragraphs (1) and (2), for
24 sections 1301, 1302, and 1934 of the Safe, Account-
25 able, Flexible, Efficient Transportation Equity Act:

1 A Legacy for Users; sections 117 and section 144(g)
2 of title 23, United States Code; and section 14501
3 of title 40, United States Code, so that the amount
4 of obligation authority available for each of such sec-
5 tions is equal to the amount determined by multi-
6 plying the ratio determined under paragraph (3) by
7 the sums authorized to be appropriated for that sec-
8 tion for the fiscal year; and

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

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

23 (6) distribute the obligation limitation provided
24 for Federal-aid highways, less the aggregate
25 amounts not distributed under paragraphs (1) and

1 (2) and amounts distributed under paragraphs (4)
2 and (5), for Federal-aid highways and highway safe-
3 ty construction programs (other than the amounts
4 apportioned for the equity bonus program, but only
5 to the extent that the amounts apportioned for the
6 equity bonus program for the fiscal year are greater
7 than \$2,639,000,000, and the Appalachian develop-
8 ment highway system program) that are apportioned
9 by the Secretary under the Safe, Accountable, Flexi-
10 ble, Efficient Transportation Equity Act: A Legacy
11 for Users and title 23, United States Code, in the
12 ratio that—

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

16 (B) the total of the amounts authorized to
17 be appropriated for such programs that are ap-
18 portioned to all States for such fiscal year.

19 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
20 The obligation limitation for Federal-aid highways shall
21 not apply to obligations:

22 (1) under section 125 of title 23, United States
23 Code;

24 (2) under section 147 of the Surface Transpor-
25 tation Assistance Act of 1978;

1 (3) under section 9 of the Federal-Aid Highway
2 Act of 1981;

3 (4) under subsections (b) and (j) of section 131
4 of the Surface Transportation Assistance Act of
5 1982;

6 (5) under subsections (b) and (c) of section 149
7 of the Surface Transportation and Uniform Reloca-
8 tion Assistance Act of 1987;

9 (6) under sections 1103 through 1108 of the
10 Intermodal Surface Transportation Efficiency Act of
11 1991;

12 (7) under section 157 of title 23, United States
13 Code, as in effect on the day before the date of the
14 enactment of the Transportation Equity Act for the
15 21st Century;

16 (8) under section 105 of title 23, United States
17 Code, as in effect for fiscal years 1998 through
18 2004, but only in an amount equal to \$639,000,000
19 for each of those fiscal years;

20 (9) for Federal-aid highway programs for which
21 obligation authority was made available under the
22 Transportation Equity Act for the 21st Century or
23 subsequent public laws for multiple years or to re-
24 main available until used, but only to the extent that
25 the obligation authority has not lapsed or been used;

1 (10) under section 105 of title 23, United
2 States Code, but only in an amount equal to
3 \$639,000,000 for each of fiscal years 2005 through
4 2010; and

5 (11) under section 1603 of the Safe, Account-
6 able, Flexible, Efficient Transportation Equity Act:
7 A Legacy for Users, to the extent that funds obli-
8 gated in accordance with that section were not sub-
9 ject to a limitation on obligations at the time at
10 which the funds were initially made available for ob-
11 ligation.

12 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
13 THORITY.—Notwithstanding subsection (a), the Secretary
14 shall, after August 1 of such fiscal year, revise a distribu-
15 tion of the obligation limitation made available under sub-
16 section (a) if the amount distributed cannot be obligated
17 during that fiscal year, and redistribute sufficient amounts
18 to those States able to obligate amounts in addition to
19 those previously distributed during that fiscal year, giving
20 priority to those States having large unobligated balances
21 of funds apportioned under sections 104 and 144 of title
22 23, United States Code.

23 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
24 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
25 tion limitation shall apply to transportation research pro-

1 grams carried out under chapter 5 of title 23, United
2 States Code, and title V (research title) of the Safe, Ac-
3 countable, Flexible, Efficient Transportation Equity Act:
4 A Legacy for Users, except that obligation authority made
5 available for such programs under such limitation shall re-
6 main available for a period of 3 fiscal years and shall be
7 in addition to the amount of any limitation imposed on
8 obligations for Federal-aid highway and highway safety
9 construction programs for future fiscal years.

10 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
11 FUNDS.—

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

16 (A) are authorized to be appropriated for
17 such fiscal year for Federal-aid highways pro-
18 grams; and

19 (B) the Secretary determines will not be
20 allocated to the States, and will not be available
21 for obligation, in such fiscal year due to the im-
22 position of any obligation limitation for such
23 fiscal year.

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

4 (3) **AVAILABILITY.**—Funds distributed under
5 paragraph (1) shall be available for any purposes de-
6 scribed in section 133(b) of title 23, United States
7 Code.

8 (f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obli-
9 gation limitation distributed for a fiscal year under sub-
10 section (a)(4) for the provision specified in subsection
11 (a)(4) shall—

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

14 (2) be in addition to the amount of any limita-
15 tion imposed on obligations for Federal-aid highway
16 and highway safety construction programs for future
17 fiscal years.

18 (g) **LIMITATION ON STATUTORY CONSTRUCTION.**—
19 Nothing in this section shall be construed to limit the dis-
20 tribution of obligation authority under subsection
21 (a)(4)(A) for each of the individual projects numbered
22 greater than 3676 listed in the table contained in section
23 1702 of the Safe, Accountable, Flexible, Efficient Trans-
24 portation Equity Act: A Legacy for Users.

1 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
2 ceived by the Bureau of Transportation Statistics from the
3 sale of data products, for necessary expenses incurred pur-
4 suant to 49 U.S.C. 111 may be credited to the Federal-
5 aid Highways account for the purpose of reimbursing the
6 Bureau for such expenses: *Provided*, That such funds shall
7 be subject to the obligation limitation for Federal-aid
8 Highways and highway safety construction programs.

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

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

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

1 (2) is constructed with Federal assistance pro-
2 vided under title 23, United States Code; and

3 (3) is in actual operation as of the date of en-
4 actment of this Act.

5 (b) EXCEPTIONS.—

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

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

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

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

7 SEC. 124. Of the funds made available in fiscal year
8 2012 for the Surface Transportation Research, Develop-
9 ment, and Deployment Program, the Secretary of Trans-
10 portation shall transfer \$5,000,000 to the Bureau of
11 Transportation Statistics to carry out section 111 of title
12 49, United States Code: *Provided*, That an equivalent
13 amount of fiscal year 2012 obligation limitation associated
14 with the funds to be transferred shall also be transferred.

15 SEC. 125. Section 109 of title 23, United States
16 Code, is amended by adding at the end—

17 “(r) GUARDRAILS.—The Secretary shall not approve
18 any project that includes beam rail elements and terminal
19 sections that are not galvanized in accordance with
20 AASHTO M–180, Class A, Type II, except that the rail
21 shall be galvanized after fabrication to include forming,
22 cutting, shearing, punching, drilling, bending, welding,
23 and riveting.”.

24 SEC. 126. Section 127(a)(11) of title 23, United
25 States Code, is amended to read as follows:

1 “(11)(A) With respect to all portions of the
2 Interstate Highway System in the State of Maine,
3 laws (including regulations) of that State concerning
4 vehicle weight limitations applicable to other State
5 highways shall be applicable in lieu of the require-
6 ments under this subsection.

7 “(B) With respect to all portions of the Inter-
8 state Highway System in the State of Vermont, laws
9 (including regulations) of that State concerning vehi-
10 cle weight limitations applicable to other State high-
11 ways shall be applicable in lieu of the requirements
12 under this subsection.”.

13 SEC. 127. Section 112 of the Surface and Air Trans-
14 portation Programs Extension Act of 2011 is amended by
15 striking “\$196,427,625” and inserting “an amount equal
16 to one-half the sum authorized for such purpose for fiscal
17 year 2011 by section 412(a)(2) of the Surface Transpor-
18 tation Extension Act of 2010”.

19 SEC. 128. Any road, highway, or bridge that is in
20 operation for less than 30 years or under construction,
21 damaged by an emergency declared by the Governor of
22 the State and concurred in by the Secretary, or declared
23 by the President pursuant to the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.
25 5121), may be reconstructed in the same location with the

1 same capacity, dimensions, and design as before the emer-
2 gency and shall be exempt from any environmental re-
3 views, approvals, licensing, and permit requirements
4 under—

5 (1) the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.);

7 (2) sections 402 and 404 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1342, 1344);

9 (3) the National Historic Preservation Act (16
10 U.S.C. 470 et seq.);

11 (4) the Migratory Bird Treaty Act (16 U.S.C.
12 703 et seq.);

13 (5) the Wild and Scenic Rivers Act (16 U.S.C.
14 1271 et seq.);

15 (6) the Fish and Wildlife Coordination Act (16
16 U.S.C. 661 et seq.);

17 (7) the Endangered Species Act of 1973 (16
18 U.S.C. 1531 et seq.), except when the reconstruction
19 occurs in designated critical habitat for threatened
20 and endangered species;

21 (8) Executive Order 11990 (42 U.S.C. 4321
22 note; relating to the protection of wetlands); and

23 (9) any Federal law (including regulations) re-
24 quiring no net loss of wetlands.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31104(i)
9 of title 49, United States Code, and sections 4127 and
10 4134 of Public Law 109–59, \$250,023,000, to be derived
11 from the Highway Trust Fund (other than the Mass Tran-
12 sit Account), together with advances and reimbursements
13 received by the Federal Motor Carrier Safety Administra-
14 tion, the sum of which shall remain available until ex-
15 pended: *Provided*, That none of the funds derived from
16 the Highway Trust Fund in this Act shall be available for
17 the implementation, execution or administration of pro-
18 grams, the obligations for which are in excess of
19 \$250,023,000, for “Motor Carrier Safety Operations and
20 Programs” of which \$8,543,000, to remain available for
21 obligation until September 30, 2014, is for the research
22 and technology program and \$1,000,000 shall be available
23 for commercial motor vehicle operator’s grants to carry
24 out section 4134 of Public Law 109–59: *Provided further*,
25 That notwithstanding any other provision of law, none of

1 the funds under this heading for outreach and education
 2 shall be available for transfer: *Provided further*, That the
 3 Federal Motor Carrier Safety Administration shall trans-
 4 mit to Congress a report on March 30, 2012, and Sep-
 5 tember 30, 2012, on the agency’s ability to meet its re-
 6 quirement to conduct compliance reviews on high-risk car-
 7 riers.

8 MOTOR CARRIER SAFETY GRANTS

9 (LIQUIDATION OF CONTRACT AUTHORIZATION)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 (INCLUDING RESCISSION)

13 For payment of obligations incurred in carrying out
 14 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
 15 31313 of title 49, United States Code, and sections 4126
 16 and 4128 of Public Law 109–59, \$307,000,000, to be de-
 17 rived from the Highway Trust Fund (other than the Mass
 18 Transit Account) and to remain available until expended:
 19 *Provided*, That none of the funds in this Act shall be avail-
 20 able for the implementation or execution of programs, the
 21 obligations for which are in excess of \$307,000,000, for
 22 “Motor Carrier Safety Grants”; of which \$212,000,000
 23 shall be available for the motor carrier safety assistance
 24 program to carry out sections 31102 and 31104(a) of title
 25 49, United States Code; \$30,000,000 shall be available for

1 the commercial driver's license improvements program to
2 carry out section 31313 of title 49, United States Code;
3 \$32,000,000 shall be available for the border enforcement
4 grants program to carry out section 31107 of title 49,
5 United States Code; \$5,000,000 shall be available for the
6 performance and registration information system manage-
7 ment program to carry out sections 31106(b) and 31109
8 of title 49, United States Code; \$25,000,000 shall be
9 available for the commercial vehicle information systems
10 and networks deployment program to carry out section
11 4126 of Public Law 109–59; and \$3,000,000 shall be
12 available for the safety data improvement program to
13 carry out section 4128 of Public Law 109–59: *Provided*
14 *further*, That of the funds made available for the motor
15 carrier safety assistance program, \$32,000,000 shall be
16 available for audits of new entrant motor carriers: *Pro-*
17 *vided further*, That of the prior year unobligated balances
18 for the commercial vehicle information systems and net-
19 works deployment program, \$1,000,000 is permanently re-
20 scinded.

21 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER

22 SAFETY ADMINISTRATION

23 SEC. 130. Funds appropriated or limited in this Act
24 shall be subject to the terms and conditions stipulated in
25 section 350 of Public Law 107–87 and section 6901 of

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

5 SEC. 131. Notwithstanding any other provision of
6 law, States receiving funds for core or expanded deploy-
7 ment activities under the Commercial Vehicle Information
8 Systems and Networks program pursuant to sections
9 4101(c)(4) and 4126 of Public Law 109–59 that did not
10 meet award eligibility requirements set forth in section
11 4126; received grant amounts in excess of the maximum
12 amounts specified in sections 4126(c)(2) or 4126(d)(3);
13 or were awarded grants either prior to or after the expira-
14 tion of the period of performance specified in a grant
15 agreement need not repay such funds.

16 SEC. 132. (a) No recipient of funds made available
17 in this Act shall disseminate personal information (as de-
18 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
19 ment of motor vehicles in connection with a motor vehicle
20 record as defined in 18 U.S.C. 2725(1), except as provided
21 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
22 2721.

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

1 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
2 OPERATIONS AND RESEARCH

3 For expenses necessary to discharge the functions of
4 the Secretary, with respect to traffic and highway safety
5 under subtitle C of title X of Public Law 109–59 and
6 chapter 301 and part C of subtitle VI of title 49, United
7 States Code, \$140,146,000, of which \$20,000,000 shall
8 remain available through September 30, 2013.

9 OPERATIONS AND RESEARCH
10 (LIQUIDATION OF CONTRACT AUTHORIZATION)
11 (LIMITATION ON OBLIGATIONS)
12 (HIGHWAY TRUST FUND)

13 For payment of obligations incurred in carrying out
14 the provisions of 23 U.S.C. 403, and chapter 303 of title
15 49, United States Code, \$109,500,000, to be derived from
16 the Highway Trust Fund (other than the Mass Transit
17 Account) and to remain available until expended: *Pro-*
18 *vided*, That none of the funds in this Act shall be available
19 for the planning or execution of programs the total obliga-
20 tions for which, in fiscal year 2012, are in excess of
21 \$109,500,000 for programs authorized under 23 U.S.C.
22 403 and chapter 303 of title 49, United States Code: *Pro-*
23 *vided further*, That within the \$109,500,000 obligation
24 limitation for operations and research, \$20,000,000 shall
25 remain available until September 30, 2013 and shall be

1 in addition to the amount of any limitation imposed on
2 obligations for future years.

3 HIGHWAY TRAFFIC SAFETY GRANTS

4 (LIQUIDATION OF CONTRACT AUTHORIZATION)

5 (LIMITATION ON OBLIGATIONS)

6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
9 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
10 Law 109–59, to remain available until expended,
11 \$550,328,000 to be derived from the Highway Trust Fund
12 (other than the Mass Transit Account): *Provided*, That
13 none of the funds in this Act shall be available for the
14 planning or execution of programs the total obligations for
15 which, in fiscal year 2012, are in excess of \$550,328,000
16 for programs authorized under 23 U.S.C. 402, 405, 406,
17 408, and 410 and sections 2001(a)(11), 2009, 2010, and
18 2011 of Public Law 109–59, of which \$235,000,000 shall
19 be for “Highway Safety Programs” under 23 U.S.C. 402;
20 \$25,000,000 shall be for “Occupant Protection Incentive
21 Grants” under 23 U.S.C. 405; \$48,500,000 shall be for
22 “Safety Belt Performance Grants” under 23 U.S.C. 406,
23 and such obligation limitation shall remain available until
24 September 30, 2013 in accordance with subsection (f) of
25 such section 406 and shall be in addition to the amount

1 of any limitation imposed on obligations for such grants
2 for future fiscal years, of which up to \$10,000,000 may
3 be made available by the Secretary as grants to States
4 that enact and enforce laws to prevent distracted driving;
5 \$34,500,000 shall be for “State Traffic Safety Informa-
6 tion System Improvements” under 23 U.S.C. 408;
7 \$139,000,000 shall be for “Alcohol-Impaired Driving
8 Countermeasures Incentive Grant Program” under 23
9 U.S.C. 410; \$25,328,000 shall be for “Administrative Ex-
10 penses” under section 2001(a)(11) of Public Law 109–
11 59; \$29,000,000 shall be for “High Visibility Enforcement
12 Program” under section 2009 of Public Law 109–59;
13 \$7,000,000 shall be for “Motorcyclist Safety” under sec-
14 tion 2010 of Public Law 109–59; and \$7,000,000 shall
15 be for “Child Safety and Child Booster Seat Safety Incen-
16 tive Grants” under section 2011 of Public Law 109–59:
17 *Provided further*, That of the funds made available for
18 grants to States that enact and enforce laws to prevent
19 distracted driving, up to \$5,000,000 may be available for
20 the development, production, and use of broadcast and
21 print media advertising for distracted driving prevention:
22 *Provided further*, That none of these funds shall be used
23 for construction, rehabilitation, or remodeling costs, or for
24 office furnishings and fixtures for State, local or private
25 buildings or structures: *Provided further*, That not to ex-

1 ceed \$500,000 of the funds made available for section 410
2 “Alcohol-Impaired Driving Countermeasures Grants”
3 shall be available for technical assistance to the States:
4 *Provided further*, That not to exceed \$750,000 of the
5 funds made available for the “High Visibility Enforcement
6 Program” shall be available for the evaluation required
7 under section 2009(f) of Public Law 109–59: *Provided*
8 *further*, That of the amounts made available under this
9 heading for “Safety Belt Performance Grants”,
10 \$25,000,000 shall be available until expended for the mod-
11 ernization of the National Automotive Sampling System
12 (NASS), and \$5,000,000 shall be available for the devel-
13 opment of the Driver Alcohol Detection System for Safety
14 (DADSS), and \$8,500,000 shall be available for “State
15 Traffic Safety Information System Improvements” under
16 23 U.S.C. 408.

17 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

18 TRAFFIC SAFETY ADMINISTRATION

19 SEC. 140. Notwithstanding any other provision of law
20 or limitation on the use of funds made available under
21 section 403 of title 23, United States Code, an additional
22 \$130,000 shall be made available to the National Highway
23 Traffic Safety Administration, out of the amount limited
24 for section 402 of title 23, United States Code, to pay
25 for travel and related expenses for State management re-

1 views and to pay for core competency development train-
 2 ing and related expenses for highway safety staff.

3 SEC. 141. The limitations on obligations for the pro-
 4 grams of the National Highway Traffic Safety Adminis-
 5 tration set in this Act shall not apply to obligations for
 6 which obligation authority was made available in previous
 7 public laws for multiple years but only to the extent that
 8 the obligation authority has not lapsed or been used.

9 SEC. 142. None of the funds in this Act shall be used
 10 to implement section 404 of title 23, United States Code.

11 FEDERAL RAILROAD ADMINISTRATION

12 SAFETY AND OPERATIONS

13 For necessary expenses of the Federal Railroad Ad-
 14 ministration, not otherwise provided for, \$176,596,000, of
 15 which \$12,300,000 shall remain available until expended.

16 RAILROAD RESEARCH AND DEVELOPMENT

17 For necessary expenses for railroad research and de-
 18 velopment, \$30,000,000, to remain available until ex-
 19 pended.

20 RAILROAD REHABILITATION AND IMPROVEMENT

21 FINANCING PROGRAM

22 The Secretary of Transportation is authorized to
 23 issue to the Secretary of the Treasury notes or other obli-
 24 gations pursuant to section 512 of the Railroad Revitaliza-
 25 tion and Regulatory Reform Act of 1976 (Public Law 94-

1 210), as amended, in such amounts and at such times as
2 may be necessary to pay any amounts required pursuant
3 to the guarantee of the principal amount of obligations
4 under sections 511 through 513 of such Act, such author-
5 ity to exist as long as any such guaranteed obligation is
6 outstanding: *Provided*, That pursuant to section 502 of
7 such Act, as amended, no new direct loans or loan guar-
8 antee commitments shall be made using Federal funds for
9 the credit risk premium during fiscal year 2012.

10 OPERATING SUBSIDY GRANTS TO THE NATIONAL
11 RAILROAD PASSENGER CORPORATION

12 To enable the Secretary of Transportation to make
13 quarterly grants to the National Railroad Passenger Cor-
14 poration for the operation of intercity passenger rail, as
15 authorized by section 101 of the Passenger Rail Invest-
16 ment and Improvement Act of 2008 (division B of Public
17 Law 110–432), \$544,000,000, to remain available until
18 expended: *Provided*, That the amounts available under this
19 paragraph shall be available for the Secretary to approve
20 funding to cover operating losses for the Corporation only
21 after receiving and reviewing a grant request for each spe-
22 cific train route: *Provided further*, That each such grant
23 request shall be accompanied by a detailed financial anal-
24 ysis, revenue projection, and capital expenditure projection
25 justifying the Federal support to the Secretary’s satisfac-

1 tion: *Provided further*, That not later than 60 days after
2 enactment of this Act, the Corporation shall transmit, in
3 electronic format, to the Secretary, the House and Senate
4 Committees on Appropriations, the House Committee on
5 Transportation and Infrastructure and the Senate Com-
6 mittee on Commerce, Science, and Transportation the an-
7 nual budget and business plan and the 5-Year Financial
8 Plan for fiscal year 2012 required under section 204 of
9 the Passenger Rail Investment and Improvement Act of
10 2008: *Provided further*, That the budget, business plan,
11 and the 5-Year Financial Plan shall also include a sepa-
12 rate accounting of ridership, revenues, and capital and op-
13 erating expenses for the Northeast Corridor; commuter
14 service; long-distance Amtrak service; State-supported
15 service; each intercity train route, including Autotrain;
16 and commercial activities including contract operations:
17 *Provided further*, That the budget, business plan and the
18 5-Year Financial Plan shall include a description of work
19 to be funded, along with cost estimates and an estimated
20 timetable for completion of the projects covered by these
21 plans: *Provided further*, That the budget, business plan
22 and the 5-Year Financial Plan shall include annual infor-
23 mation on the maintenance, refurbishment, replacement,
24 and expansion for all Amtrak rolling stock consistent with
25 the comprehensive fleet plan: *Provided further*, That the

1 Corporation shall provide semiannual reports in electronic
2 format regarding the pending business plan, which shall
3 describe the work completed to date, any changes to the
4 business plan, and the reasons for such changes, and shall
5 identify all sole-source contract awards which shall be ac-
6 companied by a justification as to why said contract was
7 awarded on a sole-source basis: *Provided further*, That the
8 Corporation's budget, business plan, 5-Year Financial
9 Plan, semiannual reports, and all subsequent supple-
10 mental plans shall be displayed on the Corporation's Web
11 site within a reasonable timeframe following their submis-
12 sion to the appropriate entities: *Provided further*, That
13 none of the funds under this heading may be obligated
14 or expended until the Corporation agrees to continue abid-
15 ing by the provisions of paragraphs 1, 2, 5, 9, and 11
16 of the summary of conditions for the direct loan agree-
17 ment of June 28, 2002, in the same manner as in effect
18 on the date of enactment of this Act: *Provided further*,
19 That the Corporation shall submit to the House and Sen-
20 ate Committees on Appropriations a budget request for
21 fiscal year 2013 in similar format and substance to those
22 submitted by executive agencies of the Federal Govern-
23 ment.

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

3 To enable the Secretary of Transportation to make
4 grants to the National Railroad Passenger Corporation for
5 capital investments as authorized by section 101(c) and
6 219(b) of the Passenger Rail Investment and Improve-
7 ment Act of 2008 (division B of Public Law 110–432),
8 \$936,778,000, to remain available until expended, of
9 which not to exceed \$271,000,000 shall be for debt service
10 obligations as authorized by section 102 of such Act: *Pro-*
11 *vided*, That after an initial distribution of up to
12 \$200,000,000, which shall be used by the Corporation as
13 a working capital account, all remaining funds shall be
14 provided to the Corporation only on a reimbursable basis:
15 *Provided further*, That the Secretary may retain up to one-
16 fourth of 1 percent of the funds provided under this head-
17 ing to fund the costs of project management oversight of
18 capital projects funded by grants provided under this
19 heading, as authorized by subsection 101(d) of division B
20 of Public Law 110–432: *Provided further*, That the Sec-
21 retary shall approve funding for capital expenditures, in-
22 cluding advance purchase orders of materials, for the Cor-
23 poration only after receiving and reviewing a grant request
24 for each specific capital project justifying the Federal sup-
25 port to the Secretary’s satisfaction: *Provided further*, That

1 none of the funds under this heading may be used to sub-
2 sidize operating losses of the Corporation: *Provided fur-*
3 *ther*, That none of the funds under this heading may be
4 used for capital projects not approved by the Secretary
5 of Transportation or on the Corporation's fiscal year 2012
6 business plan.

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

9 To enable the Secretary of Transportation to make
10 grants for high-speed rail projects as authorized under
11 section 26106 of title 49, United States Code, capital in-
12 vestment grants to support intercity passenger rail service
13 as authorized under section 24406 of title 49, United
14 States Code, and congestion grants as authorized under
15 section 24105 of title 49, United States Code, and to enter
16 into cooperative agreements for these purposes as author-
17 ized, \$100,000,000, to remain available until expended:
18 *Provided*, That the Administrator of the Federal Railroad
19 Administration may retain up to 2 percent of the funds
20 provided under this heading to fund the award and over-
21 sight by the Administrator of grants and cooperative
22 agreements for intercity and high-speed rail: *Provided fur-*
23 *ther*, That funds provided under this paragraph are avail-
24 able to the Administrator for the purposes of conducting
25 research and demonstrating technologies supporting the

1 development of high-speed rail in the United States, in-
2 cluding the demonstration of next-generation rolling stock
3 fleet technology and the implementation of the Rail Coop-
4 erative Research Program authorized by section 24910 of
5 title 49, United States Code: *Provided further*, That funds
6 provided under this paragraph may be used for planning
7 activities that lead directly to the development of a pas-
8 senger rail corridor investment plan consistent with the
9 requirements established by the Administrator or a State
10 rail plan consistent with chapter 227 of title 49, United
11 States Code: *Provided further*, That funds made available
12 for planning activities under the previous proviso may be
13 used to facilitate the preparation of a service development
14 plan and related environmental impact statement for high-
15 speed corridors located in multiple States: *Provided fur-*
16 *ther*, That the Federal share payable of the costs for which
17 a grant or cooperative agreements is made under this
18 heading shall not exceed 80 percent: *Provided further*,
19 That in addition to the provisions of title 49, United
20 States Code, that apply to each of the individual programs
21 funded under this heading, subsections 24402(a)(2),
22 24402(f), 24402(i), and 24403(a) and (c) of title 49,
23 United States Code, shall also apply to the provision of
24 funds provided under this heading: *Provided further*, That
25 a project need not be in a State rail plan developed under

1 chapter 227 of title 49, United States Code, to be eligible
2 for assistance under this heading: *Provided further*, That
3 recipients of grants under this paragraph shall conduct all
4 procurement transactions using such grant funds in a
5 manner that provides full and open competition, as deter-
6 mined by the Secretary, in compliance with existing labor
7 agreements.

8 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

9 ADMINISTRATION

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

20 SEC. 151. The Secretary of Transportation may re-
21 ceive and expend cash, or receive and utilize spare parts
22 and similar items, from non-United States Government
23 sources to repair damages to or replace United States
24 Government owned automated track inspection cars and
25 equipment as a result of third-party liability for such dam-

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

8 SEC. 152. Notwithstanding any other provisions of
9 law, rule or regulation, the Secretary of Transportation
10 is authorized to allow the issuer of any preferred stock
11 heretofore sold to the Department to redeem or repur-
12 chase such stock upon the payment to the Department of
13 an amount determined by the Secretary.

14 FEDERAL TRANSIT ADMINISTRATION

15 ADMINISTRATIVE EXPENSES

16 For necessary administrative expenses of the Federal
17 Transit Administration's programs authorized by chapter
18 53 of title 49, United States Code, \$98,713,000: *Provided*,
19 That none of the funds provided or limited in this Act
20 may be used to create a permanent office of transit secu-
21 rity under this heading: *Provided further*, That upon sub-
22 mission to the Congress of the fiscal year 2013 President's
23 budget, the Secretary of Transportation shall transmit to
24 Congress the annual report on New Starts, including pro-
25 posed allocations of funds for fiscal year 2013.

1 FORMULA AND BUS GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORITY)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
7 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
8 section 3038 of Public Law 105–178, as amended,
9 \$9,400,000,000 to be derived from the Mass Transit Ac-
10 count of the Highway Trust Fund and to remain available
11 until expended: *Provided*, That funds available for the im-
12 plementation or execution of programs authorized under
13 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
14 5317, 5320, 5335, 5339, and 5340 and section 3038 of
15 Public Law 105–178, as amended, shall not exceed total
16 obligations of \$8,360,565,000 in fiscal year 2012.

17 RESEARCH AND UNIVERSITY RESEARCH CENTERS

18 For necessary expenses to carry out 49 U.S.C. 5306,
19 5312–5315, 5322, and 5506, \$40,000,000, to remain
20 available until expended: *Provided*, That \$9,000,000 is
21 available to carry out the transit cooperative research pro-
22 gram under section 5313 of title 49, United States Code,
23 \$4,100,000 is available for the National Transit Institute
24 under section 5315 of title 49, United States Code, and
25 \$6,500,000 is available for university transportation cen-

1 ters program under section 5506 of title 49, United States
2 Code: *Provided further*, That \$25,400,000 is available to
3 carry out national research programs under sections 5312,
4 5313, 5314, and 5322 of title 49, United States Code.

5 CAPITAL INVESTMENT GRANTS

6 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

7 For necessary expenses to carry out section 5309 of
8 title 49, United States Code, \$1,955,000,000, to remain
9 available until expended, of which \$38,000,000 shall be
10 available to carry out section 5309(e) of such title: *Pro-*
11 *vided*, That not less than \$510,000,000 shall be available
12 for preliminary engineering, final design, and construction
13 of projects expected to receive a Full Funding Grant
14 Agreements during calendar year 2012: *Provided further*,
15 That the funds awarded for preliminary engineering and
16 final design under such a grant shall be made available
17 to cover those costs immediately upon grant award: *Pro-*
18 *vided further*, That of the funds appropriated under this
19 heading in Public Law 111–8, \$27,000,000 are hereby re-
20 scinded.

21 GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE

22 GAS REDUCTIONS

23 For grants to public transit agencies for capital in-
24 vestments that will reduce the energy consumption or
25 greenhouse gas emissions of their public transportation

1 systems, \$25,000,000, to remain available through Sep-
2 tember 30, 2014: *Provided*, That priority shall be given
3 to projects that use innovative and potentially replicable
4 approaches to reducing energy consumption or greenhouse
5 gas emissions.

6 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

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

19 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

20 ADMINISTRATION

21 SEC. 160. The limitations on obligations for the pro-
22 grams of the Federal Transit Administration shall not
23 apply to any authority under 49 U.S.C. 5338, previously
24 made available for obligation, or to any other authority
25 previously made available for obligation.

1 SEC. 161. Notwithstanding any other provision of
2 law, funds appropriated or limited by this Act under the
3 Federal Transit Administration’s discretionary program
4 appropriations headings for projects specified in this Act
5 or identified in reports accompanying this Act not obli-
6 gated by September 30, 2014, and other recoveries, shall
7 be directed to projects eligible to use the funds for the
8 purposes for which they were originally provided.

9 SEC. 162. Notwithstanding any other provision of
10 law, any funds appropriated before October 1, 2011, under
11 any section of chapter 53 of title 49, United States Code,
12 that remain available for expenditure, may be transferred
13 to and administered under the most recent appropriation
14 heading for any such section.

15 SEC. 163. Notwithstanding any other provision of
16 law, unobligated funds made available for new fixed guide-
17 way system projects under the heading “Federal Transit
18 Administration, Capital Investment Grants” in any appro-
19 priations Act prior to this Act may be used during this
20 fiscal year to satisfy expenses incurred for such projects.

21 SEC. 164. In addition to the amounts made available
22 under section 5327(c)(1) of title 49, United States Code,
23 the Secretary may use, for program management activities
24 described in section 5327(c)(2), 1 percent of the amount
25 made available to carry out section 5316 of title 49,

1 United States Code: *Provided*, That funds made available
2 for program management oversight shall be used to over-
3 see the compliance of a recipient or subrecipient of Fed-
4 eral transit assistance consistent with activities identified
5 under section 5327(c)(2) and for purposes of enforcement.

6 SEC. 165. (a) Notwithstanding any other provision
7 of law, unobligated funds or recoveries under section 5309
8 of title 49, United States Code, that are available to the
9 Secretary of Transportation for reallocation shall be di-
10 rected to projects eligible to use the funds for the purposes
11 for which they were originally provided.

12 SEC. 166. Funds made available for Alaska or Hawaii
13 ferry boats or ferry terminal facilities pursuant to 49
14 U.S.C. 5309(m)(6)(B) may be used to construct new ves-
15 sels and facilities, or to improve existing vessels and facili-
16 ties, including both the passenger and vehicle-related ele-
17 ments of such vessels and facilities, and for repair facili-
18 ties.

19 SEC. 167. Hereafter, the Secretary may not enforce
20 regulations related to charter bus service under part 604
21 of title 49, Code of Federal Regulations, for any transit
22 agency who during fiscal year 2008 was both initially
23 granted a 60-day period to come into compliance with part
24 604, and then was subsequently granted an exception from
25 said part.

1 SEC. 168. Hereafter, for purposes of applying the
2 project justification and local financial commitment cri-
3 teria of 49 U.S.C. 5309(d) to a New Starts project, the
4 Secretary may consider the costs and ridership of any con-
5 nected project in an instance in which private parties are
6 making significant financial contributions to the construc-
7 tion of the connected project; additionally, the Secretary
8 may consider the significant financial contributions of pri-
9 vate parties to the connected project in calculating the
10 non-Federal share of net capital project costs for the New
11 Starts project.

12 SEC. 169. Hereafter, all bus new fixed guideway cap-
13 ital projects recommended in the President's fiscal year
14 2012 budget request for funds appropriated under the
15 Capital Investment Grants heading in this Act or any
16 other Act shall be funded instead from amounts allocated
17 under 49 U.S.C. 5309(m)(2)(C): *Provided*, That all such
18 projects shall remain subject to the appropriate require-
19 ments of 49 U.S.C. 5309(d) and (e).

20 SAINT LAWRENCE SEAWAY DEVELOPMENT
21 CORPORATION

22 The Saint Lawrence Seaway Development Corpora-
23 tion is hereby authorized to make such expenditures, with-
24 in the limits of funds and borrowing authority available
25 to the Corporation, and in accord with law, and to make

1 such contracts and commitments without regard to fiscal
2 year limitations as provided by section 104 of the Govern-
3 ment Corporation Control Act, as amended, as may be
4 necessary in carrying out the programs set forth in the
5 Corporation's budget for the current fiscal year.

6 OPERATIONS AND MAINTENANCE

7 (HARBOR MAINTENANCE TRUST FUND)

8 For necessary expenses for operations, maintenance,
9 and capital asset renewal of those portions of the St. Law-
10 rence Seaway owned, operated, and maintained by the
11 Saint Lawrence Seaway Development Corporation,
12 \$34,000,000, to be derived from the Harbor Maintenance
13 Trust Fund, pursuant to Public Law 99-662.

14 MARITIME ADMINISTRATION

15 MARITIME SECURITY PROGRAM

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

20 OPERATIONS AND TRAINING

21 (INCLUDING RESCISSION)

22 For necessary expenses of operations and training ac-
23 tivities authorized by law, \$154,886,000, of which
24 \$11,100,000 shall remain available until expended for
25 maintenance and repair of training ships at State Mari-

1 time Academies, and of which \$2,400,000 shall remain
2 available through September 30, 2013 for Student Incen-
3 tive Program payments at State Maritime Academies, and
4 of which \$22,485,000 shall remain available until ex-
5 pended for facilities maintenance and repair, equipment,
6 and capital improvements at the United State Merchant
7 Marine Academy: *Provided*, That amounts apportioned for
8 the United States Merchant Marine Academy shall be
9 available only upon allotments made personally by the Sec-
10 retary of Transportation or the Assistant Secretary for
11 Budget and Programs: *Provided further*, That the Super-
12 intendent, Deputy Superintendent and the Director of the
13 Office of Resource Management of the United State Mer-
14 chant Marine Academy may not be allotment holders for
15 the United States Merchant Marine Academy, and the Ad-
16 ministrator of the Maritime Administration shall hold all
17 allotments made by the Secretary of Transportation or the
18 Assistant Secretary for Budget and Programs under the
19 previous proviso: *Provided further*, That 50 percent of the
20 funding made available for the United States Merchant
21 Marine Academy under this heading shall be available only
22 after the Secretary, in consultation with the Super-
23 intendent and the Maritime Administrator, completes a
24 plan detailing by program or activity how such funding
25 will be expended at the Academy, and this plan is sub-

1 mitted to the House and Senate Committees on Appro-
2 priations: *Provided further*, That of the prior year unobli-
3 gated balances under this heading for information tech-
4 nology requirements of Public Law 111–207, \$1,000,000
5 are permanently rescinded.

6 SHIP DISPOSAL

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

11 ASSISTANCE TO SMALL SHIPYARDS

12 To make grants to qualified shipyards as authorized
13 under section 3508 of Public Law 110–417 or section
14 54101 of title 46, United States Code, \$10,000,000, to
15 remain available until expended: *Provided*, That to be con-
16 sidered for assistance, a qualified shipyard shall submit
17 an application for assistance no later than 60 days after
18 enactment of this Act: *Provided further*, That from appli-
19 cations submitted under the previous proviso, the Sec-
20 retary of Transportation shall make grants no later than
21 120 days after enactment of this Act in such amounts as
22 the Secretary determines.

1 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
2 ACCOUNT
3 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

4 For the necessary administrative expenses of the
5 maritime guaranteed loan program, \$4,000,000 shall be
6 paid to the appropriation for “Operations and Training”,
7 Maritime Administration: *Provided*, That of the unobli-
8 gated balance of funds made available for obligation under
9 Public Law 110–329 and Public Law 111–118,
10 \$35,000,000 are permanently rescinded.

11 ADMINISTRATIVE PROVISIONS—MARITIME
12 ADMINISTRATION

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

24 SEC. 171. Notwithstanding any other provision of
25 law, none of the funds provided in this or any other Act

1 shall hereafter be used to make a determination of the
2 nonavailability of qualified United States flag capacity for
3 purposes of 46 U.S.C. 501(b) for the transportation of
4 crude oil distributed from the Strategic Petroleum Reserve
5 unless as part of that determination the Secretary of
6 Transportation, after consultation with representatives
7 from the United States flag maritime industry, provides
8 to the Secretary of Homeland Security a list of United
9 States flag vessels with single or collective capacity that
10 may be capable of providing the requested transportation
11 services and a written justification for not using such
12 United States flag vessels.

13 PIPELINE AND HAZARDOUS MATERIALS SAFETY

14 ADMINISTRATION

15 OPERATIONAL EXPENSES

16 (PIPELINE SAFETY FUND)

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary operational expenses of the Pipeline
19 and Hazardous Materials Safety Administration,
20 \$22,158,000, of which \$639,000 shall be derived from the
21 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
22 transferred to “Pipeline Safety” in order to fund “Pipeline
23 Safety Information Grants to Communities” as authorized
24 under section 60130 of title 49, United States Code.

1 HAZARDOUS MATERIALS SAFETY

2 For expenses necessary to discharge the hazardous
3 materials safety functions of the Pipeline and Hazardous
4 Materials Safety Administration, \$39,020,000, of which
5 \$1,716,000 shall remain available until September 30,
6 2014: *Provided*, That up to \$800,000 in fees collected
7 under 49 U.S.C. 5108(g) shall be deposited in the general
8 fund of the Treasury as offsetting receipts: *Provided fur-*
9 *ther*, That there may be credited to this appropriation, to
10 be available until expended, funds received from States,
11 counties, municipalities, other public authorities, and pri-
12 vate sources for expenses incurred for training, for reports
13 publication and dissemination, and for travel incurred in
14 performance of hazardous materials exemptions and ap-
15 provals functions.

16 PIPELINE SAFETY

17 (PIPELINE SAFETY FUND)

18 (OIL SPILL LIABILITY TRUST FUND)

19 For expenses necessary to conduct the functions of
20 the pipeline safety program, for grants-in-aid to carry out
21 a pipeline safety program, as authorized by 49 U.S.C.
22 60107, and to discharge the pipeline program responsibil-
23 ities of the Oil Pollution Act of 1990, \$118,364,000, of
24 which \$21,510,000 shall be derived from the Oil Spill Li-
25 ability Trust Fund and shall remain available until Sep-

1 tember 30, 2014; of which \$93,854,000 shall be derived
2 from the Pipeline Safety Fund, of which \$54,265,000
3 shall remain available until September 30, 2014; of which
4 \$3,000,000, to remain available until expended, shall be
5 derived from the Pipeline Safety Design Review Fund, as
6 established by this Act.

7 EMERGENCY PREPAREDNESS GRANTS

8 (EMERGENCY PREPAREDNESS FUND)

9 For necessary expenses to carry out 49 U.S.C.
10 5128(b), \$188,000, to be derived from the Emergency
11 Preparedness Fund, to remain available until September
12 30, 2013: *Provided*, That not more than \$28,318,000 shall
13 be made available for obligation in fiscal year 2012 from
14 amounts made available by 49 U.S.C. 5116(i) and
15 5128(b)–(c): *Provided further*, That none of the funds
16 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
17 shall be made available for obligation by individuals other
18 than the Secretary of Transportation, or his designee: *Pro-*
19 *vided further*, That unobligated balances of funds provided
20 under this paragraph not needed for fiscal year 2012 from
21 the sum made available herein shall remain available until
22 expended to invest in the data management and informa-
23 tion technology modernization efforts, including related
24 equipment and non-payroll administrative expenses associ-

1 ated solely with this information technology and tele-
2 communications infrastructure.

3 ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS
4 MATERIALS SAFETY ADMINISTRATION
5 COST RECOVERY FOR DESIGN REVIEWS

6 SEC. 180. Section 60117(n) of title 49, United States
7 Code, is amended to read as follows:

8 “(n) COST RECOVERY FOR DESIGN REVIEWS.—

9 “(1) IN GENERAL.—If the Secretary conducts
10 facility design safety reviews in connection with a
11 proposal to construct, expand, or operate a gas or
12 hazardous liquid pipeline or liquefied natural gas
13 pipeline facility, including construction inspections
14 and oversight, the Secretary may require the person
15 or entity proposing the project to pay the costs in-
16 curred by the Secretary relating to such reviews. If
17 the Secretary exercises the cost recovery authority
18 described in this section, the Secretary shall pre-
19 scribe a fee structure and assessment methodology
20 that is based on the costs of providing these reviews
21 and shall prescribe procedures to collect fees under
22 this section. This authority is in addition to the au-
23 thority provided in section 60301 of this title.

24 “(2) NOTIFICATION.—For any new pipeline
25 construction project in which the Secretary will con-

1 duct design reviews, the person or entity proposing
2 the project shall notify the Secretary and provide de-
3 sign specifications, construction plans and proce-
4 dures, and related materials at least 120 days prior
5 to the commencement of construction.

6 “(3) DEPOSIT AND USE.—The Secretary shall
7 deposit funds paid under this subsection into the
8 Pipeline Safety Design Review Fund. Funds depos-
9 ited under this section are authorized to be appro-
10 priated for the purposes set forth in this chapter.
11 Fees authorized under this section shall be collected
12 and available for obligation only to the extent and in
13 the amount provided in advance in appropriations
14 acts.”.

15 RESEARCH AND INNOVATIVE TECHNOLOGY

16 ADMINISTRATION

17 RESEARCH AND DEVELOPMENT

18 For necessary expenses of the Research and Innova-
19 tive Technology Administration, \$15,981,000, of which
20 \$9,007,000 shall remain available until September 30,
21 2014: *Provided*, That there may be credited to this appro-
22 priation, to be available until expended, funds received
23 from States, counties, municipalities, other public authori-
24 ties, and private sources for expenses incurred for train-
25 ing.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$82,409,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department: *Provided*
12 *further*, That the funds made available under this heading
13 may be used to investigate, pursuant to section 41712 of
14 title 49, United States Code:

15 (1) unfair or deceptive practices and unfair
16 methods of competition by domestic and foreign air
17 carriers and ticket agents; and

18 (2) the compliance of domestic and foreign air
19 carriers with respect to item (1) of this proviso.

20 SURFACE TRANSPORTATION BOARD
21 SALARIES AND EXPENSES

22 For necessary expenses of the Surface Transpor-
23 tation Board, including services authorized by 5 U.S.C.
24 3109, \$29,310,000: *Provided*, That notwithstanding any
25 other provision of law, not to exceed \$1,250,000 from fees

1 established by the Chairman of the Surface Transpor-
2 tation Board shall be credited to this appropriation as off-
3 setting collections and used for necessary and authorized
4 expenses under this heading: *Provided further*, That the
5 sum herein appropriated from the general fund shall be
6 reduced on a dollar-for-dollar basis as such offsetting col-
7 lections are received during fiscal year 2012, to result in
8 a final appropriation from the general fund estimated at
9 no more than \$28,060,000.

10 GENERAL PROVISIONS—DEPARTMENT OF
11 TRANSPORTATION

12 SEC. 190. During the current fiscal year, applicable
13 appropriations to the Department of Transportation shall
14 be available for maintenance and operation of aircraft;
15 hire of passenger motor vehicles and aircraft; purchase of
16 liability insurance for motor vehicles operating in foreign
17 countries on official department business; and uniforms or
18 allowances therefor, as authorized by law (5 U.S.C. 5901–
19 5902).

20 SEC. 191. Appropriations contained in this Act for
21 the Department of Transportation shall be available for
22 services as authorized by 5 U.S.C. 3109, but at rates for
23 individuals not to exceed the per diem rate equivalent to
24 the rate for an Executive Level IV.

1 SEC. 192. None of the funds in this Act shall be avail-
2 able for salaries and expenses of more than 110 political
3 and Presidential appointees in the Department of Trans-
4 portation: *Provided*, That none of the personnel covered
5 by this provision may be assigned on temporary detail out-
6 side the Department of Transportation.

7 SEC. 193. Funds received by the Federal Highway
8 Administration, Federal Transit Administration, and Fed-
9 eral Railroad Administration from States, counties, mu-
10 nicipalities, other public authorities, and private sources
11 for expenses incurred for training may be credited respec-
12 tively to the Federal Highway Administration's "Federal-
13 Aid Highways" account, the Federal Transit Administra-
14 tion's "Research and University Research Centers" ac-
15 count, and to the Federal Railroad Administration's
16 "Safety and Operations" account, except for State rail
17 safety inspectors participating in training pursuant to 49
18 U.S.C. 20105.

19 SEC. 194. None of the funds in this Act to the De-
20 partment of Transportation may be used to make a grant
21 unless the Secretary of Transportation notifies the House
22 and Senate Committees on Appropriations not less than
23 3 full business days before any project competitively se-
24 lected to receive a discretionary grant award, any discre-
25 tionary grant award, letter of intent, or full funding grant

1 agreement totaling \$1,000,000 or more is announced by
2 the department or its modal administrations from:

3 (1) any discretionary grant program of the Fed-
4 eral Highway Administration including the emer-
5 gency relief program;

6 (2) the airport improvement program of the
7 Federal Aviation Administration;

8 (3) any program of the Federal Railroad Ad-
9 ministration;

10 (4) any program of the Federal Transit Admin-
11 istration other than the formula grants and fixed
12 guideway modernization programs; or

13 (5) any funding provided under the headings
14 “National Infrastructure Investments” and “Assist-
15 ance to Small Shipyards” in this Act: *Provided*,
16 That the Secretary gives concurrent notification to
17 the House and Senate Committees on Appropria-
18 tions for any “quick release” of funds from the
19 emergency relief program: *Provided further*, That no
20 notification shall involve funds that are not available
21 for obligation.

22 SEC. 195. Rebates, refunds, incentive payments,
23 minor fees and other funds received by the Department
24 of Transportation from travel management centers,
25 charge card programs, the subleasing of building space,

1 and miscellaneous sources are to be credited to appropria-
2 tions of the Department of Transportation and allocated
3 to elements of the Department of Transportation using
4 fair and equitable criteria and such funds shall be avail-
5 able until expended.

6 SEC. 196. Amounts made available in this or any
7 other Act that the Secretary determines represent im-
8 proper payments by the Department of Transportation to
9 a third-party contractor under a financial assistance
10 award, which are recovered pursuant to law, shall be avail-
11 able—

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

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

20 (A) shall be credited to and merged with
21 the appropriation from which the improper pay-
22 ments were made, and shall be available for the
23 purposes and period for which such appropria-
24 tions are available; or

1 (B) if no such appropriation remains avail-
2 able, shall be deposited in the Treasury as mis-
3 cellaneous receipts: *Provided further*, That prior
4 to the transfer of any such recovery to an ap-
5 propriations account, the Secretary shall notify
6 to the House and Senate Committees on Appro-
7 priations of the amount and reasons for such
8 transfer: *Provided further*, That for purposes of
9 this section, the term “improper payments”,
10 has the same meaning as that provided in sec-
11 tion 2(d)(2) of Public Law 107–300.

12 SEC. 197. Notwithstanding any other provision of
13 law, if any funds provided in or limited by this Act are
14 subject to a reprogramming action that requires notice to
15 be provided to the House and Senate Committees on Ap-
16 propriations, said reprogramming action shall be approved
17 or denied solely by the Committees on Appropriations:
18 *Provided*, That the Secretary may provide notice to other
19 congressional committees of the action of the Committees
20 on Appropriations on such reprogramming but not sooner
21 than 30 days following the date on which the reprogram-
22 ming action has been approved or denied by the House
23 and Senate Committees on Appropriations.

24 SEC. 198. None of the funds appropriated or other-
25 wise made available under this Act may be used by the

1 Surface Transportation Board of the Department of
2 Transportation to charge or collect any filing fee for rate
3 or practice complaints filed with the Board in an amount
4 in excess of the amount authorized for district court civil
5 suit filing fees under section 1914 of title 28, United
6 States Code.

7 This title may be cited as the Department of Trans-
8 portation Appropriations Act, 2012.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 ADMINISTRATION, OPERATIONS, AND MANAGEMENT

6 For necessary salaries and expenses for administra-
7 tion, management and operations of the Department of
8 Housing and Urban Development, \$549,499,000, of which
9 not to exceed \$4,610,000 shall be available for the imme-
10 diate Office of the Secretary and Deputy Secretary; not
11 to exceed \$1,700,000 shall be available for the Office of
12 Hearings and Appeals; not to exceed \$741,000 shall be
13 available for the Office of Small and Disadvantaged Busi-
14 ness Utilization; not to exceed \$47,984,000 shall be avail-
15 able for the Office of the Chief Financial Officer; not to
16 exceed \$94,380,000 shall be available for the Office of the
17 General Counsel; not to exceed \$2,695,000 shall be avail-
18 able to the Office of Congressional and Intergovernmental
19 Relations; not to exceed \$3,988,000 shall be available for
20 the Office of Public Affairs; not to exceed \$546,000 shall
21 be available to the Office of the Chief Operating Officer,
22 not to exceed \$256,744,000 shall be available for the Of-
23 fice of the Chief Human Capital Officer; not to exceed
24 \$10,476,000 shall be available for the Office of Depart-
25 mental Operations and Coordination; not to exceed

1 \$47,543,000 shall be available for the Office of Field Pol-
2 icy and Management; not to exceed \$14,654,000 shall be
3 available for the Office of the Chief Procurement Officer;
4 not to exceed \$3,708,000 shall be available for the Office
5 of Departmental Equal Employment Opportunity; not to
6 exceed \$1,448,000 shall be available for the Center for
7 Faith-Based and Community Initiatives; not to exceed
8 \$2,627,000 shall be available for the Office of Sustainable
9 Housing and Communities; not to exceed \$5,605,000 shall
10 be available for the Office of Strategic Planning and Man-
11 agement; not to exceed \$7,415,000 shall be available for
12 the Office of the Chief Disaster and Emergency Manage-
13 ment Officer; and not to exceed \$42,635,000 shall be
14 available for the Office of the Chief Information Officer:
15 *Provided further*, That the Secretary shall provide the
16 Committees on Appropriations quarterly written notifica-
17 tion regarding the status of pending congressional reports:
18 *Provided further*, That the Secretary shall provide all
19 signed reports required by Congress electronically: *Pro-*
20 *vided further*, That not to exceed \$25,000 of the amount
21 made available under this paragraph for the immediate
22 Office of the Secretary shall be available for official recep-
23 tion and representation expenses as the Secretary may de-
24 termine.

1 PROGRAM OFFICE SALARIES AND EXPENSES

2 PUBLIC AND INDIAN HOUSING

3 For necessary salaries and expenses of the Office of
4 Public and Indian Housing, \$201,233,000.

5 COMMUNITY PLANNING AND DEVELOPMENT

6 For necessary salaries and expenses of the Office of
7 Community Planning and Development mission area,
8 \$101,076,000.

9 HOUSING

10 For necessary salaries and expenses of the Office of
11 Housing, \$392,796,000, of which \$8,200,000 shall be for
12 the Office of Risk and Regulatory Affairs.

13 POLICY DEVELOPMENT AND RESEARCH

14 For necessary salaries and expenses of the Office of
15 Policy Development and Research, \$23,016,000.

16 FAIR HOUSING AND EQUAL OPPORTUNITY

17 For necessary salaries and expenses of the Office of
18 Fair Housing and Equal Opportunity, \$74,766,000.

19 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

20 CONTROL

21 For necessary salaries and expenses of the Office of
22 Healthy Homes and Lead Hazard Control, \$7,502,000.

23 RENTAL ASSISTANCE DEMONSTRATION

24 To conduct a demonstration designed to preserve and
25 improve public housing through the voluntary conversion

1 of properties with assistance under section 9 of the U.S.
2 Housing Act of 1937, (hereinafter, “the Act”), to prop-
3 erties with assistance under a project-based subsidy con-
4 tract under section 8 of the Act, which shall be eligible
5 for renewal under section 524 of the Multifamily Assisted
6 Housing Reform and Affordability Act of 1997, or assist-
7 ance under section 8(o)(13) of the Act, the Secretary may
8 transfer amounts provided under the headings “Public
9 Housing Capital Fund” and “Public Housing Operating
10 Fund” to the headings “Tenant-Based Rental Assistance”
11 or “Project-Based Rental Assistance”: *Provided*, That
12 project applications may be received under this demonstra-
13 tion until September 30, 2015: *Provided further*, That any
14 increase in cost for “Tenant-Based Rental Assistance” or
15 “Project-Based Rental Assistance” associated with such
16 conversion shall be equal to amounts transferred from
17 “Public Housing Capital Fund” and “Public Housing Op-
18 erating Fund”: *Provided further*, That not more than
19 60,000 units shall be converted under the authority pro-
20 vided under this heading: *Provided further*, That tenants
21 of such converted properties shall, at a minimum, main-
22 tain the same rights under such conversion as those pro-
23 vided under section 9 of the Act: *Provided further*, That
24 the Secretary shall select properties from applications for
25 conversion as part of this demonstration through a com-

1 petitive process: *Provided further*, That in establishing cri-
2 teria for such competition, the Secretary shall seek to
3 demonstrate the feasibility of this conversion model to re-
4 capitalize and operate public housing properties (1) in dif-
5 ferent markets and geographic areas, (2) within portfolios
6 managed by public housing agencies of varying sizes, and
7 (3) by leveraging other sources of funding to recapitalize
8 properties: *Provided further*, That the Secretary shall pro-
9 vide an opportunity for public comment on draft eligibility
10 and selection criteria and procedures that will apply to the
11 selection of properties that will participate in the dem-
12 onstration: *Provided further*, That the Secretary shall pro-
13 vide an opportunity for comment from residents of prop-
14 erties to be proposed for participation in the demonstra-
15 tion to the owners or public housing agencies responsible
16 for such properties: *Provided further*, That the Secretary
17 may waive or specify alternative requirements for (except
18 for requirements related to fair housing, nondiscrimina-
19 tion, labor standards, and the environment) any provision
20 of section 8(o)(13) or any provision that governs the use
21 of assistance from which a property is converted under
22 the demonstration or funds made available under the
23 headings of “Public Housing Capital Fund”, “Public
24 Housing Operating Fund”, and “Project-Based Rental
25 Assistance”, under this Act or any prior Act or any Act

1 enacted during the period of conversion of assistance
2 under the demonstration for properties with assistance
3 converted under the demonstration, upon a finding by the
4 Secretary that any such waivers or alternative require-
5 ments are necessary for the effective conversion of assist-
6 ance under the demonstration: *Provided further*, That the
7 Secretary shall publish by notice in the Federal Register
8 any waivers or alternative requirements pursuant to the
9 previous proviso no later than 10 days before the effective
10 date of such notice: *Provided further*, That the demonstra-
11 tion may proceed after the Secretary publishes notice of
12 its terms in the Federal Register: *Provided further*, That
13 notwithstanding sections 3 and 16 of the Act, the conver-
14 sion of assistance under the demonstration shall not be
15 the basis for re-screening or termination of assistance or
16 eviction of any tenant family in a property participating
17 in the demonstration, and such a family shall not be con-
18 sidered a new admission for any purpose, including com-
19 pliance with income targeting requirements: *Provided fur-*
20 *ther*, That in the case of a property with assistance con-
21 verted under the demonstration from assistance under sec-
22 tion 9 of the Act, section 18 of the Act shall not apply
23 to a property converting assistance under the demonstra-
24 tion for all or substantially all of its units, the Secretary
25 shall require ownership or control of assisted units by a

1 public or nonprofit entity except as determined by the Sec-
2 retary to be necessary pursuant to foreclosure, bank-
3 ruptcy, or termination and transfer of assistance for mate-
4 rial violations or substantial default, shall require long-
5 term renewable use and affordability restrictions for as-
6 sisted units, and may allow ownership to be transferred
7 to a for-profit entity to facilitate the use of tax credits
8 only if the public housing agency preserves its interest in
9 the property in a manner approved by the Secretary: *Pro-*
10 *vided further,* That the Secretary may permit transfer of
11 assistance at or after conversion under the demonstration
12 to replacement units subject to the requirements in the
13 previous proviso: *Provided further,* That the Secretary may
14 establish the requirements for converted assistance under
15 the demonstration through contracts, use agreements, reg-
16 ulations, or other means: *Provided further,* That the Sec-
17 retary shall assess and publish findings regarding the im-
18 pact of the conversion of assistance under the demonstra-
19 tion on the preservation and improvement of public hous-
20 ing, the amount of private sector leveraging as a result
21 of such conversion, and the effect of such conversion on
22 tenants.

1 PUBLIC AND INDIAN HOUSING
2 TENANT-BASED RENTAL ASSISTANCE
3 (INCLUDING TRANSFER OF FUNDS)

4 For activities and assistance for the provision of ten-
5 ant-based rental assistance authorized under the United
6 States Housing Act of 1937, as amended (42 U.S.C. 1437
7 et seq.) (“the Act” herein), not otherwise provided for,
8 \$14,872,357,000, to remain available until expended, shall
9 be available on October 1, 2011 (in addition to the
10 \$4,000,000,000 previously appropriated under this head-
11 ing that will become available on October 1, 2011), and
12 \$4,000,000,000, to remain available until expended, shall
13 be available on October 1, 2012: *Provided*, That of the
14 amounts made available under this heading are provided
15 as follows:

16 (1) Not less than \$17,143,905,000 shall be
17 available for renewals of expiring section 8 tenant-
18 based annual contributions contracts (including re-
19 newals of enhanced vouchers under any provision of
20 law authorizing such assistance under section 8(t) of
21 the Act) and including renewal of other special pur-
22 pose incremental vouchers: *Provided*, That notwith-
23 standing any other provision of law, from amounts
24 provided under this paragraph and any carryover,
25 the Secretary for the calendar year 2012 funding

1 cycle shall provide renewal funding for each public
2 housing agency based on validated voucher manage-
3 ment system (VMS) leasing and cost data for the
4 prior calendar year and by applying an inflation fac-
5 tor as established by the Secretary, by notice pub-
6 lished in the Federal Register, and by making any
7 necessary adjustments for the costs associated with
8 the first-time renewal of vouchers under this para-
9 graph including tenant protection and HOPE VI
10 vouchers: *Provided further*, That none of the funds
11 provided under this paragraph may be used to fund
12 a total number of unit months under lease which ex-
13 ceeds a public housing agency's authorized level of
14 units under contract, except for public housing agen-
15 cies participating in the Moving to Work (MTW)
16 demonstration, which are instead governed by the
17 terms and conditions of their MTW agreements:
18 *Provided further*, That the Secretary shall, to the ex-
19 tent necessary to stay within the amount specified
20 under this paragraph (except as otherwise modified
21 under this Act), pro rate each public housing agen-
22 cy's allocation otherwise established pursuant to this
23 paragraph: *Provided further*, That except as provided
24 in the following provisos, the entire amount specified
25 under this paragraph (except as otherwise modified

1 under this Act) shall be obligated to the public hous-
2 ing agencies based on the allocation and pro rata
3 method described above, and the Secretary shall no-
4 tify public housing agencies of their annual budget
5 not later than 60 days after enactment of this Act:
6 *Provided further*, That the Secretary may extend the
7 60-day notification period with the prior written ap-
8 proval of the House and Senate Committees on Ap-
9 propriations: *Provided further*, That public housing
10 agencies participating in the Moving to Work dem-
11 onstration shall be funded pursuant to their Moving
12 to Work agreements and shall be subject to the
13 same pro rata adjustments under the previous pro-
14 visos: *Provided further*, That up to \$103,000,000
15 shall be available only: (1) to adjust the allocations
16 for public housing agencies, after application for an
17 adjustment by a public housing agency that experi-
18 enced a significant increase, as determined by the
19 Secretary, in renewal costs of tenant-based rental
20 assistance resulting from unforeseen circumstances
21 or from portability under section 8(r) of the Act; (2)
22 for vouchers that were not in use during the 12-
23 month period in order to be available to meet a com-
24 mitment pursuant to section 8(o)(13) of the Act; (3)
25 for adjustments for costs associated with HUD-Vet-

1 erans Affairs Supportive Housing (HUD–VASH)
2 vouchers; and (4) for incremental tenant-based as-
3 sistance for eligible families currently assisted under
4 the Disaster Voucher Program as authorized by
5 Public Law 109–148 under this heading and the
6 Disaster Housing Assistance Program for Hurri-
7 canes Ike and Gustav on the condition that such
8 vouchers will not be re-issued when families leave
9 the program: *Provided further*, That of the amounts
10 made available under this paragraph, up to
11 \$15,000,000 may be transferred to and merged with
12 the appropriation for “Transformation Initiative”;

13 (2) \$75,000,000 shall be for section 8 rental as-
14 sistance for relocation and replacement of housing
15 units that are demolished or disposed of pursuant to
16 section 18 of the Act, conversion of section 23
17 projects to assistance under section 8, the family
18 unification program under section 8(x) of the Act,
19 relocation of witnesses in connection with efforts to
20 combat crime in public and assisted housing pursu-
21 ant to a request from a law enforcement or prosecu-
22 tion agency, enhanced vouchers under any provision
23 of law authorizing such assistance under section 8(t)
24 of the Act, HOPE VI vouchers, mandatory and vol-
25 untary conversions, and tenant protection assistance

1 including replacement and relocation assistance or
2 for project-based assistance to prevent the displace-
3 ment of unassisted elderly tenants currently residing
4 in section 202 properties financed between 1959 and
5 1974 that are refinanced pursuant to Public Law
6 106–569, as amended, or under the authority as
7 provided under this Act: *Provided*, That when a pub-
8 lic housing development is submitted for demolition
9 or disposition under section 18 of the Act, the Sec-
10 retary may provide section 8 rental assistance when
11 the units pose an imminent health and safety risk to
12 residents: *Provided further*, That the Secretary may
13 only provide replacement vouchers for units that
14 were occupied within the previous 24 months that
15 cease to be available as assisted housing, subject
16 only to the availability of funds: *Provided further*,
17 That of the amounts made available under this para-
18 graph, \$10,000,000 shall be available to provide ten-
19 ant protection assistance, not otherwise provided
20 under this paragraph, to residents residing in low-
21 vacancy areas and who may have to pay rents great-
22 er than 30 percent of household income, as the re-
23 sult of (1) the maturity of a HUD-insured, HUD-
24 held or section 202 loan that requires the permission
25 of the Secretary prior to loan prepayment; (2) the

1 expiration of a rental assistance contract for which
2 the tenants are not eligible for enhanced voucher or
3 tenant protection assistance under existing law; or
4 (3) the expiration of affordability restrictions accom-
5 panying a mortgage or preservation program admin-
6 istered by the Secretary: *Provided further*, That such
7 tenant protection assistance made available under
8 the previous proviso may be provided under the au-
9 thority of section 8(t) or section 8(o)(13) of the
10 United States Housing Act of 1937 (42 U.S.C.
11 1437f(t)): *Provided further*, That the Secretary shall
12 issue guidance to implement the previous provisos,
13 including, but not limited to, requirements for defin-
14 ing eligible at-risk households within 120 days of the
15 enactment of this Act;

16 (3) \$1,400,000,000 shall be for administrative
17 and other expenses of public housing agencies in ad-
18 ministering the section 8 tenant-based rental assist-
19 ance program, of which up to \$50,000,000 shall be
20 available to the Secretary to allocate to public hous-
21 ing agencies that need additional funds to admin-
22 ister their section 8 programs, including fees associ-
23 ated with section 8 tenant protection rental assist-
24 ance, the administration of disaster related vouchers,
25 Veterans Affairs Supportive Housing vouchers, and

1 other incremental vouchers: *Provided*, That no less
2 than \$1,350,000,000 of the amount provided in this
3 paragraph shall be allocated to public housing agen-
4 cies for the calendar year 2012 funding cycle based
5 on section 8(q) of the Act (and related Appropria-
6 tion Act provisions) as in effect immediately before
7 the enactment of the Quality Housing and Work Re-
8 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
9 *vided further*, That if the amounts made available
10 under this paragraph are insufficient to pay the
11 amounts determined under the previous proviso, the
12 Secretary may decrease the amounts allocated to
13 agencies by a uniform percentage applicable to all
14 agencies receiving funding under this paragraph or
15 may, to the extent necessary to provide full payment
16 of amounts determined under the previous proviso,
17 utilize unobligated balances, including recaptures
18 and carryovers, remaining from funds appropriated
19 to the Department of Housing and Urban Develop-
20 ment under this heading from prior fiscal years, not-
21 withstanding the purposes for which such amounts
22 were appropriated: *Provided further*, That amounts
23 provided under this paragraph shall be only for ac-
24 tivities related to the provision of tenant-based rent-

1 al assistance authorized under section 8, including
2 related development activities;

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

6 (5) \$113,452,000 for the renewal of tenant-
7 based assistance contracts under section 811 of the
8 Cranston-Gonzalez National Affordable Housing Act
9 (42 U.S.C. 8013), including necessary administra-
10 tive expenses;

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

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

20 (7) \$5,000,000 for payments to public housing
21 authorities to be competitively awarded in order to
22 demonstrate the effectiveness of leveraging main-
23 stream resources to address the needs of families
24 and individuals who are homeless or at risk of home-
25 lessness, as defined by the Secretary of Housing and

1 Urban Development, to be administered by the Sec-
2 retary in conjunction with the Department of Health
3 and Human Services and the Department of Edu-
4 cation: *Provided*, That funds provided under this
5 paragraph shall be awarded to public housing au-
6 thorities that (1) partner with eligible State and
7 local entities responsible for distributing Temporary
8 Assistance for Needy Families (TANF) and other
9 health and human services, as designated by the
10 Secretary of the Department of Health and Human
11 Services, and (2) partner with school homelessness
12 liaisons funded through the Department of Edu-
13 cation's Education for Homeless Children and Youth
14 Program: *Provided further*, That the funds may also
15 be available to public housing authorities that part-
16 ner with eligible State Medicaid agencies and State
17 behavioral health entities, as designated by the Sec-
18 retary of the Department of Health and Human
19 Services, to provide housing in conjunction with
20 Medicaid case management, substance abuse treat-
21 ment, and mental health services; and

22 (8) The Secretary shall separately track all spe-
23 cial purpose vouchers funded under this heading.

1 HOUSING CERTIFICATE FUND

2 (RESCISSION)

3 Of the unobligated balances, including recaptures and
4 carryover, remaining from funds appropriated to the De-
5 partment of Housing and Urban Development under this
6 heading, \$200,000,000 are rescinded, to be effected by the
7 Secretary of Housing and Urban Development no later
8 than September 30, 2012: *Provided*, That if insufficient
9 funds exist under these headings, the remaining balance
10 may be derived from any other unobligated balances avail-
11 able under any heading under this title funded in fiscal
12 year 2011 and prior years: *Provided further*, That the Sec-
13 retary shall notify the Committees on Appropriations of
14 the unobligated balances used to meet this rescission 30
15 days in advance of such rescission: *Provided further*, That
16 any such balances governed by reallocation provisions
17 under the statute authorizing the program for which the
18 funds were originally appropriated shall be available for
19 the rescission: *Provided further*, That any obligated bal-
20 ances of contract authority from fiscal year 1974 and
21 prior that have been terminated shall be cancelled.

22 PUBLIC HOUSING CAPITAL FUND

23 For the Public Housing Capital Fund Program to
24 carry out capital and management activities for public
25 housing agencies, as authorized under section 9 of the

1 United States Housing Act of 1937 (42 U.S.C. 1437g)
2 (the “Act”) \$1,875,000,000, to remain available until
3 September 30, 2015: *Provided*, That notwithstanding any
4 other provision of law or regulation, during fiscal year
5 2012 the Secretary of Housing and Urban Development
6 may not delegate to any Department official other than
7 the Deputy Secretary and the Assistant Secretary for
8 Public and Indian Housing any authority under paragraph
9 (2) of section 9(j) regarding the extension of the time peri-
10 ods under such section: *Provided further*, That for pur-
11 poses of such section 9(j), the term “obligate” means, with
12 respect to amounts, that the amounts are subject to a
13 binding agreement that will result in outlays, immediately
14 or in the future: *Provided further*, That up to \$10,000,000
15 shall be to support the ongoing Public Housing Financial
16 and Physical Assessment activities of the Real Estate As-
17 sessment Center (REAC): *Provided further*, That of the
18 total amount provided under this heading, not to exceed
19 \$20,000,000 shall be available for the Secretary to make
20 grants, notwithstanding section 204 of this Act, to public
21 housing agencies for emergency capital needs including
22 safety and security measures necessary to address crime
23 and drug-related activity as well as needs resulting from
24 unforeseen or unpreventable emergencies and natural dis-
25 asters excluding Presidentially declared emergencies and

1 natural disasters under the Robert T. Stafford Disaster
2 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
3 ring in fiscal year 2012: *Provided further*, That of the total
4 amount provided under this heading \$50,000,000 shall be
5 for supportive services, service coordinator and congregate
6 services as authorized by section 34 of the Act (42 U.S.C.
7 1437z-6) and the Native American Housing Assistance
8 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
9 seq.): *Provided further*, That of the total amount provided
10 under this heading, up to \$5,000,000 is to support the
11 costs of administrative and judicial receiverships: *Provided*
12 *further*, That from the funds made available under this
13 heading, the Secretary shall provide bonus awards in fiscal
14 year 2012 to public housing agencies that are designated
15 high performers.

16 PUBLIC HOUSING OPERATING FUND

17 For 2012 payments to public housing agencies for the
18 operation and management of public housing, as author-
19 ized by section 9(e) of the United States Housing Act of
20 1937 (42 U.S.C. 1437g(e)), \$3,961,850,000, of which
21 \$20,000,000 shall be available until September 30, 2013:
22 *Provided*, That in determining public housing agencies',
23 including Moving to Work agencies', calendar year 2012
24 funding allocations under this heading, the Secretary shall
25 take into account public housing agencies' excess oper-

1 ating fund reserves, as determined by the Secretary: *Pro-*
2 *vided further*, That Moving to Work agencies shall receive
3 a pro-rata reduction consistent with their peer groups:
4 *Provided further*, That no public housing agency shall be
5 left with less than \$100,000 in operating reserves: *Pro-*
6 *vided further*, That the Secretary shall not offset excess
7 reserves by more than \$750,000,000: *Provided further*,
8 That in implementing such allocation reductions, the Sec-
9 retary shall establish a process by which public housing
10 agencies can appeal the initial allocation amounts and the
11 Secretary shall consider adjustments based on such fac-
12 tors, including prior funding reservations, commitments
13 related to mixed finance developments, or reporting errors:
14 *Provided further*, That the Secretary shall notify public
15 housing agencies of such process and what documentation
16 may be required as part of such appeal: *Provided further*,
17 That following the appeals process established under the
18 previous two provisos, the Secretary shall make final allo-
19 cations: *Provided further*, That of the amount provided
20 under this heading up to \$20,000,000 may be set aside
21 to provide assistance to any public housing authority who
22 encounters financial hardship as a direct result of an ex-
23 cess reserve offset applied to an allocation of funding
24 under this heading: *Provided further*, That the Secretary

1 shall provide flexibility to public housing agencies to use
2 excess operating reserves for capital improvements.

3 CHOICE NEIGHBORHOODS

4 For competitive grants under the Choice Neighbor-
5 hoods Initiative (subject to section 24 of the United States
6 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
7 specified under this heading), for transformation, rehabili-
8 tation, and replacement housing needs of both public and
9 HUD-assisted housing and to transform neighborhoods of
10 poverty into functioning, sustainable mixed income neigh-
11 borhoods with appropriate services, schools, public assets,
12 transportation and access to jobs, \$120,000,000, to re-
13 main available until September 30, 2014: *Provided*, That
14 grant funds may be used for resident and community serv-
15 ices, community development, and affordable housing
16 needs in the community, and for conversion of vacant or
17 foreclosed properties to affordable housing: *Provided fur-*
18 *ther*, That grantees shall undertake comprehensive local
19 planning with input from residents and the community,
20 and that grantees shall provide a match in State, local,
21 other Federal or private funds: *Provided further*, That
22 grantees may include local governments, tribal entities,
23 public housing authorities, and nonprofits: *Provided fur-*
24 *ther*, That for-profit developers may apply jointly with a
25 public entity: *Provided further*, That of the amount pro-

1 vided, not less than \$80,000,000 shall be awarded to pub-
2 lie housing authorities: *Provided further*, That such grant-
3 ees shall create partnerships with other local organizations
4 including assisted housing owners, service agencies, and
5 resident organizations: *Provided further*, That the Sec-
6 retary shall consult with the Secretaries of Education,
7 Labor, Transportation, Health and Human Services, Agri-
8 culture, and Commerce and the Administrator of the Envi-
9 ronmental Protection Agency to coordinate and leverage
10 other appropriate Federal resources: *Provided further*,
11 That no more than \$5,000,000 of funds made available
12 under this heading may be provided to assist communities
13 in developing comprehensive strategies for implementing
14 this program or implementing other revitalization efforts
15 in conjunction with community notice and input: *Provided*
16 *further*, That the Secretary shall develop and publish
17 guidelines for the use of such competitive funds, including
18 but not limited to eligible activities, program require-
19 ments, and performance metrics.

20 NATIVE AMERICAN HOUSING BLOCK GRANTS

21 For the Native American Housing Block Grants pro-
22 gram, as authorized under title I of the Native American
23 Housing Assistance and Self-Determination Act of 1996
24 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to
25 remain available until expended: *Provided*, That, notwith-

1 standing the Native American Housing Assistance and
2 Self-Determination Act of 1996, to determine the amount
3 of the allocation under title I of such Act for each Indian
4 tribe, the Secretary shall apply the formula under section
5 302 of such Act with the need component based on single-
6 race census data and with the need component based on
7 multi-race census data, and the amount of the allocation
8 for each Indian tribe shall be the greater of the two result-
9 ing allocation amounts: *Provided further*, That of the
10 amounts made available under this heading, \$3,500,000
11 shall be contracted for assistance for a national organiza-
12 tion representing Native American housing interests for
13 providing training and technical assistance to Indian hous-
14 ing authorities and tribally designated housing entities as
15 authorized under NAHASDA; and \$4,250,000 shall be to
16 support the inspection of Indian housing units, contract
17 expertise, training, and technical assistance in the train-
18 ing, oversight, and management of such Indian housing
19 and tenant-based assistance, including up to \$300,000 for
20 related travel: *Provided further*, That of the amount pro-
21 vided under this heading, \$2,000,000 shall be made avail-
22 able for the cost of guaranteed notes and other obligations,
23 as authorized by title VI of NAHASDA: *Provided further*,
24 That such costs, including the costs of modifying such
25 notes and other obligations, shall be as defined in section

1 502 of the Congressional Budget Act of 1974, as amend-
 2 ed: *Provided further*, That these funds are available to sub-
 3 sidize the total principal amount of any notes and other
 4 obligations, any part of which is to be guaranteed, not to
 5 exceed \$20,000,000.

6 NATIVE HAWAIIAN HOUSING BLOCK GRANT

7 For the Native Hawaiian Housing Block Grant pro-
 8 gram, as authorized under title VIII of the Native Amer-
 9 ican Housing Assistance and Self-Determination Act of
 10 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain
 11 available until expended: *Provided*, That of this amount,
 12 \$300,000 shall be for training and technical assistance ac-
 13 tivities, including up to \$100,000 for related travel by Ha-
 14 waii-based HUD employees.

15 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

16 ACCOUNT

17 For the cost of guaranteed loans, as authorized by
 18 section 184 of the Housing and Community Development
 19 Act of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain
 20 available until expended: *Provided*, That such costs, in-
 21 cluding the costs of modifying such loans, shall be as de-
 22 fined in section 502 of the Congressional Budget Act of
 23 1974: *Provided further*, That these funds are available to
 24 subsidize total loan principal, any part of which is to be
 25 guaranteed, up to \$428,000,000: *Provided further*, That

1 up to \$750,000 shall be for administrative contract ex-
 2 penses including management processes and systems to
 3 carry out the loan guarantee program.

4 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
 5 PROGRAM ACCOUNT

6 For the cost of guaranteed loans, as authorized by
 7 section 184A of the Housing and Community Develop-
 8 ment Act of 1992 (12 U.S.C. 1715z) and for such costs
 9 for loans used for refinancing, \$386,000, to remain avail-
 10 able until expended: *Provided*, That such costs, including
 11 the costs of modifying such loans, shall be as defined in
 12 section 502 of the Congressional Budget Act of 1974: *Pro-*
 13 *vided further*, That these funds are available to subsidize
 14 total loan principal, any part of which is to be guaranteed,
 15 not to exceed \$41,504,000.

16 COMMUNITY PLANNING AND DEVELOPMENT
 17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

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

1 that were funded under section 854(c)(3) of such Act that
2 meet all program requirements before awarding funds for
3 new contracts and activities authorized under this section.

4 COMMUNITY DEVELOPMENT FUND

5 For assistance to units of State and local govern-
6 ment, and to other entities, for economic and community
7 development activities, and for other purposes,
8 \$3,001,027,000, to remain available until September 30,
9 2013, unless otherwise specified: *Provided*, That of the
10 total amount provided, \$2,851,027,000 is for carrying out
11 the community development block grant program under
12 title I of the Housing and Community Development Act
13 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
14 et seq.): *Provided further*, That unless explicitly provided
15 for under this heading (except for planning grants pro-
16 vided in the second paragraph and amounts made avail-
17 able under the third paragraph), not to exceed 20 percent
18 of any grant made with funds appropriated under this
19 heading shall be expended for planning and management
20 development and administration: *Provided further*, That
21 \$60,000,000 shall be for grants to Indian tribes notwith-
22 standing section 106(a)(1) of such Act, of which, notwith-
23 standing any other provision of law (including section 204
24 of this Act), up to \$3,960,000 may be used for emer-

1 a major disaster designation pursuant to the Robert T.
2 Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5122(2)) in 2011, \$400,000,000, to remain
4 available until expended, for activities authorized under
5 title I of the Housing and Community Development Act
6 of 1974 (Public Law 93–383): *Provided*, That the amount
7 provided under this heading is designated by Congress as
8 being for disaster relief pursuant to section 251(b)(2)(D)
9 of the Balanced Budget and Emergency Deficit Control
10 Act of 1985 (Public Law 99–177), as amended: *Provided*
11 *further*, That funds shall be awarded directly to the State
12 or unit of general local government at the discretion of
13 the Secretary: *Provided further*, That prior to the obliga-
14 tion of funds a grantee shall submit a plan to the Sec-
15 retary detailing the proposed use of all funds, including
16 criteria for eligibility and how the use of these funds will
17 address long-term recovery and restoration of infrastruc-
18 ture: *Provided further*, That funds provided under this
19 heading may be used by a State or locality as a matching
20 requirement, share, or contribution for any other Federal
21 program: *Provided further*, That such funds may not be
22 used for activities reimbursable by, or for which funds are
23 made available by, the Federal Emergency Management
24 Agency or the Army Corps of Engineers: *Provided further*,
25 That funds allocated under this heading shall not ad-

1 versely affect the amount of any formula assistance re-
2 ceived by a State or subdivision thereof under the Commu-
3 nity Development Fund: *Provided further*, That a State
4 or subdivision thereof may use up to 5 percent of its allo-
5 cation for administrative costs: *Provided further*, That in
6 administering the funds under this heading, the Secretary
7 of Housing and Urban Development may waive, or specify
8 alternative requirements for, any provision of any statute
9 or regulation that the Secretary administers in connection
10 with the obligation by the Secretary or the use by the re-
11 cipient of these funds or guarantees (except for require-
12 ments related to fair housing, nondiscrimination, labor
13 standards, and the environment), upon a request by a
14 State or subdivision thereof explaining why such waiver
15 is required to facilitate the use of such funds or guaran-
16 tees, if the Secretary finds that such waiver would not be
17 inconsistent with the overall purpose of title I of the Hous-
18 ing and Community Development Act of 1974: *Provided*
19 *further*, That the Secretary shall publish in the Federal
20 Register any waiver of any statute or regulation that the
21 Secretary administers pursuant to title I of the Housing
22 and Community Development Act of 1974 no later than
23 5 days before the effective date of such waiver.

1 ment date, as determined by a signature of each party
2 to the agreement shall be repaid: *Provided further*, That
3 the Secretary may extend the deadline for 1 year if the
4 Secretary determines that the failure to complete the
5 project is beyond the control of the participating jurisdic-
6 tion: *Provided further*, That no funds provided under this
7 heading may be committed to any project included as part
8 of a participating jurisdiction's plan under section 105(b),
9 unless each participating jurisdiction certifies that it has
10 conducted an underwriting review, assessed developer ca-
11 pacity and fiscal soundness, and examined neighborhood
12 market conditions to ensure adequate need for each
13 project: *Provided further*, That any homeownership units
14 funded under this heading which cannot be sold to an eli-
15 gible homeowner within 6 months of project completion
16 shall be rented to an eligible tenant: *Provided further*,
17 That no funds provided under this heading may be award-
18 ed for development activities to a community housing de-
19 velopment organization that cannot demonstrate that it is
20 has staff with demonstrated development experience: *Pro-*
21 *vided further*, That funds provided in prior appropriations
22 Acts for technical assistance, that were made available for
23 Community Housing Development Organizations technical
24 assistance, and that still remain available, may be used

1 for HOME technical assistance notwithstanding the pur-
2 poses for which such amounts were appropriated.

3 SELF-HELP AND ASSISTED HOMEOWNERSHIP

4 OPPORTUNITY PROGRAM

5 For the Self-Help and Assisted Homeownership Op-
6 portunity Program, as authorized under section 11 of the
7 Housing Opportunity Program Extension Act of 1996, as
8 amended, \$57,000,000, to remain available until Sep-
9 tember 30, 2013: *Provided*, That of the total amount pro-
10 vided under this heading, \$17,000,000 shall be made
11 available to the Self-Help and Assisted Homeownership
12 Opportunity Program as authorized under section 11 of
13 the Housing Opportunity Program Extension Act of 1996,
14 as amended: *Provided further*, That \$35,000,000 shall be
15 made available for the second, third and fourth capacity
16 building activities authorized under section 4(a) of the
17 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
18 of which not less than \$5,000,000 may be made available
19 for rural capacity-building activities: *Provided further*,
20 That \$5,000,000 shall be made available for capacity-
21 building activities for a national organization with exper-
22 tise in rural housing, including experience working with
23 rural housing organizations, local governments, and In-
24 dian tribes.

1 HOMELESS ASSISTANCE GRANTS
2 (INCLUDING TRANSFER OF FUNDS)

3 For the emergency solutions grants program as au-
4 thorized under subtitle B of title IV of the McKinney-
5 Vento Homeless Assistance Act, as amended; the con-
6 tinuum of care program as authorized under subtitle C
7 of title IV of such Act; and the rural housing stability as-
8 sistance program as authorized under subtitle D of title
9 IV of such Act, \$1,901,190,000, of which \$1,896,190,000
10 shall remain available until September 30, 2014, and of
11 which \$5,000,000 shall remain available until expended
12 for project-based rental assistance with rehabilitation
13 projects with 10-year grant terms and any rental assist-
14 ance amounts that are recaptured under such continuum
15 of care program shall remain available until expended:
16 *Provided*, That not less than \$286,000,000 of the funds
17 appropriated under this heading shall be available for such
18 emergency solutions grants program: *Provided further*,
19 That not less than \$1,602,190,000 of the funds appro-
20 priated under this heading shall be available for such con-
21 tinuum of care and rural housing stability assistance pro-
22 grams: *Provided further*, That up to \$8,000,000 of the
23 funds appropriated under this heading shall be available
24 for the national homeless data analysis project: *Provided*
25 *further*, That for all match requirements applicable to

1 funds made available under this heading for this fiscal
2 year and prior years, a grantee may use (or could have
3 used) as a source of match funds other funds administered
4 by the Secretary and other Federal agencies unless there
5 is (or was) a specific statutory prohibition on any such
6 use of any such funds: *Provided further*, That the Sec-
7 retary shall renew on an annual basis expiring contracts
8 or amendments to contracts funded under the continuum
9 of care program if the program is determined to be needed
10 under the applicable continuum of care and meets appro-
11 priate program requirements and financial standards, as
12 determined by the Secretary: *Provided further*, That all
13 awards of assistance under this heading shall be required
14 to coordinate and integrate homeless programs with other
15 mainstream health, social services, and employment pro-
16 grams for which homeless populations may be eligible, in-
17 cluding Medicaid, State Children's Health Insurance Pro-
18 gram, Temporary Assistance for Needy Families, Food
19 Stamps, and services funding through the Mental Health
20 and Substance Abuse Block Grant, Workforce Investment
21 Act, and the Welfare-to-Work grant program: *Provided*
22 *further*, That all balances for Shelter Plus Care renewals
23 previously funded from the Shelter Plus Care Renewal ac-
24 count and transferred to this account shall be available,

1 if recaptured, for continuum of care renewals in fiscal year
2 2012.

3 HOUSING PROGRAMS

4 PROJECT-BASED RENTAL ASSISTANCE

5 For activities and assistance for the provision of
6 project-based subsidy contracts under the United States
7 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
8 Act”), not otherwise provided for, \$9,018,672,000, to re-
9 main available until expended, shall be available on Octo-
10 ber 1, 2011 (in addition to the \$400,000,000 previously
11 appropriated under this heading that will become available
12 October 1, 2012), and \$400,000,000, to remain available
13 until expended, shall be available on October 1, 2012: *Pro-*
14 *vided*, That the amounts made available under this head-
15 ing shall be available for expiring or terminating section
16 8 project-based subsidy contracts (including section 8
17 moderate rehabilitation contracts), for amendments to sec-
18 tion 8 project-based subsidy contracts (including section
19 8 moderate rehabilitation contracts), for contracts entered
20 into pursuant to section 441 of the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11401), for renewal
22 of section 8 contracts for units in projects that are subject
23 to approved plans of action under the Emergency Low In-
24 come Housing Preservation Act of 1987 or the Low-In-
25 come Housing Preservation and Resident Homeownership

1 Act of 1990, and for administrative and other expenses
2 associated with project-based activities and assistance
3 funded under this paragraph: *Provided further*, That of
4 the total amounts provided under this heading, not to ex-
5 ceed \$289,000,000 shall be available for performance-
6 based contract administrators for section 8 project-based
7 assistance: *Provided further*, That the Secretary of Hous-
8 ing and Urban Development may also use such amounts
9 in the previous proviso for performance-based contract ad-
10 ministrators for the administration of: interest reduction
11 payments pursuant to section 236(a) of the National
12 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
13 payments pursuant to section 101 of the Housing and
14 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
15 tion 236(f)(2) rental assistance payments (12 U.S.C.
16 1715z-1(f)(2)); project rental assistance contracts for the
17 elderly under section 202(c)(2) of the Housing Act of
18 1959 (12 U.S.C. 1701q); project rental assistance con-
19 tracts for supportive housing for persons with disabilities
20 under section 811(d)(2) of the Cranston-Gonzalez Na-
21 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
22 project assistance contracts pursuant to section 202(h) of
23 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
24 667); and loans under section 202 of the Housing Act of
25 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*

1 section to assisted living, service-enriched housing, or re-
2 lated use for substantial and emergency repairs as deter-
3 mined by the Secretary: *Provided further*, That amounts
4 under this heading shall be available for Real Estate As-
5 sessment Center inspections and inspection-related activi-
6 ties associated with section 202 capital advance projects:
7 *Provided further*, That the Secretary may waive the provi-
8 sions of section 202 governing the terms and conditions
9 of project rental assistance, except that the initial contract
10 term for such assistance shall not exceed 5 years in dura-
11 tion.

12 HOUSING FOR PERSONS WITH DISABILITIES

13 For capital advance contracts, including amendments
14 to capital advance contracts, for supportive housing for
15 persons with disabilities, as authorized by section 811 of
16 the Cranston-Gonzalez National Affordable Housing Act
17 (42 U.S.C. 8013) and for project rental assistance for sup-
18 portive housing for persons with disabilities under section
19 811(d)(2) of such Act, including amendments to contracts
20 for such assistance and renewal of expiring contracts for
21 such assistance for up to a 1-year term, and for supportive
22 services associated with the housing for persons with dis-
23 abilities as authorized by section 811(b)(1) of such Act,
24 \$150,000,000 to remain available until September 30,
25 2015: *Provided*, That the Secretary may waive the provi-

1 sions of section 811 governing the terms and conditions
2 of project rental assistance, except that the initial contract
3 term for such assistance shall not exceed 5 years in dura-
4 tion: *Provided further*, That amounts made available under
5 this heading shall be available for Real Estate Assessment
6 Center inspections and inspection-related activities associ-
7 ated with section 811 Capital Advance Projects: *Provided*
8 *further*, That the Secretary shall conduct a demonstration
9 program to make available funds provided under this
10 heading for project rental assistance to State housing fi-
11 nance agencies and other appropriate entities as author-
12 ized under section 811(b)(3) of the Cranston-Gonzalez
13 National Affordable Housing Act (42 U.S.C. 8013(b)(3)).

14 HOUSING COUNSELING ASSISTANCE

15 For contracts, grants, and other assistance excluding
16 loans, as authorized under section 106 of the Housing and
17 Urban Development Act of 1968, as amended,
18 \$60,000,000, including up to \$2,500,000 for administra-
19 tive contract services, to remain available until September
20 30, 2012: *Provided*, That grants made available from
21 amounts provided under this heading shall be awarded
22 within 120 days of enactment of this Act: *Provided further*,
23 That funds shall be used for providing counseling and ad-
24 vice to tenants and homeowners, both current and pro-
25 spective, with respect to property maintenance, financial

1 management/literacy, and such other matters as may be
2 appropriate to assist them in improving their housing con-
3 ditions, meeting their financial needs, and fulfilling the re-
4 sponsibilities of tenancy or homeownership; for program
5 administration; and for housing counselor training.

6 OTHER ASSISTED HOUSING PROGRAMS

7 RENTAL HOUSING ASSISTANCE

8 For amendments to or extensions for up to 1 year
9 of contracts under section 101 of the Housing and Urban
10 Development Act of 1965 (12 U.S.C. 1701s) and section
11 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-
12 1) in State-aided, noninsured rental housing projects,
13 \$1,300,000, to remain available until expended.

14 RENT SUPPLEMENT

15 (RESCISSION)

16 Of the amounts recaptured from terminated con-
17 tracts under section 101 of the Housing and Urban Devel-
18 opment Act of 1965 (12 U.S.C. 1701s) and section 236
19 of the National Housing Act (12 U.S.C. 1715z-1)
20 \$231,600,000 are rescinded: *Provided*, That no amounts
21 may be rescinded from amounts that were designated by
22 the Congress as an emergency requirement pursuant to
23 the Concurrent Resolution on the Budget or the Balanced
24 Budget and Emergency Deficit Control Act of 1985, as
25 amended.

1 such collections, as well as fees collected under section
2 620, for necessary expenses of such Act: *Provided further*,
3 That notwithstanding the requirements of section 620 of
4 such Act, the Secretary may carry out responsibilities of
5 the Secretary under such Act through the use of approved
6 service providers that are paid directly by the recipients
7 of their services.

8 FEDERAL HOUSING ADMINISTRATION

9 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

10 (INCLUDING TRANSFERS OF FUNDS)

11 New commitments to guarantee single family loans
12 insured under the Mutual Mortgage Insurance Fund shall
13 not exceed \$400,000,000,000, to remain available until
14 September 30, 2013: *Provided*, That during fiscal year
15 2012, obligations to make direct loans to carry out the
16 purposes of section 204(g) of the National Housing Act,
17 as amended, shall not exceed \$50,000,000: *Provided fur-*
18 *ther*, That the foregoing amount in the previous proviso
19 shall be for loans to nonprofit and governmental entities
20 in connection with sales of single family real properties
21 owned by the Secretary and formerly insured under the
22 Mutual Mortgage Insurance Fund. For administrative
23 contract expenses of the Federal Housing Administration,
24 \$206,586,000, to remain available until September 30,
25 2013, of which up to \$70,652,000 may be transferred to

1 and merged with the Working Capital Fund: *Provided fur-*
2 *ther*, That to the extent guaranteed loan commitments ex-
3 ceed \$200,000,000,000 on or before April 1, 2012, an ad-
4 ditional \$1,400 for administrative contract expenses shall
5 be available for each \$1,000,000 in additional guaranteed
6 loan commitments (including a pro rata amount for any
7 amount below \$1,000,000), but in no case shall funds
8 made available by this proviso exceed \$30,000,000.

9 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

10 During fiscal year 2012, commitments to guarantee
11 loans incurred under the General and Special Risk Insur-
12 ance Funds, as authorized by sections 238 and 519 of the
13 National Housing Act (12 U.S.C. 1715z-3 and 1735c),
14 shall not exceed \$25,000,000,000 in total loan principal,
15 any part of which is to be guaranteed.

16 Gross obligations for the principal amount of direct
17 loans, as authorized by sections 204(g), 207(l), 238, and
18 519(a) of the National Housing Act, shall not exceed
19 \$20,000,000, which shall be for loans to nonprofit and
20 governmental entities in connection with the sale of single
21 family real properties owned by the Secretary and for-
22 merly insured under such Act.

1 urban problems, not otherwise provided for, as authorized
2 by title V of the Housing and Urban Development Act
3 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
4 out the functions of the Secretary of Housing and Urban
5 Development under section 1(a)(1)(i) of Reorganization
6 Plan No. 2 of 1968, \$45,825,000, to remain available
7 until September 30, 2013: *Provided*, That with respect to
8 amounts made available under this heading, notwith-
9 standing section 204 of this title, the Secretary may enter
10 into cooperative agreements funded with philanthropic en-
11 tities, other Federal agencies, or State or local govern-
12 ments and their agencies for research projects: *Provided*
13 *further*, That with respect to the previous proviso, such
14 partners to the cooperative agreements must contribute at
15 least a 50 percent match toward the cost of the project:
16 *Provided further*, That for non-competitive agreements en-
17 tered into in accordance with the previous two provisos,
18 the Secretary of Housing and Urban Development shall
19 comply with section 2(b) of the Federal Funding Account-
20 ability and Transparency Act of 2006 (Public Law 109-
21 282, 31 U.S.C. note) in lieu of compliance with section
22 102(a)(4)(C) with respect to documentation of award deci-
23 sions.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 FAIR HOUSING ACTIVITIES

3 For contracts, grants, and other assistance, not oth-
4 erwise provided for, as authorized by title VIII of the Civil
5 Rights Act of 1968, as amended by the Fair Housing
6 Amendments Act of 1988, and section 561 of the Housing
7 and Community Development Act of 1987, as amended,
8 \$64,287,000, to remain available until September 30,
9 2013, of which \$35,940,000 shall be to carry out activities
10 pursuant to such section 561: *Provided*, That notwith-
11 standing 31 U.S.C. 3302, the Secretary may assess and
12 collect fees to cover the costs of the Fair Housing Training
13 Academy, and may use such funds to provide such train-
14 ing: *Provided further*, That no funds made available under
15 this heading shall be used to lobby the executive or legisla-
16 tive branches of the Federal Government in connection
17 with a specific contract, grant or loan: *Provided further*,
18 That of the funds made available under this heading,
19 \$300,000 shall be available to the Secretary of Housing
20 and Urban Development for the creation and promotion
21 of translated materials and other programs that support
22 the assistance of persons with limited English proficiency
23 in utilizing the services provided by the Department of
24 Housing and Urban Development.

1 abatement needs: *Provided further*, That each recipient of
2 funds provided under the second proviso shall make a
3 matching contribution in an amount not less than 25 per-
4 cent: *Provided further*, That the Secretary may waive the
5 matching requirement cited in the preceding proviso on
6 a case by case basis if the Secretary determines that such
7 a waiver is necessary to advance the purposes of this pro-
8 gram: *Provided further*, That each applicant shall submit
9 a detailed plan and strategy that demonstrates adequate
10 capacity that is acceptable to the Secretary to carry out
11 the proposed use of funds pursuant to a notice of funding
12 availability: *Provided further*, That amounts made avail-
13 able under this heading in this or prior appropriations
14 Acts, and that still remain available, may be used for any
15 purpose under this heading notwithstanding the purpose
16 for which such amounts were appropriated if a program
17 competition is undersubscribed and there are other pro-
18 gram competitions under this heading that are oversub-
19 scribed.

20 WORKING CAPITAL FUND

21 For additional capital for the Working Capital Fund
22 (42 U.S.C. 3535) for the maintenance of infrastructure
23 for Department-wide information technology systems, for
24 the continuing operation and maintenance of both Depart-
25 ment-wide and program-specific information systems, and

1 for program-related maintenance activities, \$199,035,000,
2 to remain available until September 30, 2013: *Provided*,
3 That any amounts transferred to this Fund under this Act
4 shall remain available until expended: *Provided further*,
5 That any amounts transferred to this Fund from amounts
6 appropriated by previously enacted appropriations Acts
7 may be used for the purposes specified under this Fund,
8 in addition to any other information technology the pur-
9 poses for which such amounts were appropriated: *Provided*
10 *further*, That not more than 25 percent of the funds made
11 available under this heading for Development, Moderniza-
12 tion and Enhancement, including development and deploy-
13 ment of a Next Generation of Voucher Management Sys-
14 tem and development and deployment of modernized Fed-
15 eral Housing Administration systems may be obligated
16 until the Secretary submits to the Committees on Appro-
17 priations a plan for expenditure that—(A) identifies for
18 each modernization project: (i) the functional and per-
19 formance capabilities to be delivered and the mission bene-
20 fits to be realized, (ii) the estimated life-cycle cost, and
21 (iii) key milestones to be met; (B) demonstrates that each
22 modernization project is: (i) compliant with the depart-
23 ment’s enterprise architecture, (ii) being managed in ac-
24 cordance with applicable life-cycle management policies
25 and guidance, (iii) subject to the department’s capital

1 planning and investment control requirements, and (iv)
2 supported by an adequately staffed project office; and (C)
3 has been reviewed by the Government Accountability Of-
4 fice.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary salaries and expenses of the Office of
7 Inspector General in carrying out the Inspector General
8 Act of 1978, as amended, \$124,750,000: *Provided*, That
9 the Inspector General shall have independent authority
10 over all personnel issues within this office.

11 TRANSFORMATION INITIATIVE

12 (INCLUDING TRANSFER OF FUNDS)

13 Of the amounts made available in this Act under each
14 of the following headings under this title, the Secretary
15 may transfer to, and merge with, this account up to 0.5
16 percent from each such account, and such transferred
17 amounts shall be available until September 30, 2014, for:
18 (1) research, evaluation, and program metrics; (2) pro-
19 gram demonstrations; and (3) technical assistance and ca-
20 pacity building: “Choice Neighborhoods Initiative”,
21 “Housing Opportunities for Persons With AIDS”, “Com-
22 munity Development Fund”, “HOME Investment Part-
23 nerships Program”, “Self-Help and Assisted Homeowner-
24 ship Opportunity Program”, “Homeless Assistance
25 Grants”, “Housing for the Elderly”, “Housing for Per-

1 sons With Disabilities”, “Housing Counseling Assist-
2 ance”, “Payment to Manufactured Housing Fees Trust
3 Fund”, “Mutual Mortgage Insurance Program Account”,
4 “Lead Hazard Reduction”, “Rental Housing Assistance”,
5 and “Fair Housing Activities”: *Provided*, That of the
6 amounts made available under this paragraph, not less
7 than \$45,000,000 shall be available for technical assist-
8 ance and capacity building: *Provided further*, That tech-
9 nical assistance activities shall include, technical assist-
10 ance for HUD programs, including HOME, Community
11 Development Block Grant, homeless programs, HOPWA,
12 HOPE VI, Public Housing, the Housing Choice Voucher
13 Program, Fair Housing Initiative Program, Housing
14 Counseling, Healthy Homes, Sustainable Communities,
15 and other technical assistance as determined by the Sec-
16 retary: *Provided further*, That the Secretary shall submit
17 a plan to the House and Senate Committees on Appropria-
18 tions for approval detailing how the funding provided
19 under this heading will be allocated to each of the four
20 categories identified under this heading and for what
21 projects or activities funding will be used: *Provided fur-*
22 *ther*, That following the initial approval of this plan, the
23 Secretary may amend the plan with the approval of the
24 House and Senate Committees on Appropriations: *Pro-*
25 *vided further*, That with respect to amounts made avail-

1 able under this heading for research, evaluation, program
2 metrics, and program demonstrations, notwithstanding
3 section 204 of this title, the Secretary may make grants
4 or enter into cooperative agreements that include a sub-
5 stantial match contribution

6 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
7 URBAN DEVELOPMENT

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

1 SEC. 202. None of the amounts made available under
2 this Act may be used during fiscal year 2012 to investigate
3 or prosecute under the Fair Housing Act any otherwise
4 lawful activity engaged in by one or more persons, includ-
5 ing the filing or maintaining of a nonfrivolous legal action,
6 that is engaged in solely for the purpose of achieving or
7 preventing action by a Government official or entity, or
8 a court of competent jurisdiction.

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

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

18 (2) is not otherwise eligible for an allocation for
19 fiscal year 2012 under such clause (ii) because the
20 areas in the State outside of the metropolitan statis-
21 tical areas that qualify under clause (i) in fiscal year
22 2011 do not have the number of cases of acquired
23 immunodeficiency syndrome (AIDS) required under
24 such clause.

1 (b) The amount of the allocation and grant for any
2 State described in subsection (a) shall be an amount based
3 on the cumulative number of AIDS cases in the areas of
4 that State that are outside of metropolitan statistical
5 areas that qualify under clause (i) of such section
6 854(c)(1)(A) in fiscal year 2012, in proportion to AIDS
7 cases among cities and States that qualify under clauses
8 (i) and (ii) of such section and States deemed eligible
9 under subsection (a).

10 (c) Notwithstanding any other provision of law, the
11 amount allocated for fiscal year 2012 under section 854(c)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)), to the city of New York, New York, on behalf
14 of the New York-Wayne-White Plains, New York-New
15 Jersey Metropolitan Division (hereafter “metropolitan di-
16 vision”) of the New York-Newark-Edison, NY–NJ–PA
17 Metropolitan Statistical Area, shall be adjusted by the
18 Secretary of Housing and Urban Development by:

19 (1) allocating to the city of Jersey City, New
20 Jersey, the proportion of the metropolitan area’s or
21 division’s amount that is based on the number of
22 cases of AIDS reported in the portion of the metro-
23 politan area or division that is located in Hudson
24 County, New Jersey, and adjusting for the propor-
25 tion of the metropolitan division’s high-incidence

1 bonus if this area in New Jersey also has a higher
2 than average per capita incidence of AIDS; and

3 (2) allocating to the city of Paterson, New Jer-
4 sey, the proportion of the metropolitan area's or di-
5 vision's amount that is based on the number of cases
6 of AIDS reported in the portion of the metropolitan
7 area or division that is located in Bergen County
8 and Passaic County, New Jersey, and adjusting for
9 the proportion of the metropolitan division's high in-
10 cidence bonus if this area in New Jersey also has a
11 higher than average per capita incidence of AIDS.
12 The recipient cities shall use amounts allocated
13 under this subsection to carry out eligible activities
14 under section 855 of the AIDS Housing Opportunity
15 Act (42 U.S.C. 12904) in their respective portions
16 of the metropolitan division that is located in New
17 Jersey.

18 (d) Notwithstanding any other provision of law, the
19 amount allocated for fiscal year 2012 under section 854(c)
20 of the AIDS Housing Opportunity Act (42 U.S.C.
21 12903(c)) to areas with a higher than average per capita
22 incidence of AIDS, shall be adjusted by the Secretary on
23 the basis of area incidence reported over a 3-year period.

24 SEC. 204. Except as explicitly provided in law, any
25 grant, cooperative agreement or other assistance made

1 pursuant to title II of this Act shall be made on a competi-
2 tive basis and in accordance with section 102 of the De-
3 partment of Housing and Urban Development Reform Act
4 of 1989 (42 U.S.C. 3545).

5 SEC. 205. Funds of the Department of Housing and
6 Urban Development subject to the Government Corpora-
7 tion Control Act or section 402 of the Housing Act of
8 1950 shall be available, without regard to the limitations
9 on administrative expenses, for legal services on a contract
10 or fee basis, and for utilizing and making payment for
11 services and facilities of the Federal National Mortgage
12 Association, Government National Mortgage Association,
13 Federal Home Loan Mortgage Corporation, Federal Fi-
14 nancing Bank, Federal Reserve banks or any member
15 thereof, Federal Home Loan banks, and any insured bank
16 within the meaning of the Federal Deposit Insurance Cor-
17 poration Act, as amended (12 U.S.C. 1811-1).

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

24 SEC. 207. Corporations and agencies of the Depart-
25 ment of Housing and Urban Development which are sub-

1 ject to the Government Corporation Control Act are here-
2 by authorized to make such expenditures, within the limits
3 of funds and borrowing authority available to each such
4 corporation or agency and in accordance with law, and to
5 make such contracts and commitments without regard to
6 fiscal year limitations as provided by section 104 of such
7 Act as may be necessary in carrying out the programs set
8 forth in the budget for 2012 for such corporation or agen-
9 cy except as hereinafter provided: *Provided*, That collec-
10 tions of these corporations and agencies may be used for
11 new loan or mortgage purchase commitments only to the
12 extent expressly provided for in this Act (unless such loans
13 are in support of other forms of assistance provided for
14 in this or prior appropriations Acts), except that this pro-
15 viso shall not apply to the mortgage insurance or guaranty
16 operations of these corporations, or where loans or mort-
17 gage purchases are necessary to protect the financial in-
18 terest of the United States Government.

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

1 SEC. 209. (a) Notwithstanding any other provision
2 of law, the amount allocated for fiscal year 2012 under
3 section 854(c) of the AIDS Housing Opportunity Act (42
4 U.S.C. 12903(c)), to the city of Wilmington, Delaware, on
5 behalf of the Wilmington, Delaware-Maryland-New Jersey
6 Metropolitan Division (hereafter “metropolitan division”),
7 shall be adjusted by the Secretary of Housing and Urban
8 Development by allocating to the State of New Jersey the
9 proportion of the metropolitan division’s amount that is
10 based on the number of cases of AIDS reported in the
11 portion of the metropolitan division that is located in New
12 Jersey, and adjusting for the proportion of the metropoli-
13 tan division’s high incidence bonus if this area in New Jer-
14 sey also has a higher than average per capita incidence
15 of AIDS. The State of New Jersey shall use amounts allo-
16 cated to the State under this subsection to carry out eligi-
17 ble activities under section 855 of the AIDS Housing Op-
18 portunity Act (42 U.S.C. 12904) in the portion of the met-
19 ropolitan division that is located in New Jersey.

20 (b) Notwithstanding any other provision of law, the
21 Secretary of Housing and Urban Development shall allo-
22 cate to Wake County, North Carolina, the amounts that
23 otherwise would be allocated for fiscal year 2012 under
24 section 854(c) of the AIDS Housing Opportunity Act (42
25 U.S.C. 12903(c)) to the city of Raleigh, North Carolina,

1 on behalf of the Raleigh-Cary North Carolina Metropoli-
2 tan Statistical Area. Any amounts allocated to Wake
3 County shall be used to carry out eligible activities under
4 section 855 of such Act (42 U.S.C. 12904) within such
5 metropolitan statistical area.

6 (c) Notwithstanding section 854(c) of the AIDS
7 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
8 retary of Housing and Urban Development may adjust the
9 allocation of the amounts that otherwise would be allo-
10 cated for fiscal year 2012 under section 854(c) of such
11 Act, upon the written request of an applicant, in conjunc-
12 tion with the State(s), for a formula allocation on behalf
13 of a metropolitan statistical area, to designate the State
14 or States in which the metropolitan statistical area is lo-
15 cated as the eligible grantee(s) of the allocation. In the
16 case that a metropolitan statistical area involves more
17 than one State, such amounts allocated to each State shall
18 be in proportion to the number of cases of AIDS reported
19 in the portion of the metropolitan statistical area located
20 in that State. Any amounts allocated to a State under this
21 section shall be used to carry out eligible activities within
22 the portion of the metropolitan statistical area located in
23 that State.

24 SEC. 210 The President's formal budget request for
25 fiscal year 2013, as well as the Department of Housing

1 and Urban Development's congressional budget justifica-
2 tions to be submitted to the Committees on Appropriations
3 of the House of Representatives and the Senate, shall use
4 the identical account and sub-account structure provided
5 under this Act.

6 SEC. 211. A public housing agency or such other enti-
7 ty that administers Federal housing assistance for the
8 Housing Authority of the county of Los Angeles, Cali-
9 fornia, the States of Alaska, Iowa, and Mississippi shall
10 not be required to include a resident of public housing or
11 a recipient of assistance provided under section 8 of the
12 United States Housing Act of 1937 on the board of direc-
13 tors or a similar governing board of such agency or entity
14 as required under section (2)(b) of such Act. Each public
15 housing agency or other entity that administers Federal
16 housing assistance under section 8 for the Housing Au-
17 thority of the county of Los Angeles, California and the
18 States of Alaska, Iowa and Mississippi that chooses not
19 to include a resident of public housing or a recipient of
20 section 8 assistance on the board of directors or a similar
21 governing board shall establish an advisory board of not
22 less than six residents of public housing or recipients of
23 section 8 assistance to provide advice and comment to the
24 public housing agency or other administering entity on

1 issues related to public housing and section 8. Such advi-
2 sory board shall meet not less than quarterly.

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

11 (b) PHASED TRANSFERS.—Transfers of project-
12 based assistance under this section may be done in phases
13 to accommodate the financing and other requirements re-
14 lated to rehabilitating or constructing the project or
15 projects to which the assistance is transferred, to ensure
16 that such project or projects meet the standards under
17 section (c).

18 (c) The transfer authorized in subsection (a) is sub-
19 ject to the following conditions:

20 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

21 (A) For occupied units in the transferring
22 project: the number of low-income and very low-
23 income units and the configuration (i.e. bed-
24 room size) provided by the transferring project
25 shall be no less than when transferred to the re-

1 ceiving project or projects and the net dollar
2 amount of Federal assistance provided by the
3 transferring project shall remain the same in
4 the receiving project or projects.

5 (B) For unoccupied units in the transfer-
6 ring project: the Secretary may authorize a re-
7 duction in the number of dwelling units in the
8 receiving project or projects to allow for a re-
9 configuration of bedroom sizes to meet current
10 market demands, as determined by the Sec-
11 retary and provided there is no increase in the
12 project-based section 8 budget authority.

13 (2) The transferring project shall, as deter-
14 mined by the Secretary, be either physically obsolete
15 or economically nonviable.

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

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

24 (5) The tenants of the transferring project who
25 remain eligible for assistance to be provided by the

1 receiving project or projects shall not be required to
2 vacate their units in the transferring project or
3 projects until new units in the receiving project are
4 available for occupancy.

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

7 (7) If either the transferring project or the re-
8 ceiving project or projects meets the condition speci-
9 fied in subsection (d)(2)(A), any lien on the receiv-
10 ing project resulting from additional financing ob-
11 tained by the owner shall be subordinate to any
12 FHA-insured mortgage lien transferred to, or placed
13 on, such project by the Secretary, except that the
14 Secretary may waive this requirement upon deter-
15 mination that such a waiver is necessary to facilitate
16 the financing of acquisition, construction, and/or re-
17 habilitation of the receiving project or projects.

18 (8) If the transferring project meets the re-
19 quirements of subsection (c)(2)(E), the owner or
20 mortgagor of the receiving project or projects shall
21 execute and record either a continuation of the exist-
22 ing use agreement or a new use agreement for the
23 project where, in either case, any use restrictions in
24 such agreement are of no lesser duration than the
25 existing use restrictions.

1 (d) For purposes of this section—

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

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

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

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

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

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

24 or

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

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

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

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

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

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

19 (E) assistance payments made under sec-
20 tion 202(e)(2) of the Housing Act of 1959; and

21 (F) assistance payments made under sec-
22 tion 811(d)(2) of the Housing Act of 1959;

23 (4) the term “receiving project or projects”
24 means the multifamily housing project or projects to
25 which some or all of the project-based assistance,

1 debt, and statutorily required use low-income and
2 very low-income restrictions are to be transferred;

3 (5) the term “transferring project” means the
4 multifamily housing project which is transferring
5 some or all of the project-based assistance, debt and
6 the statutorily required low-income and very low-in-
7 come use restrictions to the receiving project or
8 projects; and

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

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

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

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

23 (1) is enrolled as a student at an institution of
24 higher education (as defined under section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1002));

3 (2) is under 24 years of age;

4 (3) is not a veteran;

5 (4) is unmarried;

6 (5) does not have a dependent child;

7 (6) is not a person with disabilities, as such
8 term is defined in section 3(b)(3)(E) of the United
9 States Housing Act of 1937 (42 U.S.C.
10 1437a(b)(3)(E)) and was not receiving assistance
11 under such section 8 as of November 30, 2005; and

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

16 (b) For purposes of determining the eligibility of a
17 person to receive assistance under section 8 of the United
18 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
19 cial assistance (in excess of amounts received for tuition)
20 that an individual receives under the Higher Education
21 Act of 1965 (20 U.S.C. 1001 et seq.), from private
22 sources, or an institution of higher education (as defined
23 under the Higher Education Act of 1965 (20 U.S.C.
24 1002)), shall be considered income to that individual, ex-

1 cept for a person over the age of 23 with dependent chil-
2 dren.

3 SEC. 216. Notwithstanding the limitation in the first
4 sentence of section 255(g) of the National Housing Act
5 (12 U.S.C. 1715z–g), the Secretary of Housing and Urban
6 Development may, until September 30, 2012, insure and
7 enter into commitments to insure mortgages under section
8 255(g) of the National Housing Act (12 U.S.C. 1715z–
9 20).

10 SEC. 217. Notwithstanding any other provision of
11 law, in fiscal year 2011, in managing and disposing of any
12 multifamily property that is owned or has a mortgage held
13 by the Secretary of Housing and Urban Development, and
14 during the process of foreclosure on any property with a
15 contract for rental assistance payments under section 8
16 of the United States Housing Act of 1937 or other Fed-
17 eral programs, the Secretary shall maintain any rental as-
18 sistance payments under section 8 of the United States
19 Housing Act of 1937 and other programs that are at-
20 tached to any dwelling units in the property. To the extent
21 the Secretary determines, in consultation with the tenants
22 and the local government, that such a multifamily prop-
23 erty owned or held by the Secretary is not feasible for con-
24 tinued rental assistance payments under such section 8
25 or other programs, based on consideration of (1) the costs

1 of rehabilitating and operating the property and all avail-
2 able Federal, State, and local resources, including rent ad-
3 justments under section 524 of the Multifamily Assisted
4 Housing Reform and Affordability Act of 1997
5 (“MAHRAA”) and (2) environmental conditions that can-
6 not be remedied in a cost-effective fashion, the Secretary
7 may, in consultation with the tenants of that property,
8 contract for project-based rental assistance payments with
9 an owner or owners of other existing housing properties,
10 or provide other rental assistance. The Secretary shall also
11 take appropriate steps to ensure that project-based con-
12 tracts remain in effect prior to foreclosure, subject to the
13 exercise of contractual abatement remedies to assist relo-
14 cation of tenants for imminent major threats to health and
15 safety after written notice to and informed consent of the
16 affected tenants and use of other available remedies, such
17 as partial abatements or receivership. After disposition of
18 any multifamily property described under this section, the
19 contract and allowable rent levels on such properties shall
20 be subject to the requirements under section 524 of
21 MAHRAA.

22 SEC. 218. During fiscal year 2012, in the provision
23 of rental assistance under section 8(o) of the United
24 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
25 nection with a program to demonstrate the economy and

1 effectiveness of providing such assistance for use in as-
2 sisted living facilities that is carried out in the counties
3 of the State of Michigan notwithstanding paragraphs (3)
4 and (18)(B)(iii) of such section 8(o), a family residing in
5 an assisted living facility in any such county, on behalf
6 of which a public housing agency provides assistance pur-
7 suant to section 8(o)(18) of such Act, may be required,
8 at the time the family initially receives such assistance,
9 to pay rent in an amount exceeding 40 percent of the
10 monthly adjusted income of the family by such a percent-
11 age or amount as the Secretary of Housing and Urban
12 Development determines to be appropriate.

13 SEC. 219. The Secretary of Housing and Urban De-
14 velopment shall report quarterly to the House of Rep-
15 resentatives and Senate Committees on Appropriations on
16 HUD's use of all sole-source contracts, including terms
17 of the contracts, cost, and a substantive rationale for
18 using a sole-source contract.

19 SEC. 220. Notwithstanding any other provision of
20 law, the recipient of a grant under section 202b of the
21 Housing Act of 1959 (12 U.S.C. 1701q) after December
22 26, 2000, in accordance with the unnumbered paragraph
23 at the end of section 202(b) of such Act, may, at its op-
24 tion, establish a single-asset nonprofit entity to own the
25 project and may lend the grant funds to such entity, which

1 may be a private nonprofit organization described in sec-
2 tion 831 of the American Homeownership and Economic
3 Opportunity Act of 2000.

4 SEC. 221. (a) The amounts provided under the sub-
5 heading “Program Account” under the heading “Commu-
6 nity Development Loan Guarantees” may be used to guar-
7 antee, or make commitments to guarantee, notes, or other
8 obligations issued by any State on behalf of nonentitle-
9 ment communities in the State in accordance with the re-
10 quirements of section 108 of the Housing and Community
11 Development Act of 1974 in fiscal year 2012 and subse-
12 quent years: *Provided*, That, any State receiving such a
13 guarantee or commitment shall distribute all funds subject
14 to such guarantee to the units of general local government
15 in nonentitlement areas that received the commitment.

16 (b) Not later than 60 days after the date of enact-
17 ment of this Act, the Secretary of Housing and Urban
18 Development shall promulgate regulations governing the
19 administration of the funds described under subsection
20 (a).

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

23 (1) in subsection (m)(1), by striking “fiscal
24 year” and all that follows through the period at the
25 end and inserting “fiscal year 2012.”; and

1 (2) in subsection (o), by striking “September”
2 and all that follows through the period at the end
3 and inserting “September 30, 2012.”.

4 SEC. 223. Public housing agencies that own and oper-
5 ate 400 or fewer public housing units may elect to be ex-
6 empt from any asset management requirement imposed by
7 the Secretary of Housing and Urban Development in con-
8 nection with the operating fund rule: *Provided*, That an
9 agency seeking a discontinuance of a reduction of subsidy
10 under the operating fund formula shall not be exempt
11 from asset management requirements.

12 SEC. 224. With respect to the use of amounts pro-
13 vided in this Act and in future Acts for the operation, cap-
14 ital improvement and management of public housing as
15 authorized by sections 9(d) and 9(e) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
17 Secretary shall not impose any requirement or guideline
18 relating to asset management that restricts or limits in
19 any way the use of capital funds for central office costs
20 pursuant to section 9(g)(1) or 9(g)(2) of the United States
21 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
22 *vided*, That a public housing agency may not use capital
23 funds authorized under section 9(d) for activities that are
24 eligible under section 9(e) for assistance with amounts

1 from the operating fund in excess of the amounts per-
2 mitted under section 9(g)(1) or 9(g)(2).

3 SEC. 225. No official or employee of the Department
4 of Housing and Urban Development shall be designated
5 as an allotment holder unless the Office of the Chief Fi-
6 nancial Officer has determined that such allotment holder
7 has implemented an adequate system of funds control and
8 has received training in funds control procedures and di-
9 rectives. The Chief Financial Officer shall ensure that, not
10 later than 90 days after the date of enactment of this Act,
11 a trained allotment holder shall be designated for each
12 HUD subaccount under the heading “Administration, Op-
13 erations, and Management” as well as each account receiv-
14 ing appropriations for “Program Office Salaries and Ex-
15 penses” within the Department of Housing and Urban
16 Development.

17 SEC. 226. The Secretary of Housing and Urban De-
18 velopment shall report quarterly to the House and Senate
19 Committees on Appropriations on the status of all section
20 8 project-based housing, including the number of all
21 project-based units by region as well as an analysis of all
22 federally subsidized housing being refinanced under the
23 Mark-to-Market program. The Secretary shall in the re-
24 port identify all existing units maintained by region as sec-
25 tion 8 project-based units and all project-based units that

1 have opted out of section 8 or have otherwise been elimi-
2 nated as section 8 project-based units. The Secretary shall
3 identify in detail and by project all the efforts made by
4 the Department to preserve all section 8 project-based
5 housing units and all the reasons for any units which
6 opted out or otherwise were lost as section 8 project-based
7 units. Such analysis shall include a review of the impact
8 of the loss of any subsidized units in that housing market-
9 place, such as the impact of cost and the loss of available
10 subsidized, low-income housing in areas with scarce hous-
11 ing resources for low-income families.

12 SEC. 227. Payment of attorney fees in program-re-
13 lated litigation must be paid from individual program of-
14 fice personnel benefits and compensation funding. The an-
15 nual budget submission for program office personnel ben-
16 efit and compensation funding must include program-re-
17 lated litigation costs for attorney fees as a separate line
18 item request.

19 SEC. 228. The Secretary of the Department of Hous-
20 ing and Urban Development shall for fiscal year 2012 and
21 subsequent fiscal years, notify the public through the Fed-
22 eral Register and other means, as determined appropriate,
23 of the issuance of a notice of the availability of assistance
24 or notice of funding availability (NOFA) for any program
25 or discretionary fund administered by the Secretary that

1 is to be competitively awarded. Notwithstanding any other
2 provision of law, for fiscal year 2012 and subsequent fiscal
3 years, the Secretary may make the NOFA available only
4 on the Internet at the appropriate Government Web site
5 or through other electronic media, as determined by the
6 Secretary.

7 SEC. 229. No property identified by the Secretary of
8 Housing and Urban Development as surplus Federal prop-
9 erty for use to assist the homeless shall be made available
10 to any homeless group unless the group is a member in
11 good standing under any of HUD's homeless assistance
12 programs or is in good standing with any other program
13 which receives funds from any other Federal or State
14 agency or entity: *Provided*, That an exception may be
15 made for an entity not involved with Federal homeless pro-
16 grams to use surplus Federal property for the homeless
17 only after the Secretary or another responsible Federal
18 agency has fully and comprehensively reviewed all relevant
19 finances of the entity, the track record of the entity in
20 assisting the homeless, the ability of the entity to manage
21 the property, including all costs, the ability of the entity
22 to administer homeless programs in a manner that is ef-
23 fective to meet the needs of the homeless population that
24 is expected to use the property and any other related
25 issues that demonstrate a commitment to assist the home-

1 less: *Provided further*, That the Secretary shall not require
2 the entity to have cash in hand in order to demonstrate
3 financial ability but may rely on the entity's prior dem-
4 onstrated fund-raising ability or commitments for in-kind
5 donations of goods and services: *Provided further*, That
6 the Secretary shall make all such information and its deci-
7 sion regarding the award of the surplus property available
8 to the committees of jurisdiction, including a full justifica-
9 tion of the appropriateness of the use of the property to
10 assist the homeless as well as the appropriateness of the
11 group seeking to obtain the property to use such property
12 to assist the homeless: *Provided further*, That, this section
13 shall apply to properties in fiscal years 2011 and 2012
14 made available as surplus Federal property for use to as-
15 sist the homeless.

16 SEC. 230. The Secretary of the Department of Hous-
17 ing and Urban Development is authorized to transfer up
18 to 5 percent or \$5,000,000, whichever is less, of the funds
19 made available for salaries and expenses under any ac-
20 count or any set-aside within any account under this title
21 under the general heading "Program Office Salaries and
22 Expenses", and under the account heading "Administra-
23 tion, Operations and Management", to any other such ac-
24 count or any other such set-aside within any such account:
25 *Provided*, That no appropriation for salaries and expenses

1 in any such account or set-aside shall be increased or de-
2 creased by more than 5 percent or \$5,000,000, whichever
3 is less, without prior written approval of the House and
4 Senate Committees on Appropriations.

5 SEC. 231. The Disaster Housing Assistance Pro-
6 grams, administered by the Department of Housing and
7 Urban Development, shall be considered a “program of
8 the Department of Housing and Urban Development”
9 under section 904 of the McKinney Act for the purpose
10 of income verifications and matching.

11 SEC. 232. Of the amounts made available for salaries
12 and expenses under all accounts under this title (except
13 for the Office of Inspector General account), a total of
14 up to \$10,000,000 may be transferred to and merged with
15 amounts made available in the “Working Capital Fund”
16 account under this title.

17 SEC. 233. Title II of division I of Public Law 108–
18 447 and title III of Public Law 109–115 are each amend-
19 ed by striking the item related to “Flexible Subsidy
20 Fund”.

21 SEC. 234. The Secretary of Housing and Urban De-
22 velopment may increase, pursuant to this section, the
23 number of Moving-to-Work agencies authorized under sec-
24 tion 204, title II, of the Departments of Veterans Affairs
25 and Housing and Urban Development and Independent

1 Agencies Appropriations Act, 1996 (Public Law 104–134;
2 110 Stat. 1321) by adding to the program up to three
3 Public Housing Agencies that are High Performing Agen-
4 cies under the Public Housing Assessment System
5 (PHAS) or the Section Eight Management Assessment
6 Program (SEMAP). No PHA shall be granted this des-
7 ignation through this section that administers in excess
8 of 10,000 aggregate housing vouchers and public housing
9 units. No PHA granted this designation through this sec-
10 tion shall receive more funding under sections 8 or 9 of
11 the United States Housing Act of 1937 than they other-
12 wise would have received absent this designation. In addi-
13 tion to other reporting requirements, all Moving-to-Work
14 agencies shall report financial data to the Department of
15 Housing and Urban Development as specified by the Sec-
16 retary, so that the effect of Moving-to-Work policy
17 changes can be measured.

18 SEC. 235. Of the unobligated balances remaining
19 from funds appropriated under the heading “Tenant-
20 Based Rental Assistance” under the “Full-Year Con-
21 tinuing Appropriations Act, 2011”, \$750,000,000 are re-
22 scinded from the \$4,000,000,000 which are available on
23 October 1, 2011: *Provided*, That such amounts may be
24 derived from reductions to public housing agencies’ cal-
25 endar year 2012 allocations based on the excess amounts

1 of public housing agencies' net restricted assets accounts,
2 including the net restricted assets of MTW agencies (in
3 accordance with VMS data in calendar year 2011 that is
4 verifiable and complete), as determined by the Secretary:
5 *Provided further*, That in making such adjustments, the
6 Secretary shall preserve public housing authority reserves
7 at no less than one month, to the extent practicable.

8 SEC. 236. The United States Housing Act of 1937
9 (42 U.S.C. 1437) is amended—

10 (1) in section 3(a)(1) by inserting before the
11 period at the end of the second sentence the fol-
12 lowing: “, except in the case of any family with a
13 fixed income, as defined by the Secretary, after the
14 initial review of the family's income, the public hous-
15 ing agency or owner shall not be required to conduct
16 a review of the family's income for any year for
17 which such family certifies, in accordance with such
18 requirements as the Secretary shall establish, that
19 90 percent or more of the income of the family con-
20 sists of fixed income, and that the sources of such
21 income have not changed since the previous year, ex-
22 cept that the public housing agency or owner shall
23 conduct a review of each such family's income not
24 less than once every 3 years”;

1 (2) in section 3(b)(2) by inserting after the sec-
2 ond sentence the following new sentence: “The term
3 ‘extremely low-income families’ means very low-in-
4 come families whose incomes do not exceed the high-
5 er of (A) the poverty guidelines updated periodically
6 by the Department of Health and Human Services
7 under the authority of section 673(2) of the Commu-
8 nity Services Block Grant Act (42 U.S.C. 9902(2)),
9 applicable to a family of the size involved; or (B) 30
10 percent of the median family income for the area, as
11 determined by the Secretary, with adjustments for
12 smaller and larger families, except that the Sec-
13 retary may establish income ceilings higher or lower
14 than 30 percent of the median for the area on the
15 basis of the Secretary’s findings that such variations
16 are necessary because of unusually high or low fam-
17 ily incomes, and except that clause (A) of this sen-
18 tence shall not apply in the case of public housing
19 agencies located in Puerto Rico or any other terri-
20 tory or possession of the United States.”;

21 (3) in paragraph (2) of section 3(b) by adding
22 at the end the following new sentence: “The Sec-
23 retary shall periodically, but not less than annually,
24 determine or establish area median incomes and in-

1 come ceilings and limits in accordance with this
2 paragraph”;

3 (4) in section 3(b)(5)(A)—

4 (A) in clause (i) by striking “\$400” and
5 inserting in lieu thereof “\$675”; and

6 (B) in clause (ii), in the matter preceding
7 subclause (I), by striking “3 percent” and in-
8 serting in lieu thereof “10 percent”;

9 (5) in paragraph (1) of section 8(c)—

10 (A) by inserting “(A)” after the paragraph
11 designation;

12 (B) by striking the fourth, fifth, seventh,
13 eighth, ninth, and tenth sentences; and

14 (C) by adding at the end the following:

15 “(B) Fair market rentals for an area shall
16 be published not less than annually by the Sec-
17 retary on the Department’s Web site and in any
18 other manner specified by the Secretary. The
19 Secretary shall publish notice of the publication
20 of such fair market rentals in the Federal Reg-
21 ister, and such fair market rentals shall become
22 effective no earlier than 30 days after the date
23 of such publication. The Secretary shall estab-
24 lish a procedure for public housing agencies and
25 other interested parties to comment on such

1 fair market rentals and to request, within a
2 time specified by the Secretary, reevaluation of
3 the fair market rental in a jurisdiction. The
4 Secretary shall publish for comment in the Fed-
5 eral Register notices of proposed material
6 changes in the methodology for estimating fair
7 market rentals and notices specifying the final
8 decisions regarding such proposed substantial
9 methodological changes and responses to public
10 comments.”;

11 (6) in subparagraph (B) of section 8(o)(1) by
12 inserting before the period at the end the following:
13 “, except that no public housing agency shall be re-
14 quired as a result of a reduction in the fair market
15 rental to reduce the payment standard applied to a
16 family continuing to reside in a unit for which the
17 family was receiving assistance under this section at
18 the time the fair market rental was reduced. The
19 Secretary shall allow public housing agencies to re-
20 quest exception payment standards within fair mar-
21 ket rental areas subject to criteria and procedures
22 established by the Secretary”;

23 (7) in subparagraph (D) of section 8(o)(1) by
24 inserting before the period at the end the following:
25 “except that a public housing agency may establish

1 a payment standard of not more than 120 percent
2 of the fair market rent, where necessary, as a rea-
3 sonable accommodation for a person with a dis-
4 ability, without approval of the Secretary. A public
5 housing agency may seek approval of the Secretary
6 to use a payment standard greater than 120 percent
7 of the fair market rent as a reasonable accommoda-
8 tion for a disabled family or other family with a per-
9 son with a disability. In connection with the use of
10 any increased payment standard established or ap-
11 proved pursuant to either of the preceding two sen-
12 tences as a reasonable accommodation for a person
13 with a disability, the Secretary may not establish ad-
14 ditional requirements regarding the amount of ad-
15 justed income paid by such person for rent”;

16 (8) in section 16(a)(2)(A) by striking “families
17 whose incomes” and all that follows through “low
18 family incomes” and inserting in lieu thereof “ex-
19 tremely low-income families”;

20 (9) in section 16(b)(1) by striking “families
21 whose incomes” and all that follows through “low
22 family incomes” and inserting in lieu thereof “ex-
23 tremely low-income families”; and

24 (10) in section 16(c)(3) by striking “families
25 whose incomes” and all that follows through “low

1 family incomes” and inserting in lieu thereof “ex-
2 tremely low-income families”.

3 SEC. 236. Section 579 of the Multifamily Assisted
4 Housing Reform and Affordability Act of 1997 (42 U.S.C.
5 1437f) is amended by striking “October 1, 2011” each
6 place it appears and inserting in lieu thereof “October 1,
7 2015”.

1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$7,400,000: *Provided*, That, notwithstanding
8 any other provision of law, there may be credited to this
9 appropriation funds received for publications and training
10 expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. App.
16 1111), including services as authorized by 5 U.S.C. 3109;
17 hire of passenger motor vehicles as authorized by 31
18 U.S.C. 1343(b); and uniforms or allowances therefore, as
19 authorized by 5 U.S.C. 5901–5902, \$24,100,000.

20 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE
21 OF INSPECTOR GENERAL
22 OFFICE OF INSPECTOR GENERAL
23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Inspector
25 General for the National Railroad Passenger Corporation

1 to carry out the provisions of the Inspector General Act
2 of 1978, as amended, \$19,311,000: *Provided*, That the In-
3 spector General shall have all necessary authority, in car-
4 rying out the duties specified in the Inspector General Act,
5 as amended (5 U.S.C. App. 3), to investigate allegations
6 of fraud, including false statements to the government (18
7 U.S.C. 1001), by any person or entity that is subject to
8 regulation by the National Railroad Passenger Corpora-
9 tion: *Provided further*, That the Inspector General may
10 enter into contracts and other arrangements for audits,
11 studies, analyses, and other services with public agencies
12 and with private persons, subject to the applicable laws
13 and regulations that govern the obtaining of such services
14 within the National Railroad Passenger Corporation: *Pro-*
15 *vided further*, That the Inspector General may select, ap-
16 point, and employ such officers and employees as may be
17 necessary for carrying out the functions, powers, and du-
18 ties of the Office of Inspector General, subject to the appli-
19 cable laws and regulations that govern such selections, ap-
20 pointments, and employment within Amtrak: *Provided fur-*
21 *ther*, That concurrent with the President's budget request
22 for fiscal year 2013, the Inspector General shall submit
23 to the House and Senate Committees on Appropriations
24 a budget request for fiscal year 2013 in similar format

1 and substance to those submitted by executive agencies
2 of the Federal Government.

3 NATIONAL TRANSPORTATION SAFETY BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the National Transpor-
6 tation Safety Board, including hire of passenger motor ve-
7 hicles and aircraft; services as authorized by 5 U.S.C.
8 3109, but at rates for individuals not to exceed the per
9 diem rate equivalent to the rate for a GS-15; uniforms,
10 or allowances therefor, as authorized by law (5 U.S.C.
11 5901-5902), \$99,275,000, of which not to exceed \$2,000
12 may be used for official reception and representation ex-
13 penses. The amounts made available to the National
14 Transportation Safety Board in this Act include amounts
15 necessary to make lease payments on an obligation in-
16 curred in fiscal year 2001 for a capital lease.

17 NEIGHBORHOOD REINVESTMENT CORPORATION

18 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

19 CORPORATION

20 For payment to the Neighborhood Reinvestment Cor-
21 poration for use in neighborhood reinvestment activities,
22 as authorized by the Neighborhood Reinvestment Corpora-
23 tion Act (42 U.S.C. 8101-8107), \$135,000,000, of which
24 \$5,000,000 shall be for a multi-family rental housing pro-
25 gram: *Provided*, That in addition, \$65,000,000 shall be

1 made available until expended to the Neighborhood Rein-
2 vestment Corporation for mortgage foreclosure mitigation
3 activities, under the following terms and conditions:

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

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

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

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

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

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

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

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

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

12 (7) Of the total amount made available under
13 this paragraph, up to 4 percent may be used for as-
14 sociated administrative expenses for the NRC to
15 carry out activities provided under this section.

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

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

1 UNITED STATES INTERAGENCY COUNCIL ON
2 HOMELESSNESS
3 OPERATING EXPENSES

4 For necessary expenses (including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms, and the employment of ex-
7 perts and consultants under section 3109 of title 5, United
8 States Code) of the United States Interagency Council on
9 Homelessness in carrying out the functions pursuant to
10 title II of the McKinney-Vento Homeless Assistance Act,
11 as amended, \$3,640,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

1
2 SEC. 401. Such sums as may be necessary for fiscal
3 year 2012 pay raises for programs funded in this Act shall
4 be absorbed within the levels appropriated in this Act or
5 previous appropriations Acts.
6

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

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

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

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

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2012, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that:

8 (1) creates a new program;

9 (2) eliminates a program, project, or activity;

10 (3) increases funds or personnel for any pro-
11 gram, project, or activity for which funds have been
12 denied or restricted by the Congress;

13 (4) proposes to use funds directed for a specific
14 activity by either the House or Senate Committees
15 on Appropriations for a different purpose;

16 (5) augments existing programs, projects, or ac-
17 tivities in excess of \$5,000,000 or 10 percent, which-
18 ever is less;

19 (6) reduces existing programs, projects, or ac-
20 tivities by \$5,000,000 or 10 percent, whichever is
21 less; or

22 (7) creates, reorganizes, or restructures a
23 branch, division, office, bureau, board, commission,
24 agency, administration, or department different from
25 the budget justifications submitted to the Commit-

1 tees on Appropriations or the table accompanying
2 the explanatory statement accompanying this Act,
3 whichever is more detailed, unless prior approval is
4 received from the House and Senate Committees on
5 Appropriations: *Provided*, That not later than 60
6 days after the date of enactment of this Act, each
7 agency funded by this Act shall submit a report to
8 the Committees on Appropriations of the Senate and
9 of the House of Representatives to establish the
10 baseline for application of reprogramming and trans-
11 fer authorities for the current fiscal year: *Provided*
12 *further*, That the report shall include:

13 (A) a table for each appropriation with a
14 separate column to display the President's
15 budget request, adjustments made by Congress,
16 adjustments due to enacted rescissions, if ap-
17 propriate, and the fiscal year enacted level;

18 (B) a delineation in the table for each ap-
19 propriation both by object class and program,
20 project, and activity as detailed in the budget
21 appendix for the respective appropriation; and

22 (C) an identification of items of special
23 congressional interest: *Provided further*, That
24 the amount appropriated or limited for salaries
25 and expenses for an agency shall be reduced by

1 \$100,000 per day for each day after the re-
2 quired date that the report has not been sub-
3 mitted to the Congress.

4 SEC. 406. Except as otherwise specifically provided
5 by law, not to exceed 50 percent of unobligated balances
6 remaining available at the end of fiscal year 2012 from
7 appropriations made available for salaries and expenses
8 for fiscal year 2012 in this Act, shall remain available
9 through September 30, 2013, for each such account for
10 the purposes authorized: *Provided*, That a request shall
11 be submitted to the House and Senate Committees on Ap-
12 propriations for approval prior to the expenditure of such
13 funds: *Provided further*, That these requests shall be made
14 in compliance with reprogramming guidelines under sec-
15 tion 405 of this Act.

16 SEC. 407. All Federal agencies and departments that
17 are funded under this Act shall issue a report to the House
18 and Senate Committees on Appropriations on all sole-
19 source contracts by no later than July 30, 2012. Such re-
20 port shall include the contractor, the amount of the con-
21 tract and the rationale for using a sole-source contract.

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

1 (1) does not meet identified needs for knowl-
2 edge, skills, and abilities bearing directly upon the
3 performance of official duties;

4 (2) contains elements likely to induce high lev-
5 els of emotional response or psychological stress in
6 some participants;

7 (3) does not require prior employee notification
8 of the content and methods to be used in the train-
9 ing and written end of course evaluation;

10 (4) contains any methods or content associated
11 with religious or quasi-religious belief systems or
12 “new age” belief systems as defined in Equal Em-
13 ployment Opportunity Commission Notice N-
14 915.022, dated September 2, 1988; or

15 (5) is offensive to, or designed to change, par-
16 ticipants’ personal values or lifestyle outside the
17 workplace.

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

21 SEC. 409. No funds in this Act may be used to sup-
22 port any Federal, State, or local projects that seek to use
23 the power of eminent domain, unless eminent domain is
24 employed only for a public use: *Provided*, That for pur-
25 poses of this section, public use shall not be construed to

1 include economic development that primarily benefits pri-
2 vate entities: *Provided further*, That any use of funds for
3 mass transit, railroad, airport, seaport or highway projects
4 as well as utility projects which benefit or serve the gen-
5 eral public (including energy-related, communication-re-
6 lated, water-related and wastewater-related infrastruc-
7 ture), other structures designated for use by the general
8 public or which have other common-carrier or public-util-
9 ity functions that serve the general public and are subject
10 to regulation and oversight by the government, and
11 projects for the removal of an immediate threat to public
12 health and safety or brownfield as defined in the Small
13 Business Liability Relief and Brownsfield Revitalization
14 Act (Public Law 107–118) shall be considered a public
15 use for purposes of eminent domain.

16 SEC. 410. None of the funds made available in this
17 Act may be transferred to any department, agency, or in-
18 strumentality of the United States Government, except
19 pursuant to a transfer made by, or transfer authority pro-
20 vided in, this Act or any other appropriations Act.

21 SEC. 411. No part of any appropriation contained in
22 this Act shall be available to pay the salary for any person
23 filling a position, other than a temporary position, for-
24 merly held by an employee who has left to enter the Armed
25 Forces of the United States and has satisfactorily com-

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

9 SEC. 412. No funds appropriated pursuant to this
10 Act may be expended by an entity unless the entity agrees
11 that in expending the assistance the entity will comply
12 with sections 2 through 4 of the Act of March 3, 1933
13 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
14 ican Act”).

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

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

23 SEC. 415. None of the funds made available in this
24 Act may be used to purchase a light bulb for an office
25 building unless the light bulb has, to the extent prac-

1 ticable, an Energy Star or Federal Energy Management
2 Program designation.

3 SEC. 416. None of the funds made available in this
4 Act may be used to establish, issue, implement, admin-
5 ister, or enforce any prohibition or restriction on the es-
6 tablishment or effectiveness of any occupancy preference
7 for veterans in supportive housing for the elderly that:

8 (1) is provided assistance by the Department of
9 Housing and Urban Development; and

10 (2) is or would be located on property of the
11 Department of Veterans Affairs; or

12 (3) is subject to an enhanced use lease with the
13 Department of Veterans Affairs.

14 SEC. 417. None of the funds made available under
15 this Act or any prior Act may be provided to the Associa-
16 tion of Community Organizations for Reform Now
17 (ACORN), or any of its affiliates, subsidiaries, or allied
18 organizations.

19 SEC. 418. Concurrent with the issuance of any notice
20 of funding availability or any other notice designed to so-
21 licit applications for a program through which grants or
22 credit assistance are awarded through a competitive proc-
23 ess, the Secretary of Transportation and the Secretary of
24 Housing and Urban Development shall post on their Web
25 sites information about such program, including, but not

1 limited to, the goals of the program, the criteria that will
2 be used in awarding grants or credit assistance, and the
3 process by which applications will be selected for the
4 award of a grant or credit assistance: *Provided*, That con-
5 current with the public announcement of grants or credit
6 assistance to be awarded through such competitive pro-
7 gram, the Secretary of Transportation and the Secretary
8 of Housing and Urban Development shall post on their
9 Web sites information on each applicant to be awarded
10 a grant or credit assistance, including, but not limited to,
11 the name and address of the applicant, the amount of the
12 grant or credit assistance to be awarded, the amount of
13 financing expected from other sources, and an explanation
14 of how such award is consistent with program goals.

15 This Act may be cited as the “Transportation, Hous-
16 ing and Urban Development, and Related Agencies Appro-
17 priations Act, 2012”.

Calendar No. 177

112TH CONGRESS
1ST Session

S. 1596

[Report No. 112-83]

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.

SEPTEMBER 21, 2011

Read twice and placed on the calendar