

117TH CONGRESS
2D SESSION

S. 4670

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on Appropriations

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban
6 Development, and related agencies for the fiscal year end-
7 ing September 30, 2023, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF TRANSPORTATION
3 OFFICE OF THE SECRETARY
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Office of the Secretary,
7 \$171,014,000: *Provided*, That of the sums appropriated
8 under this heading—

9 (1) \$3,569,000 shall be available for the imme-
10 diate Office of the Secretary;

11 (2) \$1,277,000 shall be available for the imme-
12 diate Office of the Deputy Secretary;

13 (3) \$28,089,000 shall be available for the Office
14 of the General Counsel;

15 (4) \$17,469,000 shall be available for the Office
16 of the Under Secretary of Transportation for Policy,
17 of which \$2,000,000 is for the Office for Multimodal
18 Freight Infrastructure and Policy;

19 (5) \$21,026,000 shall be available for the Office
20 of the Assistant Secretary for Budget and Pro-
21 grams;

22 (6) \$3,968,000 shall be available for the Office
23 of the Assistant Secretary for Governmental Affairs;

24 (7) \$41,399,000 shall be available for the Office
25 of the Assistant Secretary for Administration;

1 (8) \$5,727,000 shall be available for the Office
2 of Public Affairs and Public Engagement;

3 (9) \$2,312,000 shall be available for the Office
4 of the Executive Secretariat;

5 (10) \$15,533,000 shall be available for the Of-
6 fice of Intelligence, Security, and Emergency Re-
7 sponse;

8 (11) \$29,195,000 shall be available for the Of-
9 fice of the Chief Information Officer; and

10 (12) \$1,450,000 shall be available for the Office
11 of Tribal Government Affairs:

12 *Provided further*, That the Secretary of Transportation
13 (referred to in this title as the “Secretary”) is authorized
14 to transfer funds appropriated for any office of the Office
15 of the Secretary to any other office of the Office of the
16 Secretary: *Provided further*, That no appropriation for any
17 office shall be increased or decreased by more than 7 per-
18 cent by all such transfers: *Provided further*, That notice
19 of any change in funding greater than 7 percent shall be
20 submitted for approval to the House and Senate Commit-
21 tees on Appropriations: *Provided further*, That not to ex-
22 ceed \$70,000 shall be for allocation within the Department
23 for official reception and representation expenses as the
24 Secretary may determine: *Provided further*, That notwith-
25 standing any other provision of law, there may be credited

1 to this appropriation up to \$2,500,000 in funds received
2 in user fees: *Provided further*, That none of the funds pro-
3 vided in this Act shall be available for the position of As-
4 sistant Secretary for Public Affairs.

5 RESEARCH AND TECHNOLOGY

6 For necessary expenses related to the Office of the
7 Assistant Secretary for Research and Technology,
8 \$48,396,000, of which \$33,718,000 shall remain available
9 until expended: *Provided*, That there may be credited to
10 this appropriation, to be available until expended, funds
11 received from States, counties, municipalities, other public
12 authorities, and private sources for expenses incurred for
13 training: *Provided further*, That any reference in law, reg-
14 ulation, judicial proceedings, or elsewhere to the Research
15 and Innovative Technology Administration shall continue
16 to be deemed to be a reference to the Office of the Assist-
17 ant Secretary for Research and Technology of the Depart-
18 ment of Transportation.

19 NATIONAL INFRASTRUCTURE INVESTMENTS

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out a local and re-
22 gional project assistance grant program under section
23 6702 of title 49, United States Code, \$1,090,000,000, to
24 remain available until expended: *Provided*, That section
25 6702(f)(2) of title 49, United States Code, shall not apply

1 to amounts made available under this heading in this Act:
2 *Provided further*, That of amounts made available under
3 this heading in this Act, not less than \$20,000,000 shall
4 be awarded to projects in historically disadvantaged com-
5 munities or areas of persistent poverty as defined under
6 section 6702(a)(1) of title 49, United States Code: *Pro-*
7 *vided further*, That section 6702(g) of title 49, United
8 States Code, shall not apply to amounts made available
9 under this heading in this Act: *Provided further*, That of
10 the amounts made available under this heading in this Act
11 not less than 5 percent shall be made available for the
12 planning, preparation, or design of eligible projects: *Pro-*
13 *vided further*, That grants awarded under this heading in
14 this Act for eligible projects for planning, preparation, or
15 design shall not be subject to a minimum grant size: *Pro-*
16 *vided further*, That in distributing amounts made available
17 under this heading in this Act, the Secretary shall take
18 such measures so as to ensure an equitable geographic dis-
19 tribution of funds, an appropriate balance in addressing
20 the needs of urban and rural areas, including Tribal areas,
21 and the investment in a variety of transportation modes:
22 *Provided further*, That section 6702(e)(2)(C) of title 49,
23 United States Code, shall not apply to amounts made
24 available under this heading in this Act: *Provided further*,
25 That a grant award under this heading in this Act shall

1 be not greater than \$45,000,000: *Provided further*, That
2 section 6702(c)(3) of title 49, United States Code, shall
3 not apply to amounts made available under this heading
4 in this Act: *Provided further*, That not more than 15 per-
5 cent of the amounts made available under this heading
6 in this Act may be awarded to projects in a single State:
7 *Provided further*, That for amounts made available under
8 this heading in this Act, the Secretary shall give priority
9 to projects that require a contribution of Federal funds
10 in order to complete an overall financing package: *Pro-*
11 *vided further*, That section 6702(f)(1) of title 49, United
12 States Code, shall not apply to amounts made available
13 under this heading in this Act: *Provided further*, That of
14 the amounts awarded under this heading in this Act, not
15 more than 50 percent shall be allocated for eligible
16 projects located in rural areas and not more than 50 per-
17 cent shall be allocated for eligible projects located in ur-
18 banized areas: *Provided further*, That for the purpose of
19 determining if an award for planning, preparation, or de-
20 sign under this heading in this Act is an urban award,
21 the project location is the location of the project being
22 planned, prepared, or designed: *Provided further*, That the
23 Secretary may retain up to 2 percent of the amounts made
24 available under this heading in this Act, and may transfer
25 portions of such amounts to the Administrators of the

1 Federal Aviation Administration, the Federal Highway
2 Administration, the Federal Transit Administration, the
3 Federal Railroad Administration and the Maritime Ad-
4 ministration to fund the award and oversight of grants
5 and credit assistance made under the program authorized
6 under section 6702 of title 49, United States Code: *Pro-*
7 *vided further*, That for amounts made available under this
8 heading in this Act, the Secretary shall consider and
9 award projects based solely on the selection criteria as
10 identified under section 6702(d)(3) and (d)(4) of title 49,
11 United States Code.

12 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
13 FINANCE BUREAU

14 For necessary expenses of the National Surface
15 Transportation and Innovative Finance Bureau as author-
16 ized by 49 U.S.C. 116, \$8,850,000, to remain available
17 until expended: *Provided*, That the Secretary may collect
18 and spend fees, as authorized by title 23, United States
19 Code, to cover the costs of services of expert firms, includ-
20 ing counsel, in the field of municipal and project finance
21 to assist in the underwriting and servicing of Federal cred-
22 it instruments and all or a portion of the costs to the Fed-
23 eral Government of servicing such credit instruments: *Pro-*
24 *vided further*, That such fees are available until expended
25 to pay for such costs: *Provided further*, That such amounts

1 are in addition to other amounts made available for such
2 purposes and are not subject to any obligation limitation
3 or the limitation on administrative expenses under section
4 608 of title 23, United States Code.

5 INFRASTRUCTURE ADVANCEMENT INITIATIVE FOR
6 THRIVING COMMUNITIES
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to provide technical assist-
9 ance and cooperative agreements for planning and capac-
10 ity building for transportation infrastructure improve-
11 ments as established in section 21205 of Public Law 117–
12 58 and under the heading “Thriving Communities Initia-
13 tive” in division L of Public Law 117–103, \$25,000,000,
14 to remain available until September 30, 2025: *Provided*,
15 That the Secretary may enter into cooperative agreements
16 with philanthropic entities, non-profit organizations, other
17 Federal agencies, State or local governments and their
18 agencies, Indian Tribes, or other technical assistance pro-
19 viders, to provide technical assistance, planning, and ca-
20 pacity building to State, local, or Tribal governments,
21 United States territories, metropolitan planning organiza-
22 tions, transit agencies, or other political subdivisions of
23 State or local governments: *Provided further*, That to be
24 eligible for a cooperative agreement under this heading,
25 a recipient shall provide assistance to entities described

1 in the preceding proviso on engaging in public planning
2 processes with residents, local businesses, non-profit orga-
3 nizations, and to the extent practicable, philanthropic or-
4 ganizations, educational institutions, or other community
5 stakeholders: *Provided further*, That such cooperative
6 agreements shall facilitate the planning and development
7 of transportation and community revitalization activities
8 supported by the Department of Transportation under ti-
9 tles 23, 46, and 49, United States Code, that increase mo-
10 bility, support economic growth, alleviate supply chain
11 congestion, improve safety, reduce pollution from trans-
12 portation sources, expand affordable transportation op-
13 tions, facilitate efficient land use, preserve or expand jobs,
14 enhance connections to health care, education, and food
15 security, or improve health outcomes: *Provided further*,
16 That the Secretary may prioritize assistance provided with
17 amounts made available under this heading to commu-
18 nities that have disproportionate rates of pollution and
19 poor air quality, communities experiencing dispropor-
20 tionate effects (as defined by Executive Order No. 12898),
21 rural areas, Tribal communities, Native Alaskan commu-
22 nities, Native Hawaiian communities, areas of persistent
23 poverty as defined in section 6702(a)(1) of title 49, United
24 States Code, or historically disadvantaged communities:
25 *Provided further*, That the preceding proviso shall not pre-

1 vent the Secretary from providing assistance with amounts
2 made available under this heading to entities described in
3 the first proviso under this heading that request assist-
4 ance: *Provided further*, That planning and technical assist-
5 ance made available under this heading may include pre-
6 application assistance for capital projects eligible under ti-
7 tles 23, 46, and 49, United States Code: *Provided further*,
8 That the Secretary may retain amounts made available
9 under this heading for the necessary administrative ex-
10 penses of (1) developing and disseminating best practices,
11 modeling, and cost-benefit analysis methodologies to assist
12 entities described in the first proviso under this heading
13 with applications for financial assistance programs under
14 titles 23, 46, and 49, United States Code, and (2) award,
15 administration, and oversight of cooperative agreements to
16 carry out the provisions under this heading: *Provided fur-*
17 *ther*, That any amounts made available for section 21205
18 of Public Law 117–58 in this Act or unobligated balances
19 from prior Acts may be transferred to this account: *Pro-*
20 *vided further*, That amounts transferred to this account
21 under the preceding proviso shall not be subject to other
22 provisos under this heading: *Provided further*, That the
23 Secretary may transfer amounts made available under this
24 heading among the Office of the Secretary and the oper-

1 ating administrations of the Department of Transpor-
2 tation.

3 RAILROAD REHABILITATION AND IMPROVEMENT

4 FINANCING PROGRAM

5 The Secretary is authorized to issue direct loans and
6 loan guarantees pursuant to chapter 224 of title 49,
7 United States Code, and such authority shall exist as long
8 as any such direct loan or loan guarantee is outstanding.

9 FINANCIAL MANAGEMENT CAPITAL

10 For necessary expenses for upgrading and enhancing
11 the Department of Transportation's financial systems and
12 re-engineering business processes, \$5,000,000, to remain
13 available through September 30, 2024.

14 CYBER SECURITY INITIATIVES

15 For necessary expenses for cyber security initiatives,
16 including necessary upgrades to network and information
17 technology infrastructure, improvement of identity man-
18 agement and authentication capabilities, securing and pro-
19 tecting data, implementation of Federal cyber security ini-
20 tiatives, and implementation of enhanced security controls
21 on agency computers and mobile devices, \$48,100,000, to
22 remain available until September 30, 2024.

23 OFFICE OF CIVIL RIGHTS

24 For necessary expenses of the Office of Civil Rights,
25 \$17,014,000.

1 cluded in the explanatory statement accompanying this
2 Act.

3 WORKING CAPITAL FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for operating costs and cap-
6 ital outlays of the Working Capital Fund, not to exceed
7 \$505,285,000, shall be paid from appropriations made
8 available to the Department of Transportation: *Provided*,
9 That such services shall be provided on a competitive basis
10 to entities within the Department of Transportation: *Pro-*
11 *vided further*, That the limitation in the preceding proviso
12 on operating expenses shall not apply to entities external
13 to the Department of Transportation or for funds pro-
14 vided in Public Law 117-58: *Provided further*, That no
15 funds made available by this Act to an agency of the De-
16 partment shall be transferred to the Working Capital
17 Fund without majority approval of the Working Capital
18 Fund Steering Committee and approval of the Secretary:
19 *Provided further*, That no assessments may be levied
20 against any program, budget activity, subactivity, or
21 project funded by this Act unless notice of such assess-
22 ments and the basis therefor are presented to the House
23 and Senate Committees on Appropriations and are ap-
24 proved by such Committees.

1 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
2 OUTREACH

3 For necessary expenses for small and disadvantaged
4 business utilization and outreach activities, \$5,132,000, to
5 remain available until September 30, 2024: *Provided*,
6 That notwithstanding section 332 of title 49, United
7 States Code, such amounts may be used for business op-
8 portunities related to any mode of transportation: *Pro-*
9 *vided further*, That appropriations made available under
10 this heading shall be available for any purpose consistent
11 with prior year appropriations that were made available
12 under the heading “Office of the Secretary—Minority
13 Business Resource Center Program”.

14 PAYMENTS TO AIR CARRIERS
15 (AIRPORT AND AIRWAY TRUST FUND)

16 In addition to funds made available from any other
17 source to carry out the essential air service program under
18 sections 41731 through 41742 of title 49, United States
19 Code, \$368,727,000, to be derived from the Airport and
20 Airway Trust Fund, to remain available until expended:
21 *Provided*, That in determining between or among carriers
22 competing to provide service to a community, the Sec-
23 retary may consider the relative subsidy requirements of
24 the carriers: *Provided further*, That basic essential air
25 service minimum requirements shall not include the 15-

1 passenger capacity requirement under section 41732(b)(3)
2 of title 49, United States Code: *Provided further*, That
3 amounts authorized to be distributed for the essential air
4 service program under section 41742(b) of title 49, United
5 States Code, shall be made available immediately from
6 amounts otherwise provided to the Administrator of the
7 Federal Aviation Administration: *Provided further*, That
8 the Administrator may reimburse such amounts from fees
9 credited to the account established under section 45303
10 of title 49, United States Code: *Provided further*, That,
11 notwithstanding section 41733 of title 49, United States
12 Code, for fiscal year 2023, the requirements established
13 under subparagraphs (B) and (C) of section 41731(a)(1)
14 of title 49, United States Code, and the subsidy cap estab-
15 lished by section 332 of the Department of Transportation
16 and Related Agencies Appropriations Act, 2000, shall not
17 apply to maintain eligibility under section 41731 of title
18 49, United States Code.

19 ELECTRIC VEHICLE FLEET

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to transition to the General
22 Services Administration's leased vehicle fleet, and for the
23 purchase of electric passenger motor vehicles and nec-
24 essary supporting charging or fueling infrastructure,
25 \$16,000,000, to remain available until expended: *Pro-*

1 *vided*, That such amounts made available under this head-
2 ing may be transferred to other accounts of the Depart-
3 ment of Transportation for the purposes of this heading.

4 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
5 SECRETARY OF TRANSPORTATION
6 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

7 SEC. 101. None of the funds made available by this
8 Act to the Department of Transportation may be obligated
9 for the Office of the Secretary of Transportation to ap-
10 prove assessments or reimbursable agreements pertaining
11 to funds appropriated to the operating administrations in
12 this Act, except for activities underway on the date of en-
13 actment of this Act, unless such assessments or agree-
14 ments have completed the normal reprogramming process
15 for congressional notification.

16 SEC. 102. The Secretary shall post on the web site
17 of the Department of Transportation a schedule of all
18 meetings of the Council on Credit and Finance, including
19 the agenda for each meeting, and require the Council on
20 Credit and Finance to record the decisions and actions
21 of each meeting.

22 SEC. 103. In addition to authority provided by section
23 327 of title 49, United States Code, the Department's
24 Working Capital Fund is authorized to provide partial or
25 full payments in advance and accept subsequent reim-

1 bursements from all Federal agencies from available funds
2 for transit benefit distribution services that are necessary
3 to carry out the Federal transit pass transportation fringe
4 benefit program under Executive Order No. 13150 and
5 section 3049 of SAFETEA-LU (5 U.S.C. 7905 note):
6 *Provided*, That the Department shall maintain a reason-
7 able operating reserve in the Working Capital Fund, to
8 be expended in advance to provide uninterrupted transit
9 benefits to Government employees: *Provided further*, That
10 such reserve shall not exceed 1 month of benefits payable
11 and may be used only for the purpose of providing for
12 the continuation of transit benefits: *Provided further*, That
13 the Working Capital Fund shall be fully reimbursed by
14 each customer agency from available funds for the actual
15 cost of the transit benefit.

16 SEC. 104. Receipts collected in the Department's
17 Working Capital Fund, as authorized by section 327 of
18 title 49, United States Code, for unused transit and van
19 pool benefits, in an amount not to exceed 10 percent of
20 fiscal year 2023 collections, shall be available until ex-
21 pended in the Department's Working Capital Fund to pro-
22 vide contractual services in support of section 189 of this
23 Act: *Provided*, That obligations in fiscal year 2023 of such
24 collections shall not exceed \$1,000,000.

1 SEC. 105. None of the funds in this title may be obli-
2 gated or expended for retention or senior executive bo-
3 nuses for an employee of the Department of Transpor-
4 tation without the prior written approval of the Assistant
5 Secretary for Administration.

6 SEC. 106. In addition to authority provided by section
7 327 of title 49, United States Code, the Department's Ad-
8 ministrative Working Capital Fund is hereby authorized
9 to transfer information technology equipment, software,
10 and systems from Departmental sources or other entities
11 and collect and maintain a reserve at rates which will re-
12 turn full cost of transferred assets.

13 SEC. 107. None of the funds provided in this Act to
14 the Department of Transportation may be used to provide
15 credit assistance unless not less than 3 days before any
16 application approval to provide credit assistance under
17 sections 603 and 604 of title 23, United States Code, the
18 Secretary provides notification in writing to the following
19 committees: the House and Senate Committees on Appro-
20 priations; the Committee on Environment and Public
21 Works and the Committee on Banking, Housing and
22 Urban Affairs of the Senate; and the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives: *Provided*, That such notification shall include, but
25 not be limited to, the name of the project sponsor; a de-

1 description of the project; whether credit assistance will be
2 provided as a direct loan, loan guarantee, or line of credit;
3 and the amount of credit assistance.

4 SEC. 108. For an additional amount for necessary ex-
5 penses of the Volpe National Transportation Systems Cen-
6 ter, as authorized in section 328 of title 49, United States
7 Code, \$4,500,000, to remain available until expended.

8 SEC. 109. (a) The remaining unobligated balances,
9 as of September 30, 2022, from amounts made available
10 for the “Department of Transportation—Office of the
11 Secretary—National Infrastructure Investments” in divi-
12 sion H of the Further Consolidated Appropriations Act,
13 2020 (Public Law 116–94) are hereby permanently re-
14 scinded, and an amount of additional new budget author-
15 ity equivalent to the amount rescinded is hereby appro-
16 priated on September 30, 2022, to remain available until
17 September 30, 2024, and shall be available, without addi-
18 tional competition, for completing the funding of awards
19 made pursuant to the fiscal year 2020 national infrastruc-
20 ture investments program.

21 (b) The remaining unobligated balances, as of Sep-
22 tember 30, 2022, from amounts made available in section
23 105 of division L of the Consolidated Appropriations Act,
24 2021 (Public Law 116–260) are hereby permanently re-
25 scinded, and an amount of additional new budget author-

1 ity equivalent to the amount rescinded is hereby appro-
2 priated on September 30, 2022, to remain available until
3 September 30, 2024, and shall be available, without addi-
4 tional competition, for completing the funding of awards
5 made pursuant to the fiscal year 2019 national infrastruc-
6 ture investments program.

7 (c) This section shall become effective immediately
8 upon enactment of this Act.

9 (d) If this Act is enacted after September 30, 2022,
10 this section shall be applied as if it were in effect on Sep-
11 tember 30, 2022.

12 SEC. 109A. (a) Amounts made available to the Sec-
13 retary of Transportation or the Department of Transpor-
14 tation's operating administrations in this Act or in Public
15 Law 117–103 for the costs of award, administration, or
16 oversight of financial assistance under the programs iden-
17 tified in subsection (c) may be transferred to the account
18 identified in section 801 of division J of Public Law 117–
19 58, to remain available until expended, for the necessary
20 expenses of award, administration, or oversight of any fi-
21 nancial assistance programs in the Department of Trans-
22 portation.

23 (b) Amounts transferred under the authority in this
24 section are available in addition to amounts otherwise
25 available for such purpose.

1 (c) The programs from which funds made available
2 under this Act or in Public Law 117–103 may be trans-
3 ferred under subsection (a) are:

4 (1) the local and regional project assistance
5 program under section 6702 of title 49, United
6 States Code; and

7 (2) the Transportation Resilience and Adapta-
8 tion Centers of Excellence program under section
9 520 of title 23, United States Code.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Federal Aviation Ad-
15 ministration, not otherwise provided for, including oper-
16 ations and research activities related to commercial space
17 transportation, administrative expenses for research and
18 development, establishment of air navigation facilities, the
19 operation (including leasing) and maintenance of aircraft,
20 subsidizing the cost of aeronautical charts and maps sold
21 to the public, the lease or purchase of passenger motor
22 vehicles for replacement only, \$11,900,821,000, to remain
23 available until September 30, 2024, of which
24 \$9,933,821,000 to be derived from the Airport and Airway

1 Trust Fund: *Provided*, That of the sums appropriated
2 under this heading—

3 (1) not less than \$1,601,842,000 shall be avail-
4 able for aviation safety activities;

5 (2) \$8,787,490,000 shall be available for air
6 traffic organization activities;

7 (3) \$35,854,000 shall be available for commer-
8 cial space transportation activities;

9 (4) \$915,049,000 shall be available for finance
10 and management activities;

11 (5) \$158,118,000 shall be available for security
12 and hazardous materials safety activities;

13 (6) \$58,135,000 shall be available for research
14 and development activities;

15 (7) \$41,465,000 shall be available for integra-
16 tion and engagement activities; and

17 (8) \$302,868,000 shall be available for staff of-
18 fices:

19 *Provided further*, That not to exceed 5 percent of any
20 budget activity, except for aviation safety budget activity,
21 may be transferred to any budget activity under this head-
22 ing: *Provided further*, That no transfer may increase or
23 decrease any appropriation under this heading by more
24 than 5 percent: *Provided further*, That any transfer in ex-
25 cess of 5 percent shall be treated as a reprogramming of

1 funds under section 405 of this Act and shall not be avail-
2 able for obligation or expenditure except in compliance
3 with the procedures set forth in that section: *Provided fur-*
4 *ther*, That not later than 60 days after the submission of
5 the budget request, the Administrator of the Federal Avia-
6 tion Administration shall transmit to Congress an annual
7 update to the report submitted to Congress in December
8 2004 pursuant to section 221 of the Vision 100-Century
9 of Aviation Reauthorization Act (49 U.S.C. 40101 note):
10 *Provided further*, That the amounts made available under
11 this heading shall be reduced by \$100,000 for each day
12 after 60 days after the submission of the budget request
13 that such report has not been transmitted to Congress:
14 *Provided further*, That not later than 60 days after the
15 submission of the budget request, the Administrator shall
16 transmit to Congress a companion report that describes
17 a comprehensive strategy for staffing, hiring, and training
18 flight standards and aircraft certification staff in a format
19 similar to the one utilized for the controller staffing plan,
20 including stated attrition estimates and numerical hiring
21 goals by fiscal year: *Provided further*, That the amounts
22 made available under this heading shall be reduced by
23 \$100,000 for each day after the date that is 60 days after
24 the submission of the budget request that such report has
25 not been submitted to Congress: *Provided further*, That

1 funds may be used to enter into a grant agreement with
2 a nonprofit standard-setting organization to assist in the
3 development of aviation safety standards: *Provided fur-*
4 *ther*, That none of the funds made available by this Act
5 shall be available for new applicants for the second career
6 training program: *Provided further*, That none of the
7 funds made available by this Act shall be available for the
8 Federal Aviation Administration to finalize or implement
9 any regulation that would promulgate new aviation user
10 fees not specifically authorized by law after the date of
11 the enactment of this Act: *Provided further*, That there
12 may be credited to this appropriation, as offsetting collec-
13 tions, funds received from States, counties, municipalities,
14 foreign authorities, other public authorities, and private
15 sources for expenses incurred in the provision of agency
16 services, including receipts for the maintenance and oper-
17 ation of air navigation facilities, and for issuance, renewal
18 or modification of certificates, including airman, aircraft,
19 and repair station certificates, or for tests related thereto,
20 or for processing major repair or alteration forms: *Pro-*
21 *vided further*, That of the amounts made available under
22 this heading, not less than \$188,000,000 shall be used to
23 fund direct operations of the current air traffic control
24 towers in the contract tower program, including the con-
25 tract tower cost share program, and any airport that is

1 currently qualified or that will qualify for the program
2 during the fiscal year: *Provided further*, That none of the
3 funds made available by this Act for aeronautical charting
4 and cartography are available for activities conducted by,
5 or coordinated through, the Working Capital Fund: *Pro-*
6 *vided further*, That none of the funds appropriated or oth-
7 erwise made available by this Act or any other Act may
8 be used to eliminate the Contract Weather Observers pro-
9 gram at any airport.

10 FACILITIES AND EQUIPMENT

11 (AIRPORT AND AIRWAY TRUST FUND)

12 (INCLUDING TRANSFER OF FUNDS)

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

1 transfer of aircraft from funds made available under this
2 heading, including aircraft for aviation regulation and cer-
3 tification; to be derived from the Airport and Airway Trust
4 Fund, \$3,060,000,000, of which \$570,000,000 is for per-
5 sonnel and related expenses and shall remain available
6 until September 30, 2024, \$2,311,000,000 shall remain
7 available until September 30, 2025, and \$179,000,000 is
8 for terminal facilities and shall remain available until Sep-
9 tember 30, 2027: *Provided*, That there may be credited
10 to this appropriation funds received from States, counties,
11 municipalities, other public authorities, and private
12 sources, for expenses incurred in the establishment, im-
13 provement, and modernization of national airspace sys-
14 tems: *Provided further*, That not later than 60 days after
15 submission of the budget request, the Secretary of Trans-
16 portation shall transmit to the Congress an investment
17 plan for the Federal Aviation Administration which in-
18 cludes funding for each budget line item for fiscal years
19 2024 through 2028, with total funding for each year of
20 the plan constrained to the funding targets for those years
21 as estimated and approved by the Office of Management
22 and Budget: *Provided further*, That section 405 of this Act
23 shall apply to amounts made available under this heading
24 in title VIII of the Infrastructure Investments and Jobs
25 Appropriations Act (division J of Public Law 117–58):

1 *Provided further*, That the amounts in the table entitled
2 “Allocation of Funds for FAA Facilities and Equipment
3 from the Infrastructure Investment and Jobs Act—Fiscal
4 Year 2023” in the explanatory statement accompanying
5 this Act shall be the baseline for application of reprogram-
6 ming and transfer authorities for the current fiscal year
7 pursuant to paragraph (7) of such section 405 for
8 amounts referred to in the preceding proviso: *Provided fur-*
9 *ther*, That, notwithstanding paragraphs (5) and (6) of
10 such section 405, unless prior approval is received from
11 the House and Senate Committees on Appropriations, not
12 to exceed 10 percent of any funding level specified for
13 projects and activities in the table referred to in the pre-
14 ceding proviso may be transferred to any other funding
15 level specified for projects and activities in such table and
16 no transfer of such funding levels may increase or decrease
17 any funding level in such table by more than 10 percent:
18 *Provided further*, That of the amounts made available
19 under this heading for terminal facilities, \$45,000,000
20 shall be made available for the purposes, and in amounts,
21 specified for Congressionally Directed Spending in the
22 table entitled “Congressionally Directed Spending” in-
23 cluded in the explanatory statement accompanying this
24 Act.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses, not otherwise provided for,
5 for research, engineering, and development, as authorized
6 under part A of subtitle VII of title 49, United States
7 Code, including construction of experimental facilities and
8 acquisition of necessary sites by lease or grant,
9 \$266,100,000, to be derived from the Airport and Airway
10 Trust Fund and to remain available until September 30,
11 2025: *Provided*, That there may be credited to this appro-
12 priation as offsetting collections, funds received from
13 States, counties, municipalities, other public authorities,
14 and private sources, which shall be available for expenses
15 incurred for research, engineering, and development: *Pro-*
16 *vided further*, That amounts made available under this
17 heading shall be used in accordance with the explanatory
18 statement accompanying this Act: *Provided further*, That
19 not to exceed 10 percent of any funding level specified
20 under this heading in the explanatory statement accom-
21 panying this Act may be transferred to any other funding
22 level specified under this heading in the explanatory state-
23 ment accompanying this Act: *Provided further*, That no
24 transfer may increase or decrease any funding level by
25 more than 10 percent: *Provided further*, That any transfer

1 in excess of 10 percent shall be treated as a reprogram-
 2 ming of funds under section 405 of this Act and shall not
 3 be available for obligation or expenditure except in compli-
 4 ance with the procedures set forth in that section.

5 GRANTS-IN-AID FOR AIRPORTS

6 (LIQUIDATION OF CONTRACT AUTHORIZATION)

7 (LIMITATION ON OBLIGATIONS)

8 (AIRPORT AND AIRWAY TRUST FUND)

9 (INCLUDING TRANSFER OF FUNDS)

10 For liquidation of obligations incurred for grants-in-
 11 aid for airport planning and development, and noise com-
 12 patibility planning and programs as authorized under sub-
 13 chapter I of chapter 471 and subchapter I of chapter 475
 14 of title 49, United States Code, and under other law au-
 15 thORIZING such obligations; for procurement, installation,
 16 and commissioning of runway incursion prevention devices
 17 and systems at airports of such title; for grants authorized
 18 under section 41743 of title 49, United States Code; and
 19 for inspection activities and administration of airport safe-
 20 ty programs, including those related to airport operating
 21 certificates under section 44706 of title 49, United States
 22 Code, \$3,350,000,000, to be derived from the Airport and
 23 Airway Trust Fund and to remain available until ex-
 24 pended: *Provided*, That none of the amounts made avail-
 25 able under this heading shall be available for the planning

1 or execution of programs the obligations for which are in
2 excess of \$3,350,000,000, in fiscal year 2023, notwith-
3 standing section 47117(g) of title 49, United States Code:
4 *Provided further*, That none of the amounts made available
5 under this heading shall be available for the replacement
6 of baggage conveyor systems, reconfiguration of terminal
7 baggage areas, or other airport improvements that are
8 necessary to install bulk explosive detection systems: *Pro-*
9 *vided further*, That notwithstanding section 47109(a) of
10 title 49, United States Code, the Government’s share of
11 allowable project costs under paragraph (2) of such sec-
12 tion for subgrants or paragraph (3) of such section shall
13 be 95 percent for a project at other than a large or me-
14 dium hub airport that is a successive phase of a multi-
15 phased construction project for which the project sponsor
16 received a grant in fiscal year 2011 for the construction
17 project: *Provided further*, That notwithstanding any other
18 provision of law, of amounts limited under this heading,
19 not more than \$137,372,000 shall be available for admin-
20 istration, not less than \$15,000,000 shall be available for
21 the Airport Cooperative Research Program, not less than
22 \$40,828,000 shall be available for Airport Technology Re-
23 search, and \$10,000,000, to remain available until ex-
24 pended, shall be available and transferred to “Office of
25 the Secretary, Salaries and Expenses” to carry out the

1 Small Community Air Service Development Program: *Pro-*
 2 *vided further*, That in addition to airports eligible under
 3 section 41743 of title 49, United States Code, such pro-
 4 gram may include the participation of an airport that
 5 serves a community or consortium that is not larger than
 6 a small hub airport, according to FAA hub classifications
 7 effective at the time the Office of the Secretary issues a
 8 request for proposals.

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for “Grants-In-Aid for Air-
 11 ports”, to enable the Secretary of Transportation to make
 12 grants for projects as authorized by subchapter 1 of chap-
 13 ter 471 and subchapter 1 of chapter 475 of title 49,
 14 United States Code, \$516,951,000, to remain available
 15 through September 30, 2025: *Provided*, That amounts
 16 made available under this heading shall be derived from
 17 the general fund, and such funds shall not be subject to
 18 apportionment formulas, special apportionment categories,
 19 or minimum percentages under chapter 471 of title 49,
 20 United States Code: *Provided further*, That of the sums
 21 appropriated under this heading—

22 (1) \$116,951,000 shall be made available for
 23 the purposes, and in amounts, specified for Congres-
 24 sionally Directed Spending in the table entitled

1 “Congressionally Directed Spending” included in the
2 explanatory statement accompanying this Act; and

3 (2) up to \$400,000,000 shall be made available
4 to the Secretary to distribute as discretionary grants
5 to airports, of which not less than \$25,000,000 shall
6 be made available to any commercial service airport,
7 notwithstanding the requirement for the airport to
8 be located in an air quality nonattainment or main-
9 tenance area in section 47102(3)(K) and
10 47102(3)(L) of title 49, United States Code, for
11 work necessary to construct or modify airport facili-
12 ties to provide low-emission fuel systems, gate elec-
13 trification, other related air quality improvements,
14 acquisition of airport-owned vehicles or ground sup-
15 port equipment with low-emission technology:

16 *Provided further*, That the Secretary may make discre-
17 tionary grants to primary airports for airport-owned infra-
18 structure required for the on-airport distribution, blend-
19 ing, or storage of sustainable aviation fuels that achieve
20 at least a 50 percent reduction in lifecycle greenhouse gas
21 emissions, using a methodology determined by the Sec-
22 retary, including, but not limited to, on-airport construc-
23 tion or expansion of pipelines, rail lines and spurs, loading
24 and off-loading facilities, blending facilities, and storage
25 tanks: *Provided further*, That the Secretary may make dis-

1 cretionary grants for airport development improvements of
2 runways, taxiways, and aprons necessary to sustain com-
3 mercial service flight operations at a nonhub, small hub,
4 medium hub, or large hub airport to increase resilience
5 for the purpose of resuming flight operations under visual
6 flight rules following an earthquake, flooding, high water,
7 hurricane, storm surge, tidal wave, tornado, tsunami, wind
8 driven water, or winter storms: *Provided further*, That the
9 amounts made available under this heading shall not be
10 subject to any limitation on obligations for the Grants-
11 in-Aid for Airports program set forth in any Act: *Provided*
12 *further*, That the Administrator of the Federal Aviation
13 Administration may retain up to 0.5 percent of the
14 amounts made available under this heading to fund the
15 award and oversight by the Administrator of grants made
16 under this heading.

17 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

18 ADMINISTRATION

19 SEC. 110. None of the funds made available by this
20 Act may be used to compensate in excess of 600 technical
21 staff-years under the federally funded research and devel-
22 opment center contract between the Federal Aviation Ad-
23 ministration and the Center for Advanced Aviation Sys-
24 tems Development during fiscal year 2023.

1 SEC. 111. None of the funds made available by this
2 Act shall be used to pursue or adopt guidelines or regula-
3 tions requiring airport sponsors to provide to the Federal
4 Aviation Administration without cost building construc-
5 tion, maintenance, utilities and expenses, or space in air-
6 port sponsor-owned buildings for services relating to air
7 traffic control, air navigation, or weather reporting: *Pro-*
8 *vided*, That the prohibition on the use of funds in this
9 section does not apply to negotiations between the agency
10 and airport sponsors to achieve agreement on “below-mar-
11 ket” rates for these items or to grant assurances that re-
12 quire airport sponsors to provide land without cost to the
13 Federal Aviation Administration for air traffic control fa-
14 cilities.

15 SEC. 112. The Administrator of the Federal Aviation
16 Administration may reimburse amounts made available to
17 satisfy section 41742(a)(1) of title 49, United States
18 Code, from fees credited under section 45303 of title 49,
19 United States Code, and any amount remaining in such
20 account at the close of any fiscal year may be made avail-
21 able to satisfy section 41742(a)(1) of title 49, United
22 States Code, for the subsequent fiscal year.

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

1 merged with and available for the same purposes as such
2 appropriation.

3 SEC. 114. None of the funds made available by this
4 Act shall be available for paying premium pay under sec-
5 tion 5546(a) of title 5, United States Code, to any Federal
6 Aviation Administration employee unless such employee
7 actually performed work during the time corresponding to
8 such premium pay.

9 SEC. 115. None of the funds made available by this
10 Act may be obligated or expended for an employee of the
11 Federal Aviation Administration to purchase a store gift
12 card or gift certificate through use of a Government-issued
13 credit card.

14 SEC. 116. Notwithstanding any other provision of
15 law, none of the funds made available under this Act or
16 any prior Act may be used to implement or to continue
17 to implement any limitation on the ability of any owner
18 or operator of a private aircraft to obtain, upon a request
19 to the Administrator of the Federal Aviation Administra-
20 tion, a blocking of that owner's or operator's aircraft reg-
21 istration number, Mode S transponder code, flight identi-
22 fication, call sign, or similar identifying information from
23 any ground based display to the public that would allow
24 the real-time or near real-time flight tracking of that air-
25 craft's movements, except data made available to a Gov-

1 ernment agency, for the noncommercial flights of that
2 owner or operator.

3 SEC. 117. None of the funds made available by this
4 Act shall be available for salaries and expenses of more
5 than nine political and Presidential appointees in the Fed-
6 eral Aviation Administration.

7 SEC. 118. None of the funds made available by this
8 Act may be used to increase fees pursuant to section
9 44721 of title 49, United States Code, until the Federal
10 Aviation Administration provides to the House and Senate
11 Committees on Appropriations a report that justifies all
12 fees related to aeronautical navigation products and ex-
13 plains how such fees are consistent with Executive Order
14 No. 13642.

15 SEC. 119. None of the funds made available by this
16 Act may be used to close a regional operations center of
17 the Federal Aviation Administration or reduce its services
18 unless the Administrator notifies the House and Senate
19 Committees on Appropriations not less than 90 full busi-
20 ness days in advance.

21 SEC. 119A. None of the funds made available by or
22 limited by this Act may be used to change weight restric-
23 tions or prior permission rules at Teterboro airport in
24 Teterboro, New Jersey.

1 SEC. 119B. None of the funds made available by this
2 Act may be used by the Administrator of the Federal Avia-
3 tion Administration to withhold from consideration and
4 approval any new application for participation in the Con-
5 tract Tower Program, or for reevaluation of Cost-share
6 Program participants so long as the Federal Aviation Ad-
7 ministration has received an application from the airport,
8 and so long as the Administrator determines such tower
9 is eligible using the factors set forth in Federal Aviation
10 Administration published establishment criteria.

11 SEC. 119C. None of the funds made available by this
12 Act may be used to open, close, redesignate as a lesser
13 office, or reorganize a regional office, the aeronautical cen-
14 ter, or the technical center unless the Administrator sub-
15 mits a request for the reprogramming of funds under sec-
16 tion 405 of this Act.

17 SEC. 119D. The Federal Aviation Administration Ad-
18 ministrative Services Franchise Fund may be reimbursed
19 after performance or paid in advance from funds available
20 to the Federal Aviation Administration and other Federal
21 agencies for which the Fund performs services.

22 SEC. 119E. None of the funds appropriated or other-
23 wise made available to the FAA may be used to carry out
24 the FAA's obligations under section 44502(e) of title 49,
25 United States Code, unless the eligible air traffic system

1 or equipment to be transferred to the FAA under section
 2 44502(e) of title 49, United States Code, was purchased
 3 by the transferor airport—

4 (1) during the period of time beginning on Oc-
 5 tober 5, 2018 and ending on December 31, 2021; or

6 (2) on or after January 1, 2022 for transferor
 7 airports located in a noncontiguous States.

8 FEDERAL HIGHWAY ADMINISTRATION

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 (HIGHWAY TRUST FUND)

11 (INCLUDING TRANSFER OF FUNDS)

12 Not to exceed \$473,535,991 together with advances
 13 and reimbursements received by the Federal Highway Ad-
 14 ministration, shall be obligated for necessary expenses for
 15 administration and operation of the Federal Highway Ad-
 16 ministration: *Provided*, That in addition, \$3,248,000 shall
 17 be transferred to the Appalachian Regional Commission
 18 in accordance with section 104(a) of title 23, United
 19 States Code.

20 FEDERAL-AID HIGHWAYS

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 Funds available for the implementation or execution
 24 of authorized Federal-aid highway and highway safety
 25 construction programs shall not exceed total obligations

1 of \$58,764,510,674 for fiscal year 2023: *Provided*, That
 2 the limitation on obligations under this heading shall only
 3 apply to contract authority authorized from the Highway
 4 Trust Fund (other than the Mass Transit Account), un-
 5 less otherwise specified in law.

6 (LIQUIDATION OF CONTRACT AUTHORIZATION)

7 (HIGHWAY TRUST FUND)

8 For the payment of obligations incurred in carrying
 9 out authorized Federal-aid highway and highway safety
 10 construction programs, \$59,503,510,674 shall be derived
 11 from the Highway Trust Fund (other than the Mass Tran-
 12 sit Account), to remain available until expended.

13 HIGHWAY INFRASTRUCTURE PROGRAMS

14 (INCLUDING TRANSFER OF FUNDS)

15 There is hereby appropriated to the Secretary
 16 \$3,159,652,000: *Provided*, That the funds made available
 17 under this heading shall be derived from the general fund,
 18 shall be in addition to any funds provided for fiscal year
 19 2023 in this or any other Act for: (1) “Federal-aid High-
 20 ways” under chapter 1 of title 23, United States Code;
 21 (2) the Appalachian Development Highway System as au-
 22 thorized under section 1069(y) of Public Law 102–240;
 23 (3) the nationally significant Federal lands and Tribal
 24 projects program under section 1123 of the FAST Act,
 25 as amended (23 U.S.C. 201 note); (4) the Tribal high pri-

1 ority projects program under section 1123 of MAP–21 (as
2 amended by Public Law 117–58); (5) the Northern Bor-
3 der Regional Commission (40 U.S.C. 15101 et seq.); or
4 (6) the Denali Commission, and shall not affect the dis-
5 tribution or amount of funds provided in any other Act:
6 *Provided further*, That, except for funds made available
7 under this heading for the Northern Border Regional
8 Commission and the Denali Commission, section 11101(e)
9 of Public Law 117–58 shall apply to funds made available
10 under this heading: *Provided further*, That unless other-
11 wise specified, amounts made available under this heading
12 shall be available until September 30, 2026, and shall not
13 be subject to any limitation on obligations for Federal-aid
14 highways or highway safety construction programs set
15 forth in any Act making annual appropriations: *Provided*
16 *further*, That of the sums appropriated under this head-
17 ing—

18 (1) \$628,652,000 shall be for the purposes, and
19 in the amounts, specified for Congressionally Di-
20 rected Spending in the table entitled “Congression-
21 ally Directed Spending” included in the explanatory
22 statement accompanying this Act: *Provided*, That,
23 except as otherwise provided under this heading, the
24 funds made available under this paragraph shall be
25 administered as if apportioned under chapter 1 of

1 title 23, United States Code: *Provided further*, That
2 funds made available under this paragraph that are
3 used for Tribal projects shall be administered as if
4 allocated under chapter 2 of title 23, United States
5 Code, except that the set-asides described in sub-
6 paragraph (C) of section 202(b)(3) of title 23,
7 United States Code, and subsections (a)(6), (c), and
8 (e) of section 202 of such title, and section
9 1123(h)(1) of MAP-21 (as amended by Public Law
10 117-58), shall not apply to such funds;

11 (2) \$100,000,000 shall be for necessary ex-
12 penses for construction of the Appalachian Develop-
13 ment Highway System, as authorized under section
14 1069(y) of Public Law 102-240: *Provided*, That for
15 the purposes of funds made available under this
16 paragraph, the term “Appalachian State” means a
17 State that contains 1 or more counties (including
18 any political subdivision located within the area) in
19 the Appalachian region as defined in section
20 14102(a) of title 40, United States Code: *Provided*
21 *further*, That funds made available under this head-
22 ing for construction of the Appalachian Development
23 Highway System shall remain available until ex-
24 pended: *Provided further*, That, except as provided in
25 the following proviso, funds made available under

1 this heading for construction of the Appalachian De-
2 velopment Highway System shall be administered as
3 if apportioned under chapter 1 of title 23, United
4 States Code: *Provided further*, That a project carried
5 out with funds made available under this heading for
6 construction of the Appalachian Development High-
7 way System shall be carried out in the same manner
8 as a project under section 14501 of title 40, United
9 States Code: *Provided further*, That subject to the
10 following proviso, funds made available under this
11 heading for construction of the Appalachian Devel-
12 opment Highway System shall be apportioned to Ap-
13 palachian States according to the percentages de-
14 rived from the 2012 Appalachian Development
15 Highway System Cost-to-Complete Estimate, adopt-
16 ed in Appalachian Regional Commission Resolution
17 Number 736, and confirmed as each Appalachian
18 State's relative share of the estimated remaining
19 need to complete the Appalachian Development
20 Highway System, adjusted to exclude those corridors
21 that such States have no current plans to complete,
22 as reported in the 2013 Appalachian Development
23 Highway System Completion Report, unless those
24 States have modified and assigned a higher priority
25 for completion of an Appalachian Development

1 Highway System corridor, as reported in the 2020
2 Appalachian Development Highway System Future
3 Outlook: *Provided further*, That the Secretary shall
4 adjust apportionments made under the preceding
5 proviso so that no Appalachian State shall be appor-
6 tioned an amount in excess of 30 percent of the
7 amount made available for construction of the Appa-
8 lachian Development Highway System under this
9 heading: *Provided further*, That the Secretary shall
10 consult with the Appalachian Regional Commission
11 in making adjustments under the preceding two pro-
12 visos: *Provided further*, That the Federal share of
13 the costs for which an expenditure is made for con-
14 struction of the Appalachian Development Highway
15 System under this heading shall be up to 100 per-
16 cent;

17 (3) \$51,000,000 shall be for the nationally sig-
18 nificant Federal lands and Tribal projects program
19 under section 1123 of the FAST Act, as amended
20 (23 U.S.C. 201 note);

21 (4) \$25,000,000 shall be to carry out the Tribal
22 high priority projects program under section 1123 of
23 MAP-21 (as amended by Public Law 117-58);

24 (5) \$1,382,000,000 shall be for a bridge re-
25 placement and rehabilitation program: *Provided*,

1 That, for the purposes of funds made available
2 under this paragraph, the term “State” means any
3 of the 50 States or the District of Columbia and the
4 term “qualifying State” means any State in which
5 the percentage of total deck area of bridges classi-
6 fied as in poor condition in such State is at least 5
7 percent or in which the percentage of total bridges
8 classified as in poor condition in such State is at
9 least 5 percent: *Provided further*, That, of the funds
10 made available under this paragraph, the Secretary
11 shall reserve \$6,000,000 for each State that does
12 not meet the definition of a qualifying State: *Pro-*
13 *vided further*, That, after making the reservations
14 under the preceding proviso, the Secretary shall dis-
15 tribute the remaining funds made available under
16 this paragraph to each qualifying State by the pro-
17 portion that the percentage of total deck area of
18 bridges classified as in poor condition in such quali-
19 fying State bears to the sum of the percentages of
20 total deck area of bridges classified as in poor condi-
21 tion in all qualifying States: *Provided further*, That,
22 of the funds made available under this paragraph—
23 (A) no qualifying State shall receive more
24 than \$60,000,000;

1 (B) each State shall receive an amount not
2 less than \$6,000,000; and

3 (C) after calculating the distribution of
4 funds pursuant to the preceding proviso, any
5 amount in excess of \$60,000,000 shall be redis-
6 tributed equally among each State that does not
7 meet the definition of a qualifying State:

8 *Provided further*, That the funds made available
9 under this paragraph shall be used for highway
10 bridge replacement or rehabilitation projects on pub-
11 lic roads: *Provided further*, That for purposes of this
12 paragraph, the Secretary shall calculate the percent-
13 ages of total deck area of bridges (including the per-
14 centages of total deck area classified as in poor con-
15 dition) and the percentages of total bridge counts
16 (including the percentages of total bridges classified
17 as in poor condition) based on the National Bridge
18 Inventory as of December 31, 2018: *Provided fur-*
19 *ther*, That, except as otherwise provided under this
20 heading, the funds made available under this para-
21 graph shall be administered as if apportioned under
22 chapter 1 of title 23, United States Code;

23 (6) \$16,000,000 shall be for the national scenic
24 byways program under section 162 of title 23,
25 United States Code: *Provided*, That, except as other-

1 wise provided under this heading, the funds made
2 available under this paragraph shall be administered
3 as if apportioned under chapter 1 of title 23, United
4 States Code;

5 (7) \$10,000,000 shall be transferred to the
6 Northern Border Regional Commission (40 U.S.C.
7 15101 et seq.) to make grants, in addition to
8 amounts otherwise made available to the Northern
9 Border Regional Commission for such purpose, to
10 carry out pilot projects that demonstrate the capa-
11 bilities of wood-based infrastructure projects: *Pro-*
12 *vided*, That a grant made with funds made available
13 under this paragraph shall be administered in the
14 same manner as a grant made under subtitle V of
15 title 40, United States Code;

16 (8) \$250,000,000 shall be for competitive
17 awards for activities eligible under section 176(d)(4)
18 of title 23, United States Code, of which
19 \$200,000,000 shall be for such activities eligible
20 under subparagraph (A) of such section, and of
21 which \$50,000,000 shall be for such activities eligi-
22 ble under subparagraph (C) of such section: *Pro-*
23 *vided*, That, except as otherwise provided under this
24 heading, the funds made available under this para-
25 graph shall be administered as if apportioned under

1 chapter 1 of title 23, United States Code: *Provided*
2 *further*, That, except as otherwise provided under
3 this heading, funds made available under this para-
4 graph shall be administered as if made available to
5 carry out section 176(d) of such title: *Provided fur-*
6 *ther*, That, for purposes of the calculation under sec-
7 tion 176(d)(5)(G)(ii) of such title, amounts made
8 available under this paragraph shall be included in
9 the calculation of the total amount provided for fis-
10 cal year 2023 under section 176(d) of such title:
11 *Provided further*, That for purposes of applying the
12 set-asides under section 176(d)(5)(H)(ii) and (iii) of
13 such title, amounts made available under this para-
14 graph for competitive awards for activities eligible
15 under sections 176(d)(4)(A) and 176(d)(4)(C) of
16 such title shall be included in the calculation of the
17 amounts made available to carry out section 176(d)
18 of such title for fiscal year 2023: *Provided further*,
19 That, the Secretary may retain not more than a
20 total of 5 percent of the amounts made available
21 under this paragraph to carry out this paragraph
22 and to review applications for grants under this
23 paragraph, and may transfer portions of the funds
24 retained under this proviso to the relevant Adminis-
25 trators to fund the award and oversight of grants

1 provided under this paragraph: *Provided further*,
2 That a project assisted with funds made available
3 under this paragraph shall be treated as a project on
4 a Federal-aid highway;

5 (9) \$25,000,000 shall be for the active trans-
6 portation infrastructure investment program under
7 section 11529 of the Infrastructure Investment and
8 Jobs Act (23 U.S.C. 217 note): *Provided*, That ex-
9 cept as otherwise provided under such section or this
10 heading, the funds made available under this para-
11 graph shall be administered as if apportioned under
12 chapter 1 of title 23, United States Code: *Provided*
13 *further*, That funds made available under this para-
14 graph shall remain available until expended;

15 (10) \$3,000,000 shall be to carry out the Polli-
16 nator-Friendly Practices on Roadsides and Highway
17 Rights-of-Way Program under section 332 of title
18 23, United States Code;

19 (11) \$5,000,000 shall be transferred to the
20 Denali Commission for activities eligible under sec-
21 tion 307(e) of the Denali Commission Act of 1998
22 (42 U.S.C. 3121 note; Public Law 105–277): *Pro-*
23 *vided*, That funds made available under this para-
24 graph shall not be subject to section 311 of such
25 Act: *Provided further*, That except as otherwise pro-

1 vided under section 307(e) of such Act or this head-
2 ing, funds made available under this paragraph shall
3 be administered as if directly appropriated to the
4 Denali Commission and subject to applicable provi-
5 sions of such Act, including the requirement in sec-
6 tion 307(e) of such Act that the local community
7 provides a 10 percent non-Federal match in the
8 form of any necessary land or planning and design
9 funds: *Provided further*, That such funds shall be
10 available until expended: *Provided further*, That the
11 Federal share of the costs for which an expenditure
12 is made with funds transferred under this paragraph
13 shall be up to 90 percent;

14 (12) \$20,000,000 shall be transferred to the
15 Denali Commission to carry out the Denali Access
16 System Program under section 309 of the Denali
17 Commission Act of 1998 (42 U.S.C. 3121 note;
18 Public Law 105–277): *Provided*, That a transfer
19 under this paragraph shall not be subject to section
20 311 of such Act: *Provided further*, That except as
21 otherwise provided under this heading, funds made
22 available under this paragraph shall be administered
23 as if directly appropriated to the Denali Commission
24 and subject to applicable provisions of such Act:
25 *Provided further*, That funds made available under

1 this paragraph shall not be subject to section
2 309(j)(2) of such Act: *Provided further*, That funds
3 made available under this paragraph shall be avail-
4 able until expended: *Provided further*, That the Fed-
5 eral share of the costs for which an expenditure is
6 made with funds transferred under this paragraph
7 shall be up to 100 percent;

8 (13) \$640,680,000 shall be for activities eligible
9 under section 133(b) of title 23, United States Code,
10 and to provide necessary charging infrastructure
11 along corridor-ready or corridor-pending alternative
12 fuel corridors designated pursuant to section 151 of
13 title 23, United States Code: *Provided*, That for the
14 purposes of funds made available under this para-
15 graph, the term “State” means any of the 50 States
16 or the District of Columbia: *Provided further*, That
17 the funds made available under this paragraph shall
18 be suballocated in the manner described in section
19 133(d) of title 23, United States Code, except that
20 the set-aside described in section 133(h) of such title
21 shall not apply to funds made available under this
22 paragraph: *Provided further*, That, except as other-
23 wise provided under this heading, the funds made
24 available under this paragraph shall be administered
25 as if apportioned under chapter 1 of such title: *Pro-*

1 *vided further*, That, the funds made available under
2 this paragraph shall be apportioned to the States in
3 the same ratio as the obligation limitation for fiscal
4 year 2023 is distributed among the States in section
5 120(a)(5) of this Act;

6 (14) \$2,670,000 shall be for activities eligible
7 under the Puerto Rico Highway Program as de-
8 scribed in section 165(b)(2)(C) of title 23, United
9 States Code: *Provided*, That, except as provided in
10 the following proviso, the funds made available
11 under this paragraph shall be administered as if al-
12 located under section 165(b) of title 23, United
13 States Code: *Provided further*, That the funds made
14 available under this paragraph shall not be subject
15 to the requirements of sections 165(b)(2)(A) or
16 165(b)(2)(B) of such title; and

17 (15) \$650,000 shall be for activities eligible
18 under the Territorial Highway Program, as de-
19 scribed in section 165(c)(6) of title 23, United
20 States Code: *Provided*, That the funds made avail-
21 able under this paragraph shall be administered as
22 if allocated under section 165(c) of title 23, United
23 States Code.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. (a) For fiscal year 2023, the Secretary of
4 Transportation shall—

5 (1) not distribute from the obligation limitation
6 for Federal-aid highways—

7 (A) amounts authorized for administrative
8 expenses and programs by section 104(a) of
9 title 23, United States Code; and

10 (B) amounts authorized for the Bureau of
11 Transportation Statistics;

12 (2) not distribute an amount from the obliga-
13 tion limitation for Federal-aid highways that is equal
14 to the unobligated balance of amounts—

15 (A) made available from the Highway
16 Trust Fund (other than the Mass Transit Ac-
17 count) for Federal-aid highway and highway
18 safety construction programs for previous fiscal
19 years the funds for which are allocated by the
20 Secretary (or apportioned by the Secretary
21 under sections 202 or 204 of title 23, United
22 States Code); and

23 (B) for which obligation limitation was
24 provided in a previous fiscal year;

25 (3) determine the proportion that—

1 (A) the obligation limitation for Federal-
2 aid highways, less the aggregate of amounts not
3 distributed under paragraphs (1) and (2) of
4 this subsection; bears to

5 (B) the total of the sums authorized to be
6 appropriated for the Federal-aid highway and
7 highway safety construction programs (other
8 than sums authorized to be appropriated for
9 provisions of law described in paragraphs (1)
10 through (11) of subsection (b) and sums au-
11 thorized to be appropriated for section 119 of
12 title 23, United States Code, equal to the
13 amount referred to in subsection (b)(12) for
14 such fiscal year), less the aggregate of the
15 amounts not distributed under paragraphs (1)
16 and (2) of this subsection;

17 (4) distribute the obligation limitation for Fed-
18 eral-aid highways, less the aggregate amounts not
19 distributed under paragraphs (1) and (2), for each
20 of the programs (other than programs to which
21 paragraph (1) applies) that are allocated by the Sec-
22 retary under authorized Federal-aid highway and
23 highway safety construction programs, or appor-
24 tioned by the Secretary under section 202 or 204 of
25 title 23, United States Code, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

3 (B) the amounts authorized to be appro-
4 priated for each such program for such fiscal
5 year; and

6 (5) distribute the obligation limitation for Fed-
7 eral-aid highways, less the aggregate amounts not
8 distributed under paragraphs (1) and (2) and the
9 amounts distributed under paragraph (4), for Fed-
10 eral-aid highway and highway safety construction
11 programs that are apportioned by the Secretary
12 under title 23, United States Code (other than the
13 amounts apportioned for the National Highway Per-
14 formance Program in section 119 of title 23, United
15 States Code, that are exempt from the limitation
16 under subsection (b)(12) and the amounts appor-
17 tioned under sections 202 and 204 of that title) in
18 the proportion that—

19 (A) amounts authorized to be appropriated
20 for the programs that are apportioned under
21 title 23, United States Code, to each State for
22 such fiscal year; bears to

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 portioned under title 23, United States Code, to
2 all States for such fiscal year.

3 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

4 The obligation limitation for Federal-aid highways shall
5 not apply to obligations under or for—

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

7 (2) section 147 of the Surface Transportation
8 Assistance Act of 1978 (23 U.S.C. 144 note; 92
9 Stat. 2714);

10 (3) section 9 of the Federal-Aid Highway Act
11 of 1981 (95 Stat. 1701);

12 (4) subsections (b) and (j) of section 131 of the
13 Surface Transportation Assistance Act of 1982 (96
14 Stat. 2119);

15 (5) subsections (b) and (c) of section 149 of the
16 Surface Transportation and Uniform Relocation As-
17 sistance Act of 1987 (101 Stat. 198);

18 (6) sections 1103 through 1108 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (105 Stat. 2027);

21 (7) section 157 of title 23, United States Code
22 (as in effect on June 8, 1998);

23 (8) section 105 of title 23, United States Code
24 (as in effect for fiscal years 1998 through 2004, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

3 (9) Federal-aid highway programs for which ob-
4 ligation authority was made available under the
5 Transportation Equity Act for the 21st Century
6 (112 Stat. 107) or subsequent Acts for multiple
7 years or to remain available until expended, but only
8 to the extent that the obligation authority has not
9 lapsed or been used;

10 (10) section 105 of title 23, United States Code
11 (as in effect for fiscal years 2005 through 2012, but
12 only in an amount equal to \$639,000,000 for each
13 of those fiscal years);

14 (11) section 1603 of SAFETEA-LU (23
15 U.S.C. 118 note; 119 Stat. 1248), to the extent that
16 funds obligated in accordance with that section were
17 not subject to a limitation on obligations at the time
18 at which the funds were initially made available for
19 obligation; and

20 (12) section 119 of title 23, United States Code
21 (but, for each of fiscal years 2013 through 2023,
22 only in an amount equal to \$639,000,000).

23 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
24 THORITY.—Notwithstanding subsection (a), the Secretary
25 shall, after August 1 of such fiscal year—

1 (1) revise a distribution of the obligation limita-
2 tion made available under subsection (a) if an
3 amount distributed cannot be obligated during that
4 fiscal year; and

5 (2) redistribute sufficient amounts to those
6 States able to obligate amounts in addition to those
7 previously distributed during that fiscal year, giving
8 priority to those States having large unobligated bal-
9 ances of funds apportioned under sections 144 (as in
10 effect on the day before the date of enactment of
11 Public Law 112–141) and 104 of title 23, United
12 States Code.

13 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
14 TRANSPORTATION RESEARCH PROGRAMS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the obligation limitation for Federal-aid
17 highways shall apply to contract authority for trans-
18 portation research programs carried out under—

19 (A) chapter 5 of title 23, United States
20 Code;

21 (B) title VI of the Fixing America’s Sur-
22 face Transportation Act; and

23 (C) title III of division A of the Infrastruc-
24 ture Investment and Jobs Act (Public Law
25 117–58).

1 (2) EXCEPTION.—Obligation authority made
2 available under paragraph (1) shall—

3 (A) remain available for a period of 4 fis-
4 cal years; and

5 (B) be in addition to the amount of any
6 limitation imposed on obligations for Federal-
7 aid highway and highway safety construction
8 programs for future fiscal years.

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

11 (1) IN GENERAL.—Not later than 30 days after
12 the date of distribution of obligation limitation
13 under subsection (a), the Secretary shall distribute
14 to the States any funds (excluding funds authorized
15 for the program under section 202 of title 23,
16 United States Code) that—

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

20 (B) the Secretary determines will not be
21 allocated to the States (or will not be appor-
22 tioned to the States under section 204 of title
23 23, United States Code), and will not be avail-
24 able for obligation, for such fiscal year because

1 of the imposition of any obligation limitation for
2 such fiscal year.

3 (2) **RATIO.**—Funds shall be distributed under
4 paragraph (1) in the same proportion as the dis-
5 tribution of obligation authority under subsection
6 (a)(5).

7 (3) **AVAILABILITY.**—Funds distributed to each
8 State under paragraph (1) shall be available for any
9 purpose described in section 133(b) of title 23,
10 United States Code.

11 **SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds re-
12 ceived by the Bureau of Transportation Statistics from the
13 sale of data products, for necessary expenses incurred pur-
14 suant to chapter 63 of title 49, United States Code, may
15 be credited to the Federal-aid highways account for the
16 purpose of reimbursing the Bureau for such expenses.

17 **SEC. 122.** Not less than 15 days prior to waiving,
18 under his or her statutory authority, any Buy America re-
19 quirement for Federal-aid highways projects, the Sec-
20 retary of Transportation shall make an informal public no-
21 tice and comment opportunity on the intent to issue such
22 waiver and the reasons therefor: *Provided*, That the Sec-
23 retary shall post on a website any waivers granted under
24 the Buy America requirements.

1 SEC. 123. None of the funds made available in this
2 Act may be used to make a grant for a project under sec-
3 tion 117 of title 23, United States Code, unless the Sec-
4 retary, at least 60 days before making a grant under that
5 section, provides written notification to the House and
6 Senate Committees on Appropriations of the proposed
7 grant, including an evaluation and justification for the
8 project and the amount of the proposed grant award.

9 SEC. 124. (a) A State or territory, as defined in sec-
10 tion 165 of title 23, United States Code, may use for any
11 project eligible under section 133(b) of title 23 or section
12 165 of title 23 and located within the boundary of the
13 State or territory any earmarked amount, and any associ-
14 ated obligation limitation: *Provided*, That the Department
15 of Transportation for the State or territory for which the
16 earmarked amount was originally designated or directed
17 notifies the Secretary of its intent to use its authority
18 under this section and submits an annual report to the
19 Secretary identifying the projects to which the funding
20 would be applied. Notwithstanding the original period of
21 availability of funds to be obligated under this section,
22 such funds and associated obligation limitation shall re-
23 main available for obligation for a period of 3 fiscal years
24 after the fiscal year in which the Secretary is notified. The
25 Federal share of the cost of a project carried out with

1 funds made available under this section shall be the same
2 as associated with the earmark.

3 (b) In this section, the term “earmarked amount”
4 means—

5 (1) congressionally directed spending, as de-
6 fined in rule XLIV of the Standing Rules of the
7 Senate, identified in a prior law, report, or joint ex-
8 planatory statement, which was authorized to be ap-
9 propriated or appropriated more than 10 fiscal years
10 prior to the current fiscal year, and administered by
11 the Federal Highway Administration; or

12 (2) a congressional earmark, as defined in rule
13 XXI of the Rules of the House of Representatives,
14 identified in a prior law, report, or joint explanatory
15 statement, which was authorized to be appropriated
16 or appropriated more than 10 fiscal years prior to
17 the current fiscal year, and administered by the Fed-
18 eral Highway Administration.

19 (c) The authority under subsection (a) may be exer-
20 cised only for those projects or activities that have obli-
21 gated less than 10 percent of the amount made available
22 for obligation as of October 1 of the current fiscal year,
23 and shall be applied to projects within the same general
24 geographic area within 25 miles for which the funding was
25 designated, except that a State or territory may apply

1 such authority to unexpended balances of funds from
 2 projects or activities the State or territory certifies have
 3 been closed and for which payments have been made under
 4 a final voucher.

5 (d) The Secretary shall submit consolidated reports
 6 of the information provided by the States and territories
 7 annually to the House and Senate Committees on Appro-
 8 priations.

9 SEC. 125. Section 1105(e)(5)(C)(i) of the Intermodal
 10 Surface Transportation Efficiency Act of 1991 (Public
 11 Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended
 12 by striking the seventh, eighth, and ninth sentences.

13 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

14 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (LIMITATION ON OBLIGATIONS)

17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in the implemen-
 19 tation, execution and administration of motor carrier safe-
 20 ty operations and programs pursuant to section 31110 of
 21 title 49, United States Code, as amended by the Infra-
 22 structure Investment and Jobs Act (Public Law 117–58),
 23 \$367,500,000, to be derived from the Highway Trust
 24 Fund (other than the Mass Transit Account), together
 25 with advances and reimbursements received by the Fed-

1 eral Motor Carrier Safety Administration, the sum of
 2 which shall remain available until expended: *Provided*,
 3 That funds available for implementation, execution, or ad-
 4 ministration of motor carrier safety operations and pro-
 5 grams authorized under title 49, United States Code, shall
 6 not exceed total obligations of \$367,500,000, for “Motor
 7 Carrier Safety Operations and Programs” for fiscal year
 8 2023, of which \$14,073,000, to remain available for obli-
 9 gation until September 30, 2025, is for the research and
 10 technology program, and of which not less than
 11 \$63,098,000, to remain available for obligation until Sep-
 12 tember 30, 2025, is for development, modernization, en-
 13 hancement, and continued operation and maintenance of
 14 information technology and information management.

15 MOTOR CARRIER SAFETY GRANTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (HIGHWAY TRUST FUND)

19 For payment of obligations incurred in carrying out
 20 sections 31102, 31103, 31104, and 31313 of title 49,
 21 United States Code, \$506,150,000, to be derived from the
 22 Highway Trust Fund (other than the Mass Transit Ac-
 23 count) and to remain available until expended: *Provided*,
 24 That funds available for the implementation or execution
 25 of motor carrier safety programs shall not exceed total ob-

1 ligations of \$506,150,000 in fiscal year 2023 for “Motor
 2 Carrier Safety Grants”: *Provided further*, That of the
 3 sums appropriated under this heading—

4 (1) \$398,500,000 shall be available for the
 5 motor carrier safety assistance program;

6 (2) \$42,650,000 shall be available for the com-
 7 mercial driver’s license program implementation pro-
 8 gram;

9 (3) \$58,800,000 shall be available for the high
 10 priority activities program;

11 (4) \$1,200,000 shall be available for the com-
 12 mercial motor vehicle operators grant program; and

13 (5) \$5,000,000 shall be available for the com-
 14 mercial motor vehicle enforcement training and sup-
 15 port grant program.

16 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

17 CARRIER SAFETY ADMINISTRATION

18 SEC. 130. The Federal Motor Carrier Safety Admin-
 19 istration shall send notice of section 385.308 of title 49,
 20 Code of Federal Regulations, violations by certified mail,
 21 registered mail, or another manner of delivery, which
 22 records the receipt of the notice by the persons responsible
 23 for the violations.

24 SEC. 131. The Federal Motor Carrier Safety Admin-
 25 istration shall update annual inspection regulations under

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

5 For payment of obligations incurred in carrying out
6 the provisions of section 403 of title 23, United States
7 Code, including behavioral research on Automated Driving
8 Systems and Advanced Driver Assistance Systems and im-
9 proving consumer responses to safety recalls, section
10 25024 of the Infrastructure Investment and Jobs Act
11 (Public Law 117–58), and chapter 303 of title 49, United
12 States Code, \$197,000,000, to be derived from the High-
13 way Trust Fund (other than the Mass Transit Account)
14 and to remain available until expended: *Provided*, That
15 none of the funds in this Act shall be available for the
16 planning or execution of programs the total obligations for
17 which, in fiscal year 2023, are in excess of \$197,000,000:
18 *Provided further*, That of the sums appropriated under
19 this heading—

20 (1) \$190,000,000 shall be for programs author-
21 ized under section 403 of title 23, United States
22 Code, including behavioral research on Automated
23 Driving Systems and Advanced Driver Assistance
24 Systems and improving consumer responses to safety

1 recalls, and section 25024 of the Infrastructure In-
 2 vestment and Jobs Act (Public Law 117–58); and

3 (2) \$7,000,000 shall be for the National Driver
 4 Register authorized under chapter 303 of title 49,
 5 United States Code:

6 *Provided further*, That within the \$197,000,000 obligation
 7 limitation for operations and research, \$57,500,000 shall
 8 remain available until September 30, 2024, and shall be
 9 in addition to the amount of any limitation imposed on
 10 obligations for future years: *Provided further*, That
 11 amounts for behavioral research on Automated Driving
 12 Systems and Advanced Driver Assistance Systems and im-
 13 proving consumer responses to safety recalls are in addi-
 14 tion to any other funds provided for those purposes for
 15 fiscal year 2023 in this Act.

16 HIGHWAY TRAFFIC SAFETY GRANTS
 17 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 18 (LIMITATION ON OBLIGATIONS)
 19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
 21 provisions of sections 402, 404, and 405 of title 23,
 22 United States Code, and grant administration expenses
 23 under chapter 4 of title 23, United States Code, to remain
 24 available until expended, \$795,220,000, to be derived from
 25 the Highway Trust Fund (other than the Mass Transit

1 Account): *Provided*, That none of the funds in this Act
2 shall be available for the planning or execution of pro-
3 grams for which the total obligations in fiscal year 2023
4 are in excess of \$795,220,000 for programs authorized
5 under sections 402, 404, and 405 of title 23, United
6 States Code, and grant administration expenses under
7 chapter 4 of title 23, United States Code: *Provided further*,
8 That of the sums appropriated under this heading—

9 (1) \$370,900,000 shall be for “Highway Safety
10 Programs” under section 402 of title 23, United
11 States Code;

12 (2) \$346,500,000 shall be for “National Pri-
13 ority Safety Programs” under section 405 of title
14 23, United States Code;

15 (3) \$38,300,000 shall be for the “High Visi-
16 bility Enforcement Program” under section 404 of
17 title 23, United States Code; and

18 (4) \$39,520,000 shall be for grant administra-
19 tive expenses under chapter 4 of title 23, United
20 States Code:

21 *Provided further*, That none of these funds shall be used
22 for construction, rehabilitation, or remodeling costs, or for
23 office furnishings and fixtures for State, local or private
24 buildings or structures: *Provided further*, That not to ex-
25 ceed \$500,000 of the funds made available for “National

1 Priority Safety Programs” under section 405 of title 23,
 2 United States Code, for “Impaired Driving Counter-
 3 measures” (as described in subsection (d) of that section)
 4 shall be available for technical assistance to the States:
 5 *Provided further*, That with respect to the “Transfers”
 6 provision under section 405(a)(8) of title 23, United
 7 States Code, any amounts transferred to increase the
 8 amounts made available under section 402 shall include
 9 the obligation authority for such amounts: *Provided fur-*
 10 *ther*, That the Administrator shall notify the House and
 11 Senate Committees on Appropriations prior to exercising
 12 the authority granted under the preceding proviso or
 13 under section 405(a)(8) of title 23, United States Code.

14 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

15 TRAFFIC SAFETY ADMINISTRATION

16 SEC. 140. An additional \$130,000 shall be made
 17 available to the National Highway Traffic Safety Adminis-
 18 tration, out of the amount limited for section 402 of title
 19 23, United States Code, to pay for travel and related ex-
 20 penses for State management reviews and to pay for core
 21 competency development training and related expenses for
 22 highway safety staff.

23 SEC. 141. The limitations on obligations for the pro-
 24 grams of the National Highway Traffic Safety Adminis-
 25 tration set in this Act shall not apply to obligations for

1 which obligation authority was made available in previous
2 public laws but only to the extent that the obligation au-
3 thority has not lapsed or been used.

4 SEC. 142. None of the funds in this Act or any other
5 Act shall be used to enforce the requirements of section
6 405(a)(9) of title 23, United States Code.

7 SEC. 143. Section 24220 of the Infrastructure Invest-
8 ment and Jobs Act (Public Law 117–58) is amended by
9 adding at the end the following:

10 “(f) SHORT TITLE.—This section may be cited as the
11 ‘Honoring the Abbas Family Legacy to Terminate Drunk
12 Driving Act’.”

13 FEDERAL RAILROAD ADMINISTRATION

14 SAFETY AND OPERATIONS

15 For necessary expenses of the Federal Railroad Ad-
16 ministration, not otherwise provided for, \$254,426,000, of
17 which \$25,000,000 shall remain available until expended.

18 RAILROAD RESEARCH AND DEVELOPMENT

19 For necessary expenses for railroad research and de-
20 velopment, \$44,000,000, to remain available until ex-
21 pended: *Provided*, That of the amounts provided under
22 this heading, up to \$3,000,000 shall be available pursuant
23 to section 20108(d) of title 49, United States Code, for
24 the construction, alteration, and repair of buildings and
25 improvements at the Transportation Technology Center.

1 FEDERAL-STATE PARTNERSHIP FOR INTERCITY

2 PASSENGER RAIL

3 For necessary expenses related to Federal-State
4 Partnership for Intercity Passenger Rail grants as author-
5 ized by section 24911 of title 49, United States Code,
6 \$200,000,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary may withhold up to 2 percent
8 of the amount provided under this heading in this Act for
9 the costs of award and project management oversight of
10 grants carried out under title 49, United States Code.

11 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

12 IMPROVEMENTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses related to Consolidated Rail
15 Infrastructure and Safety Improvements grants, as au-
16 thorized by section 22907 of title 49, United States Code,
17 \$534,566,000, to remain available until expended: *Pro-*
18 *vided*, That of the amounts made available under this head-
19 ing in this Act, \$30,426,000 shall be made available for
20 the purposes, and in amounts, specified for Congression-
21 ally Directed Spending in the table entitled “Congression-
22 ally Directed Spending” included in the explanatory state-
23 ment accompanying this Act: *Provided further*, That re-
24 quirements under subsections (g) and (l) of section 22907
25 of title 49, United States Code, shall not apply to the pre-

1 ceding proviso: *Provided further*, That any remaining
2 funds available after the distribution of the Congression-
3 ally Directed Spending described under this heading shall
4 be available to the Secretary to distribute as discretionary
5 grants under this heading: *Provided further*, That section
6 22905(f) of title 49, United States Code, shall not apply
7 to amounts made available under this heading in this Act
8 for projects that implement or sustain positive train con-
9 trol systems otherwise eligible under section 22907(e)(1)
10 of title 49, United States Code: *Provided further*, That
11 amounts made available under this heading in this Act for
12 projects selected for commuter rail passenger transpor-
13 tation may be transferred by the Secretary, after selection,
14 to the appropriate agencies to be administered in accord-
15 ance with chapter 53 of title 49, United States Code: *Pro-*
16 *vided further*, That for amounts made available under this
17 heading in this Act, eligible recipients under section
18 22907(b)(7) of title 49, United States Code, shall include
19 any holding company of a Class II railroad or Class III
20 railroad (as those terms are defined in section 20102 of
21 title 49, United States Code): *Provided further*, That sec-
22 tion 22907(e)(1)(A) of title 49, United States Code, shall
23 not apply to amounts made available under this heading
24 in this Act: *Provided further*, That section 22907(e)(1)(A)
25 of title 49, United States Code, shall not apply to amounts

1 made available under this heading in previous fiscal years
2 if such funds are announced in a notice of funding oppor-
3 tunity that includes funds made available under this head-
4 ing in this Act: *Provided further*, That the preceding pro-
5 viso shall not apply to funds made available under this
6 heading in the Infrastructure Investment and Jobs Act
7 (division J of Public Law 117–58): *Provided further*, That
8 unobligated balances remaining after 6 years from the
9 date of enactment of this Act may be used for any eligible
10 project under section 22907(e) of title 49, United States
11 Code: *Provided further*, That the Secretary may retain up
12 to \$5,000,000 of the amount provided under this heading
13 in this Act to establish a National Railroad Institute to
14 develop and conduct training and education programs for
15 both public and private sector railroad and railroad-re-
16 lated industry employees: *Provided further*, That the Sec-
17 retary may withhold up to 2 percent of the amounts made
18 available under this heading in this Act for the costs of
19 award and project management oversight of grants carried
20 out under title 49, United States Code.

21 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

22 RAILROAD PASSENGER CORPORATION

23 To enable the Secretary of Transportation to make
24 grants to the National Railroad Passenger Corporation for
25 activities associated with the Northeast Corridor as au-

1 thORIZED by section 22101(a) of the Infrastructure Invest-
 2 ment and Jobs Act (division B of Public Law 117–58),
 3 \$1,134,811,000, to remain available until expended: *Pro-*
 4 *vided*, That the Secretary may retain up to one-half of
 5 1 percent of the funds provided under both this heading
 6 in this Act and the “National Network Grants to the Na-
 7 tional Railroad Passenger Corporation” heading in this
 8 Act to fund the costs of project management and oversight
 9 of activities authorized by section 22101(c) of the Infra-
 10 structure Investment and Jobs Act (division B of Public
 11 Law 117–58): *Provided further*, That in addition to the
 12 project management oversight funds authorized under sec-
 13 tion 22101(c) of the Infrastructure Investment and Jobs
 14 Act (division B of Public Law 117–58), the Secretary may
 15 retain up to an additional \$6,000,000 of the funds pro-
 16 vided under this heading in this Act to fund expenses asso-
 17 ciated with the Northeast Corridor Commission estab-
 18 lished under section 24905 of title 49, United States Code.

19 NATIONAL NETWORK GRANTS TO THE NATIONAL
 20 RAILROAD PASSENGER CORPORATION

21 To enable the Secretary of Transportation to make
 22 grants to the National Railroad Passenger Corporation for
 23 activities associated with the National Network as author-
 24 ized by section 22101(b) of the Infrastructure Investment
 25 and Jobs Act (division B of Public Law 117–58),

1 \$1,465,882,000, to remain available until expended: *Pro-*
2 *vided*, That the Secretary may retain up to an additional
3 \$3,000,000 of the funds provided under this heading in
4 this Act to fund expenses associated with the State-Sup-
5 ported Route Committee established under section 24712
6 of title 49, United States Code: *Provided further*, That at
7 least \$50,000,000 of the amount provided under this
8 heading in this Act shall be available for the development,
9 installation and operation of railroad safety improvements,
10 including the implementation of a positive train control
11 system, on State-supported routes as defined under sec-
12 tion 24102(13) of title 49, United States Code, on which
13 positive train control systems are not required by law or
14 regulation as identified on or before the date of enactment
15 of this Act: *Provided further*, That any unexpended bal-
16 ances from amounts provided under this heading in this
17 Act and in prior fiscal years for the development, installa-
18 tion and operation of railroad safety technology on State-
19 supported routes on which positive train control systems
20 are not required by law or regulation shall also be avail-
21 able for railroad safety improvements on State-supported
22 routes as identified on or before the date of enactment
23 of Public Law 117–103: *Provided further*, That none of
24 the funds provided under this heading in this Act shall
25 be used by Amtrak to give notice under subsection (a) or

1 (c) of section 24706 of title 49, United States Code, with
 2 respect to long-distance routes (as defined in section
 3 24102 of title 49, United States Code) on which Amtrak
 4 is the sole operator on a host railroad's line and a positive
 5 train control system is not required by law or regulation,
 6 or, except in an emergency or during maintenance or con-
 7 struction outages impacting such routes, to otherwise dis-
 8 continue, reduce the frequency of, suspend, or substan-
 9 tially alter the route of rail service on any portion of such
 10 route operated in fiscal year 2018, including implementa-
 11 tion of service permitted by section 24305(a)(3)(A) of title
 12 49, United States Code, in lieu of rail service.

13 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

14 ADMINISTRATION

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 150. None of the funds made available to the
 17 National Railroad Passenger Corporation may be used to
 18 fund any overtime costs in excess of \$35,000 for any indi-
 19 vidual employee: *Provided*, That the President of Amtrak
 20 may waive the cap set in the preceding proviso for specific
 21 employees when the President of Amtrak determines such
 22 a cap poses a risk to the safety and operational efficiency
 23 of the system: *Provided further*, That the President of Am-
 24 trak shall report to the House and Senate Committees on
 25 Appropriations no later than 60 days after the date of en-

1 actment of this Act, a summary of all overtime payments
2 incurred by Amtrak for 2022 and the 3 prior calendar
3 years: *Provided further*, That such summary shall include
4 the total number of employees that received waivers and
5 the total overtime payments Amtrak paid to employees re-
6 ceiving waivers for each month for 2022 and for the 3
7 prior calendar years.

8 SEC. 151. None of the funds made available by this
9 Act may be used by the National Railroad Passenger Cor-
10 poration in contravention of the Worker Adjustment and
11 Retraining Notification Act (29 U.S.C. 2101 et seq.).

12 SEC. 152. The amounts made available to the Sec-
13 retary or to the Federal Railroad Administration for the
14 costs of award, administration, and project management
15 oversight of financial assistance which are administered
16 by the Federal Railroad Administration, in this and prior
17 Acts, may be transferred to the Federal Railroad Adminis-
18 tration's "Financial Assistance Oversight and Technical
19 Assistance" account for the necessary expenses to support
20 the award, administration, project management oversight,
21 and technical assistance of financial assistance adminis-
22 tered by the Federal Railroad Administration, in the same
23 manner as appropriated for in this and prior Acts: *Pro-*
24 *vided*, That this section shall not apply to amounts that
25 were previously designated by the Congress as an emer-

1 gency requirement pursuant to a concurrent resolution on
2 the budget or the Balanced Budget and Emergency Def-
3 icit Control Act of 1985.

4 SEC. 153. None of the funds made available to the
5 National Railroad Passenger Corporation under the head-
6 ings “Northeast Corridor Grants to the National Railroad
7 Passenger Corporation” and “National Network Grants to
8 the National Railroad Passenger Corporation” may be
9 used to reduce the total number of Amtrak Police Depart-
10 ment uniformed officers patrolling on board passenger
11 trains or at stations, facilities or rights-of-way below the
12 staffing level on May 1, 2019.

13 SEC. 154. It is the sense of Congress that—

14 (1) long-distance passenger rail routes provide
15 much-needed transportation access for 4,700,000
16 riders in 325 communities in 40 States and are par-
17 ticularly important in rural areas; and

18 (2) long-distance passenger rail routes and
19 services should be sustained to ensure connectivity
20 throughout the National Network (as defined in sec-
21 tion 24102 of title 49, United States Code).

22 SEC. 155. State-supported routes operated by Am-
23 trak. Section 24712(a) of title 49, United States Code,
24 is hereby amended by inserting after section 24712(a)(7)
25 the following—

1 “(8) STAFFING.—The Committee may—

2 “(A) appoint, terminate, and fix the com-
3 pensation of an executive director and other
4 Committee employees necessary for the Com-
5 mittee to carry out its duties; and

6 “(B) enter into contracts necessary to
7 carry out its duties, including providing Com-
8 mittee employees with retirement and other em-
9 ployee benefits under the condition that Non-
10 Federal members or officers, the executive di-
11 rector, and employees of the Committee are not
12 federal employees for any purpose.

13 “(9) AUTHORIZATION OF APPROPRIATIONS.—
14 Amounts made available by the Secretary of Trans-
15 portation for the Committee may be used to carry
16 out this section.”.

17 FEDERAL TRANSIT ADMINISTRATION

18 TRANSIT FORMULA GRANTS

19 (LIQUIDATION OF CONTRACT AUTHORIZATION)

20 (LIMITATION ON OBLIGATIONS)

21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in the Federal
23 Public Transportation Assistance Program in this ac-
24 count, and for payment of obligations incurred in carrying
25 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,

1 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339,
2 and 5340, as amended by the Infrastructure Investment
3 and Jobs Act, section 20005(b) of Public Law 112–141,
4 and section 3006(b) of the Fixing America’s Surface
5 Transportation Act, \$13,634,000,000, to be derived from
6 the Mass Transit Account of the Highway Trust Fund
7 and to remain available until expended: *Provided*, That
8 funds available for the implementation or execution of pro-
9 grams authorized under 49 U.S.C. 5305, 5307, 5310,
10 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337,
11 5339, and 5340, as amended by the Infrastructure Invest-
12 ment and Jobs Act, section 20005(b) of Public Law 112–
13 141, and section 3006(b) of the Fixing America’s Surface
14 Transportation Act, shall not exceed total obligations of
15 \$13,634,000,000 in fiscal year 2023.

16 TRANSIT INFRASTRUCTURE GRANTS

17 For an additional amount for buses and bus facilities
18 grants under section 5339(b) of title 49, United States
19 Code, low or no emission grants under section 5339(c) of
20 such title, ferry boats grants under section 5307(h) of
21 such title, bus testing facilities under section 5318 of such
22 title, grants to areas of persistent poverty, innovative mo-
23 bility solutions grants under section 5312 of such title,
24 accelerating innovative mobility initiative grants under
25 section 5312 such title, accelerating the adoption of zero

1 emission buses under section 5312 of such title, Commu-
2 nity Project Funding/Congressionally Directed Spending
3 for projects and activities eligible under chapter 53 of such
4 title, and ferry service for rural communities under section
5 71103 of division G of Public Law 117–58, \$527,131,000,
6 to remain available until expended: *Provided*, That of the
7 sums provided under this heading in this Act—

8 (1) \$220,000,000 shall be available for buses
9 and bus facilities competitive grants as authorized
10 under section 5339(b) of such title;

11 (2) \$135,000,000 shall be available for the low
12 or no emission grants as authorized under section
13 5339(e) of such title: *Provided*, That the minimum
14 grant award shall be not less than \$750,000;

15 (3) \$20,000,000 shall be available for ferry
16 boat grants as authorized under section 5307(h) of
17 such title: *Provided*, That of the amounts provided
18 under this paragraph, no less than \$5,000,000 shall
19 be available for low or zero emission ferries or fer-
20 ries using electric battery or fuel cell components
21 and the infrastructure to support such ferries;

22 (4) \$2,000,000 shall be available for the oper-
23 ation and maintenance of the bus testing facilities
24 selected under section 5318 of such title;

1 (5) \$1,000,000 shall be available for the dem-
2 onstration and deployment of innovative mobility so-
3 lutions as authorized under section 5312 of title 49,
4 United States Code: *Provided*, That such amounts
5 shall be available for competitive grants or coopera-
6 tive agreements for the development of software to
7 facilitate the provision of demand-response public
8 transportation service that dispatches public trans-
9 portation fleet vehicles through riders mobile devices
10 or other advanced means: *Provided further*, That the
11 Secretary shall evaluate the potential for software
12 developed with grants or cooperative agreements to
13 be shared for use by public transportation agencies;

14 (6) \$1,000,000 shall be for the accelerating in-
15 novative mobility initiative as authorized under sec-
16 tion 5312 of title 49, United States Code: *Provided*,
17 That such amounts shall be available for competitive
18 grants to improve mobility and enhance the rider ex-
19 perience with a focus on innovative service delivery
20 models, creative financing, novel partnerships, and
21 integrated payment solutions in order to help dis-
22 seminate proven innovation mobility practices
23 throughout the public transportation industry;

24 (7) \$20,000,000 shall be available for competi-
25 tive grants to eligible entities to assist areas of per-

1 sistent poverty as defined under section 6702(a)(1)
2 of title 49, United States Code, or historically dis-
3 advantaged communities: *Provided*, That grants
4 shall be for planning, engineering, or development of
5 technical or financing plans for projects eligible
6 under chapter 53 of title 49, United States Code:
7 *Provided further*, That eligible entities are those de-
8 fined as eligible recipients or subrecipients under
9 sections 5307, 5310 or 5311 of title 49, United
10 States Code, and are in areas of persistent poverty
11 as defined under section 6702(a)(1) of title 49,
12 United States Code, or historically disadvantaged
13 communities: *Provided further*, That State depart-
14 ments of transportation may apply on behalf of eligi-
15 ble entities within their States: *Provided further*,
16 That the Federal Transit Administration should en-
17 courage grantees to work with non-profits or other
18 entities of their choosing in order to develop plan-
19 ning, technical, engineering, or financing plans: *Pro-*
20 *vided further*, That the Federal Transit Administra-
21 tion shall encourage grantees to partner with non-
22 profits that can assist with making projects low or
23 no emissions: *Provided further*, That projects funded
24 under this paragraph shall be for not less than 90
25 percent of the net total project cost;

1 (8) \$10,000,000 shall be available to support
2 technical assistance, research, demonstration, or de-
3 ployment activities or projects to accelerate the
4 adoption of zero emission buses in public transit as
5 authorized under section 5312 of title 49, United
6 States Code;

7 (9) \$98,331,000 shall be available for the pur-
8 poses, and in amounts, specified for Congressionally
9 Directed Spending in the table entitled “Congres-
10 sionally Directed Spending” included in the explana-
11 tory statement accompanying this Act; and

12 (10) \$19,800,000 shall be available for ferry
13 service for rural communities under section 71103 of
14 division G of Public Law 117–58: *Provided*, That for
15 amounts made available in this paragraph, notwith-
16 standing section 71103(a)(2)(B) of such division of
17 such Act, eligible projects shall include passenger
18 ferry service that serves at least two rural areas with
19 a single segment over 20 miles between the two
20 rural areas and is not otherwise eligible under sec-
21 tion 5307(h) of title 49, United States Code:

22 *Provided further*, That amounts made available under this
23 heading in this Act shall be derived from the general fund:

24 *Provided further*, That the amounts made available under
25 this heading in this Act shall not be subject to any limita-

1 tion on obligations for transit programs set forth in any
2 Act.

3 TECHNICAL ASSISTANCE AND TRAINING

4 For necessary expenses to carry out section 5314 of
5 title 49, United States Code, \$7,500,000, to remain avail-
6 able until September 30, 2024: *Provided*, That the assist-
7 ance provided under this heading does not duplicate the
8 activities of section 5311(b) or section 5312 of title 49,
9 United States Code.

10 CAPITAL INVESTMENT GRANTS

11 For necessary expenses to carry out fixed guideway
12 capital investment grants under section 5309 of title 49,
13 United States Code, and section 3005(b) of the Fixing
14 America's Surface Transportation Act (Public Law 114–
15 94), \$2,510,931,000, to remain available until expended:
16 *Provided*, That of the sums appropriated under this head-
17 ing—

18 (1) \$1,874,890,000 shall be available for
19 projects authorized under section 5309(d) of title
20 49, United States Code;

21 (2) \$100,000,000 shall be available for projects
22 authorized under section 5309(e) of title 49, United
23 States Code;

1 (3) \$410,931,000 shall be available for projects
2 authorized under section 5309 (h) of title 49, United
3 States Code; and

4 (4) \$100,000,000 shall be available for
5 projects authorized under section 3005(b) of the
6 Fixing America's Surface Transportation Act:

7 *Provided further*, That the Secretary shall continue to ad-
8 minister the capital investment grants program in accord-
9 ance with the procedural and substantive requirements of
10 section 5309 of title 49, United States Code, and of sec-
11 tion 3005(b) of the Fixing America's Surface Transpor-
12 tation Act: *Provided further*, That projects that receive a
13 grant agreement under the Expedited Project Delivery for
14 Capital Investment Grants Pilot Program under section
15 3005(b) of the Fixing America's Surface Transportation
16 Act shall be deemed eligible for funding provided for
17 projects under section 5309 of title 49, United States
18 Code, without further evaluation or rating under such sec-
19 tion: *Provided further*, That such funding shall not exceed
20 the Federal share under section 3005(b): *Provided further*,
21 That upon submission to the Congress of the fiscal year
22 2024 President's budget, the Secretary of Transportation
23 shall transmit to Congress the annual report on capital
24 investment grants, including proposed allocations for fiscal
25 year 2024.

1 GRANTS TO THE WASHINGTON METROPOLITAN AREA
2 TRANSIT AUTHORITY

3 For grants to the Washington Metropolitan Area
4 Transit Authority as authorized under section 601 of divi-
5 sion B of the Passenger Rail Investment and Improvement
6 Act of 2008 (Public Law 110–432), as amended by the
7 Infrastructure Investment and Jobs Act (Public Law 117–
8 58), \$150,000,000, to remain available until expended:
9 *Provided*, That the Secretary of Transportation shall ap-
10 prove grants for capital and preventive maintenance ex-
11 penditures for the Washington Metropolitan Area Transit
12 Authority only after receiving and reviewing a request for
13 each specific project: *Provided further*, That the Secretary
14 shall determine that the Washington Metropolitan Area
15 Transit Authority has placed the highest priority on those
16 investments that will improve the safety of the system be-
17 fore approving such grants.

18 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT
19 ADMINISTRATION
20 (INCLUDING RESCISSIONS)

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 heading “Capital Investment Grants” of the Federal
4 Transit Administration for projects specified in this Act
5 not obligated by September 30, 2026, and other recov-
6 eries, shall be directed to projects eligible to use the funds
7 for the purposes for which they were originally provided.

8 SEC. 162. Notwithstanding any other provision of
9 law, any funds appropriated before October 1, 2022, under
10 any section of chapter 53 of title 49, United States Code,
11 that remain available for expenditure, may be transferred
12 to and administered under the most recent appropriation
13 heading for any such section.

14 SEC. 163. None of the funds made available by this
15 Act or any other Act shall be used to adjust appor-
16 tionments or withhold funds from apportionments pursuant
17 to section 9503(e)(4) of the Internal Revenue Code of
18 1986 (26 U.S.C. 9503(e)(4)).

19 SEC. 164. None of the funds made available by this
20 Act or any other Act shall be used to impede or hinder
21 project advancement or approval for any project seeking
22 a Federal contribution from the capital investment grant
23 program of greater than 40 percent of project costs as
24 authorized under section 5309 of title 49, United States
25 Code.

1 SEC. 165. Any unexpended balances from amounts
2 previously appropriated for low or no emission vehicle
3 component assessment under 49 U.S.C. 5312(h) under the
4 headings “Transit Formula Grants” and “Transit Infra-
5 structure Grants” in fiscal years 2021 and 2022 may be
6 used by the facilities selected for such vehicle component
7 assessment for capital projects in order to build new infra-
8 structure and enhance existing facilities in order to expand
9 component testing capability, in accordance with the in-
10 dustry stakeholder testing objectives and capabilities as
11 outlined through the work of the Federal Transit Adminis-
12 tration Transit Vehicle Innovation and Deployment Cen-
13 ters program and included in the Center for Transpor-
14 tation and the Environment report submitted to the Fed-
15 eral Transit Administration for review.

16 SEC. 166. The remaining unobligated balances, as of
17 September 30, 2023, from amounts made available to the
18 Department of Transportation under the heading “Fed-
19 eral Transit Administration—Capital Investment Grants”
20 in division H of the Consolidated Appropriations Act,
21 2020 (Public Law 116–94) are hereby rescinded, and an
22 amount of additional new budget authority equivalent to
23 the amount rescinded is hereby appropriated on Sep-
24 tember 30, 2023, for an additional amount for fiscal year
25 2023, to remain available until September 30, 2024, and

1 shall be available for any of the same purposes and under
2 the same authorities for which such amounts were origi-
3 nally provided.

4 GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT
5 CORPORATION

6 The Great Lakes St. Lawrence Seaway Development
7 Corporation is hereby authorized to make such expendi-
8 tures, within the limits of funds and borrowing authority
9 available to the Corporation, and in accord with law, and
10 to make such contracts and commitments without regard
11 to fiscal year limitations, as provided by section 9104 of
12 title 31, United States Code, as may be necessary in car-
13 rying out the programs set forth in the Corporation's
14 budget for the current fiscal year.

15 OPERATIONS AND MAINTENANCE
16 (HARBOR MAINTENANCE TRUST FUND)

17 For necessary expenses to conduct the operations,
18 maintenance, and capital infrastructure activities on por-
19 tions of the St. Lawrence Seaway owned, operated, and
20 maintained by the Great Lakes St. Lawrence Seaway De-
21 velopment Corporation, \$38,000,000, to be derived from
22 the Harbor Maintenance Trust Fund, pursuant to section
23 210 of the Water Resources Development Act of 1986 (33
24 U.S.C. 2238): *Provided*, That of the amounts made avail-
25 able under this heading, not less than \$14,500,000 shall

1 be for the seaway infrastructure program: *Provided fur-*
2 *ther*, That not more than \$1,000,000 of the unobligated
3 balances from the amounts made available for capital
4 asset renewal activities under the heading “Saint Law-
5 rence Seaway Development Corporation—Operations and
6 Maintenance” in any prior Act shall be for activities pur-
7 suant to section 984(a)(12) of title 33, United States
8 Code.

9 MARITIME ADMINISTRATION

10 MARITIME SECURITY PROGRAM

11 (INCLUDING RESCISSION OF FUNDS)

12 For necessary expenses to maintain and preserve a
13 U.S.-flag merchant fleet as authorized under chapter 531
14 of title 46, United States Code, to serve the national secu-
15 rity needs of the United States, \$318,000,000, to remain
16 available until expended: *Provided*, That of the unobli-
17 gated balances from prior year appropriations available
18 under this heading, \$55,000,000 are hereby permanently
19 rescinded.

20 CABLE SECURITY FLEET

21 For the cable security fleet program, as authorized
22 under chapter 532 of title 46, United States Code,
23 \$10,000,000, to remain available until expended.

1 TANKER SECURITY PROGRAM

2 For Tanker Security Fleet payments, as authorized
3 under section 53406 of title 46, United States Code,
4 \$60,000,000, to remain available until expended.

5 OPERATIONS AND TRAINING

6 For necessary expenses of operations and training ac-
7 tivities authorized by law, \$244,899,000: *Provided*, That
8 of the sums appropriated under this heading—

9 (1) \$87,848,000 shall remain available until
10 September 30, 2024, for the operations of the
11 United States Merchant Marine Academy;

12 (2) \$11,900,000 shall remain available until ex-
13 pended, for facilities maintenance and repair, and
14 equipment, at the United States Merchant Marine
15 Academy;

16 (3) \$55,120,000 shall remain available until ex-
17 pended, for capital improvements at the United
18 States Merchant Marine Academy;

19 (4) \$10,000,000 shall remain available until
20 September 30, 2024, for the Maritime Environ-
21 mental and Technical Assistance program authorized
22 under section 50307 of title 46, United States Code;
23 and

24 (5) \$14,819,000 shall remain available until ex-
25 pended, for the America's Marine Highways Pro-

1 gram to make grants for the purposes authorized
2 under paragraphs (1) and (3) of section 55601(b) of
3 title 46, United States Code:

4 *Provided further*, That the Administrator of the Maritime
5 Administration shall transmit to the House and Senate
6 Committees on Appropriations the annual report on sexual
7 assault and sexual harassment at the United States Mer-
8 chant Marine Academy as required pursuant to section
9 3510 of the National Defense Authorization Act for fiscal
10 year 2017 (46 U.S.C. 51318): *Provided further*, That
11 available balances under this heading for the Short Sea
12 Transportation Program (now known as the America's
13 Marine Highway Program) from prior year recoveries
14 shall be available to carry out activities authorized under
15 paragraphs (1) and (3) of section 55601(b) of title 46,
16 United States Code.

17 STATE MARITIME ACADEMY OPERATIONS

18 For necessary expenses of operations, support, and
19 training activities for State Maritime Academies,
20 \$120,700,000: *Provided*, That of the sums appropriated
21 under this heading—

22 (1) \$30,500,000 shall remain available until ex-
23 pended, for maintenance, repair, life extension, in-
24 surance, and capacity improvement of National De-
25 fense Reserve Fleet training ships, and for support

1 of training ship operations at the State Maritime
2 Academies, of which not more than \$8,000,000 shall
3 be for expenses related to training mariners, and for
4 costs associated with training vessel sharing pursu-
5 ant to section 51504(g)(3) of title 46, United States
6 Code, for costs associated with mobilizing, operating
7 and demobilizing the vessel; travel costs for stu-
8 dents, faculty and crew; and the costs of the general
9 agent, crew costs, fuel, insurance, operational fees,
10 and vessel hire costs, as determined by the Sec-
11 retary;

12 (2) \$75,000,000 shall remain available until ex-
13 pended, for the National Security Multi-Mission Ves-
14 sel Program, including funds for construction, plan-
15 ning, administration, and design of school ships and,
16 as determined by the Secretary, necessary expenses
17 to design, plan, construct infrastructure, and pur-
18 chase equipment necessary to berth such ships;

19 (3) \$2,400,000 shall remain available until Sep-
20 tember 30, 2027, for the Student Incentive Pro-
21 gram;

22 (4) \$6,800,000 shall remain available until ex-
23 pended, for training ship fuel assistance; and

1 (5) \$6,000,000 shall remain available until Sep-
2 tember 30, 2024, for direct payments for State Mar-
3 itime Academies:

4 *Provided further*, That the Administrator of the Maritime
5 Administration may use the funds made available under
6 paragraph (2) and the funds provided for shoreside infra-
7 structure improvements in Public Law 117–103 for the
8 purposes described in paragraph (2): *Provided further*,
9 That such funds may be used to reimburse State Maritime
10 Academies for costs incurred prior to the date of enact-
11 ment of this Act: *Provided further*, That such funds shall
12 be available for reimbursement only for those costs in-
13 curred in compliance with all applicable Federal law, in-
14 cluding the National Environmental Policy Act of 1969
15 (41 U.S.C. 4321 et seq.) and the National Historic Pres-
16 ervation Act (54 U.S.C. 300101 et seq.).

17 ASSISTANCE TO SMALL SHIPYARDS

18 To make grants to qualified shipyards as authorized
19 under section 54101 of title 46, United States Code,
20 \$25,000,000, to remain available until expended.

21 SHIP DISPOSAL

22 (INCLUDING RESCISSION OF FUNDS)

23 For necessary expenses related to the disposal of ob-
24 solete vessels in the National Defense Reserve Fleet of the
25 Maritime Administration, \$10,000,000, to remain avail-

1 able until expended: *Provided*, That of the unobligated bal-
2 ances from prior year appropriations made available under
3 this heading, \$12,000,000 are hereby permanently re-
4 scinded.

5 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

6 ACCOUNT

7 (INCLUDING TRANSFER OF FUNDS)

8 For administrative expenses to carry out the guaran-
9 teed loan program, \$3,000,000, which shall be transferred
10 to and merged with the appropriations for “Maritime Ad-
11 ministration—Operations and Training”.

12 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

13 To make grants to improve port facilities as author-
14 ized under section 54301 of title 46, United States Code,
15 \$234,310,000, to remain available until expended: *Pro-*
16 *vided*, That projects eligible for amounts made available
17 under this heading in this Act shall be projects for coastal
18 seaports, inland river ports, or Great Lakes ports: *Pro-*
19 *vided further*, That the requirements under section
20 3501(a)(12) of the National Defense Authorization Act
21 for Fiscal Year 2022 (Public Law 117–81) shall apply to
22 amounts made available under this heading in this Act:
23 *Provided further*, That for grants awarded under this
24 heading in this Act, the minimum grant size shall be
25 \$1,000,000: *Provided further*, That for amounts made

1 available under this heading in this Act, the requirement
 2 under section 54301(a)(6)(A)(ii) of title 46, United States
 3 Code, shall not apply to projects located in noncontiguous
 4 States or territories.

5 ADMINISTRATIVE PROVISION—MARITIME

6 ADMINISTRATION

7 SEC. 170. Notwithstanding any other provision of
 8 this Act, in addition to any existing authority, the Mari-
 9 time Administration is authorized to furnish utilities and
 10 services and make necessary repairs in connection with
 11 any lease, contract, or occupancy involving Government
 12 property under control of the Maritime Administration:
 13 *Provided*, That payments received therefor shall be cred-
 14 ited to the appropriation charged with the cost thereof and
 15 shall remain available until expended: *Provided further*,
 16 That rental payments under any such lease, contract, or
 17 occupancy for items other than such utilities, services, or
 18 repairs shall be deposited into the Treasury as miscella-
 19 neous receipts.

20 PIPELINE AND HAZARDOUS MATERIALS SAFETY

21 ADMINISTRATION

22 OPERATIONAL EXPENSES

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

1 \$29,936,000, of which \$4,500,000 shall remain available
2 until September 30, 2025.

3 HAZARDOUS MATERIALS SAFETY

4 For expenses necessary to discharge the hazardous
5 materials safety functions of the Pipeline and Hazardous
6 Materials Safety Administration, \$70,743,000, of which
7 \$12,070,000 shall remain available until September 30,
8 2025, of which \$1,000,000 shall be made available for car-
9 rying out section 5107(i) of title 49, United States Code:
10 *Provided*, That up to \$800,000 in fees collected under sec-
11 tion 5108(g) of title 49, United States Code, shall be de-
12 posited in the general fund of the Treasury as offsetting
13 receipts: *Provided further*, That there may be credited to
14 this appropriation, to be available until expended, funds
15 received from States, counties, municipalities, other public
16 authorities, and private sources for expenses incurred for
17 training, for reports publication and dissemination, and
18 for travel expenses incurred in performance of hazardous
19 materials exemptions and approvals functions.

20 PIPELINE SAFETY

21 (PIPELINE SAFETY FUND)

22 (OIL SPILL LIABILITY TRUST FUND)

23 For expenses necessary to carry out a pipeline safety
24 program, as authorized by section 60107 of title 49,
25 United States Code, and to discharge the pipeline program

1 responsibilities of the Oil Pollution Act of 1990 (Public
2 Law 101–380), \$192,969,000, to remain available until
3 September 30, 2025, of which \$27,650,000 shall be de-
4 rived from the Oil Spill Liability Trust Fund; of which
5 \$156,919,000 shall be derived from the Pipeline Safety
6 Fund; of which \$400,000 shall be derived from the fees
7 collected under section 60303 of title 49, United States
8 Code, and deposited in the Liquefied Natural Gas Siting
9 Account for compliance reviews of liquefied natural gas
10 facilities; and of which \$8,000,000 shall be derived from
11 fees collected under section 60302 of title 49, United
12 States Code, and deposited in the Underground Natural
13 Gas Storage Facility Safety Account for the purpose of
14 carrying out section 60141 of title 49, United States Code:
15 *Provided*, That not less than \$1,058,000 of the amounts
16 made available under this heading shall be for the One-
17 Call State grant program: *Provided further*, That any
18 amounts made available under this heading in this Act or
19 in prior Acts for research contracts, grants, cooperative
20 agreements or research other transactions agreements
21 (“OTAs”) shall require written notification to the House
22 and Senate Committees on Appropriations not less than
23 3 full business days before such research contracts, grants,
24 cooperative agreements, or research OTAs are announced
25 by the Department of Transportation: *Provided further*,

1 That the Secretary shall transmit to the House and Sen-
2 ate Committees on Appropriations the report on pipeline
3 safety testing enhancement as required pursuant to sec-
4 tion 105 of the Protecting our Infrastructure of Pipelines
5 and Enhancing Safety Act of 2020 (division R of Public
6 Law 116–260): *Provided further*, That the Secretary may
7 obligate amounts made available under this heading to en-
8 gineer, erect, alter, and repair buildings or make any other
9 public improvements for research facilities at the Trans-
10 portation Technology Center after the Secretary submits
11 an updated research plan and the report in the preceding
12 proviso to the House and Senate Committees on Appro-
13 priations and after such plan and report in the preceding
14 proviso are approved by the House and Senate Commit-
15 tees on Appropriations.

16 EMERGENCY PREPAREDNESS GRANTS

17 (LIMITATION ON OBLIGATIONS)

18 (EMERGENCY PREPAREDNESS FUND)

19 For expenses necessary to carry out the Emergency
20 Preparedness Grants program, not more than
21 \$28,318,000 shall remain available until September 30,
22 2025, from amounts made available by section 5116(h)
23 and subsections (b) and (c) of section 5128 of title 49,
24 United States Code: *Provided*, That notwithstanding sec-
25 tion 5116(h)(4) of title 49, United States Code, not more

1 than 4 percent of the amounts made available from this
2 account shall be available to pay the administrative costs
3 of carrying out sections 5116, 5107(e), and 5108(g)(2)
4 of title 49, United States Code: *Provided further*, That
5 notwithstanding subsections (b) and (c) of section 5128
6 of title 49, United States Code, and the limitation on obli-
7 gations provided under this heading, prior year recoveries
8 recognized in the current year shall be available to develop
9 and deliver hazardous materials emergency response train-
10 ing for emergency responders, including response activities
11 for the transportation of crude oil, ethanol, flammable liq-
12 uids, and other hazardous commodities by rail, consistent
13 with National Fire Protection Association standards, and
14 to make such training available through an electronic for-
15 mat: *Provided further*, That the prior year recoveries made
16 available under this heading shall also be available to carry
17 out sections 5116(a)(1)(C), 5116(h), 5116(i), 5116(j),
18 and 5107(e) of title 49, United States Code.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
22 General to carry out the provisions of the Inspector Gen-
23 eral Act of 1978, as amended, \$108,073,000: *Provided*,
24 That the Inspector General shall have all necessary au-
25 thority, in carrying out the duties specified in the Inspec-

1 by Congress as if this provision was in effect when the
2 system was purchased, procured, or contracted for.

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

9 SEC. 182. (a) No recipient of amounts made available
10 by this Act shall disseminate personal information (as de-
11 fined in section 2725(3) of title 18, United States Code)
12 obtained by a State department of motor vehicles in con-
13 nection with a motor vehicle record as defined in section
14 2725(1) of title 18, United States Code, except as pro-
15 vided in section 2721 of title 18, United States Code, for
16 a use permitted under section 2721 of title 18, United
17 States Code.

18 (b) Notwithstanding subsection (a), the Secretary
19 shall not withhold amounts made available by this Act for
20 any grantee if a State is in noncompliance with this provi-
21 sion.

22 SEC. 183. None of the funds made available by this
23 Act shall be available for salaries and expenses of more
24 than 125 political and Presidential appointees in the De-
25 partment of Transportation: *Provided*, That none of the

1 personnel covered by this provision may be assigned on
2 temporary detail outside the Department of Transpor-
3 tation.

4 SEC. 184. Funds received by the Federal Highway
5 Administration and Federal Railroad Administration from
6 States, counties, municipalities, other public authorities,
7 and private sources for expenses incurred for training may
8 be credited respectively to the Federal Highway Adminis-
9 tration's "Federal-Aid Highways" account and to the Fed-
10 eral Railroad Administration's "Safety and Operations"
11 account, except for State rail safety inspectors partici-
12 pating in training pursuant to section 20105 of title 49,
13 United States Code.

14 SEC. 185. None of the funds made available by this
15 Act or in title VIII of division J of Public Law 117-58
16 to the Department of Transportation may be used to make
17 a loan, loan guarantee, line of credit, letter of intent, fed-
18 erally funded cooperative agreement, full funding grant
19 agreement, or discretionary grant unless the Secretary of
20 Transportation notifies the House and Senate Committees
21 on Appropriations not less than 3 full business days before
22 any project competitively selected to receive any discre-
23 tionary grant award, letter of intent, loan commitment,
24 loan guarantee commitment, line of credit commitment,
25 federally funded cooperative agreement, or full funding

1 grant agreement is announced by the Department or its
2 operating administrations: *Provided*, That the Secretary of
3 Transportation shall provide the House and Senate Com-
4 mittees on Appropriations with a comprehensive list of all
5 such loans, loan guarantees, lines of credit, letters of in-
6 tent, federally funded cooperative agreements, full funding
7 grant agreements, and discretionary grants prior to the
8 notification required under the preceding proviso: *Pro-*
9 *vided further*, That the Secretary gives concurrent notifi-
10 cation to the House and Senate Committees on Appropria-
11 tions for any “quick release” of funds from the emergency
12 relief program: *Provided further*, That no notification shall
13 involve funds that are not available for obligation.

14 SEC. 186. Rebates, refunds, incentive payments,
15 minor fees, and other funds received by the Department
16 of Transportation from travel management centers,
17 charge card programs, the subleasing of building space,
18 and miscellaneous sources are to be credited to appropria-
19 tions of the Department of Transportation and allocated
20 to organizational units of the Department of Transpor-
21 tation using fair and equitable criteria and such funds
22 shall be available until expended.

23 SEC. 187. Notwithstanding any other provision of
24 law, if any funds provided by or limited by this Act are
25 subject to a reprogramming action that requires notice to

1 be provided to the House and Senate Committees on Ap-
2 propriations, transmission of such reprogramming notice
3 shall be provided solely to the House and Senate Commit-
4 tees on Appropriations, and such reprogramming action
5 shall be approved or denied solely by the House and Sen-
6 ate Committees on Appropriations: *Provided*, That the
7 Secretary of Transportation may provide notice to other
8 congressional committees of the action of the House and
9 Senate Committees on Appropriations on such reprogram-
10 ming but not sooner than 30 days after the date on which
11 the reprogramming action has been approved or denied by
12 the House and Senate Committees on Appropriations.

13 SEC. 188. Funds appropriated by this Act to the op-
14 erating administrations may be obligated for the Office of
15 the Secretary for the costs related to assessments or reim-
16 bursable agreements only when such amounts are for the
17 costs of goods and services that are purchased to provide
18 a direct benefit to the applicable operating administration
19 or administrations.

20 SEC. 189. The Secretary of Transportation is author-
21 ized to carry out a program that establishes uniform
22 standards for developing and supporting agency transit
23 pass and transit benefits authorized under section 7905
24 of title 5, United States Code, including distribution of
25 transit benefits by various paper and electronic media.

1 SEC. 190. The Department of Transportation may
2 use funds provided by this Act, or any other Act, to assist
3 a contract under title 49 or 23 of the United States Code
4 utilizing geographic, economic, or any other hiring pref-
5 erence not otherwise authorized by law, or to amend a
6 rule, regulation, policy or other measure that forbids a re-
7 cipient of a Federal Highway Administration or Federal
8 Transit Administration grant from imposing such hiring
9 preference on a contract or construction project with
10 which the Department of Transportation is assisting, only
11 if the grant recipient certifies the following:

12 (1) that except with respect to apprentices or
13 trainees, a pool of readily available but unemployed
14 individuals possessing the knowledge, skill, and abil-
15 ity to perform the work that the contract requires
16 resides in the jurisdiction;

17 (2) that the grant recipient will include appro-
18 priate provisions in its bid document ensuring that
19 the contractor does not displace any of its existing
20 employees in order to satisfy such hiring preference;
21 and

22 (3) that any increase in the cost of labor, train-
23 ing, or delays resulting from the use of such hiring
24 preference does not delay or displace any transpor-
25 tation project in the applicable Statewide Transpor-

1 tation Improvement Program or Transportation Im-
2 provement Program.

3 SEC. 191. The Secretary of Transportation shall co-
4 ordinate with the Secretary of Homeland Security to en-
5 sure that best practices for Industrial Control Systems
6 Procurement are up-to-date and shall ensure that systems
7 procured with funds provided under this title were pro-
8 cured using such practices.

9 SEC. 192. Amounts made available by this Act or any
10 prior Act that the Secretary determines represent im-
11 proper payments by the Department of Transportation to
12 a third-party contractor under a financial assistance
13 award, which are recovered pursuant to law, shall be avail-
14 able—

15 (1) to reimburse the actual expenses incurred
16 by the Department of Transportation in recovering
17 improper payments: *Provided*, That amounts made
18 available by this Act shall be available until ex-
19 pended; and

20 (2) to pay contractors for services provided in
21 recovering improper payments or contractor support
22 in the implementation of the Payment Integrity In-
23 formation Act of 2019 (Public Law 116–117): *Pro-*
24 *vided*, That amounts in excess of that required for
25 paragraphs (1) and (2)—

1 (A) shall be credited to and merged with
2 the appropriation from which the improper pay-
3 ments were made, and shall be available for the
4 purposes and period for which such appropria-
5 tions are available: *Provided further*, That
6 where specific project or accounting information
7 associated with the improper payment or pay-
8 ments is not readily available, the Secretary
9 may credit the amounts to an appropriate ac-
10 count as offsetting collections and such
11 amounts shall be available for the purposes and
12 period associated with the account so credited:
13 *Provided further*, That amounts credited to pro-
14 grams under this subparagraph shall not be
15 subject to any limitation on obligations in this
16 or any other Act; or

17 (B) if no such appropriation remains avail-
18 able, shall be deposited in the Treasury as mis-
19 cellaneous receipts: *Provided further*, That prior
20 to depositing such recovery in the Treasury, the
21 Secretary shall notify the House and Senate
22 Committees on Appropriations of the amount
23 and reasons for such transfer: *Provided further*,
24 That for purposes of this section, the term “im-
25 proper payment” has the same meaning as that

1 provided in section 3351(4) of title 31, United
2 States Code.

3 This title may be cited as the “Department of Trans-
4 portation Appropriations Act, 2023”.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE OFFICES

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$19,300,000, to remain available until September 30,
13 2024: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$684,900,000, to remain available
22 until September 30, 2024: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$87,300,000 shall be available for the Office
25 of the Chief Financial Officer;

1 (2) \$126,300,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$21,600,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$238,700,000 shall be available for the Of-
6 fice of Administration, of which not more than
7 \$5,100,000 may be for modernization and deferred
8 maintenance of the Weaver Building;

9 (4) \$56,600,000 shall be available for the Office
10 of the Chief Human Capital Officer;

11 (5) \$31,000,000 shall be available for the Office
12 of the Chief Procurement Officer;

13 (6) \$68,100,000 shall be available for the Office
14 of Field Policy and Management;

15 (7) \$5,700,000 shall be available for the Office
16 of Departmental Equal Employment Opportunity;
17 and

18 (8) \$71,200,000 shall be available for the Office
19 of the Chief Information Officer:

20 *Provided further,* That funds made available under this
21 heading may be used for necessary administrative and
22 non-administrative expenses of the Department, not other-
23 wise provided for, including purchase of uniforms, or al-
24 lowances therefor, as authorized by sections 5901 and
25 5902 of title 5, United States Code; hire of passenger

1 motor vehicles; and services as authorized by section 3109
2 of title 5, United States Code: *Provided further*, That not-
3 withstanding any other provision of law, funds appro-
4 priated under this heading may be used for advertising
5 and promotional activities that directly support program
6 activities funded in this title: *Provided further*, That the
7 Secretary shall provide the House and Senate Committees
8 on Appropriations quarterly written notification regarding
9 the status of pending congressional reports: *Provided fur-*
10 *ther*, That the Secretary shall provide in electronic form
11 all signed reports required by Congress.

12 PROGRAM OFFICES

13 For necessary salaries and expenses for Program Of-
14 fices, \$1,062,500,000, to remain available until September
15 30, 2024: *Provided*, That of the sums appropriated under
16 this heading—

17 (1) \$283,800,000 shall be available for the Of-
18 fice of Public and Indian Housing;

19 (2) \$162,300,000 shall be available for the Of-
20 fice of Community Planning and Development;

21 (3) \$464,000,000 shall be available for the Of-
22 fice of Housing, of which not less than \$13,300,000
23 shall be for the Office of Recapitalization;

24 (4) \$43,100,000 shall be available for the Office
25 of Policy Development and Research;

1 (5) \$97,600,000 shall be available for the Office
2 of Fair Housing and Equal Opportunity; and

3 (6) \$11,700,000 shall be available for the Office
4 of Lead Hazard Control and Healthy Homes.

5 WORKING CAPITAL FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For the working capital fund for the Department of
8 Housing and Urban Development (referred to in this para-
9 graph as the “Fund”), pursuant, in part, to section 7(f)
10 of the Department of Housing and Urban Development
11 Act (42 U.S.C. 3535(f)), amounts transferred, including
12 reimbursements pursuant to section 7(f), to the Fund
13 under this heading shall be available only for Federal
14 shared services used by offices and agencies of the Depart-
15 ment, and for any such portion of any office or agency’s
16 printing, records management, space renovation, fur-
17 niture, or supply services the Secretary has determined
18 shall be provided through the Fund, and the operational
19 expenses of the Fund: *Provided*, That amounts within the
20 Fund shall not be available to provide services not specifi-
21 cally authorized under this heading: *Provided further*,
22 That upon a determination by the Secretary that any
23 other service (or portion thereof) authorized under this
24 heading shall be provided through the Fund, amounts
25 made available in this title for salaries and expenses under

1 the headings “Executive Offices”, “Administrative Sup-
 2 port Offices”, “Program Offices”, and “Government Na-
 3 tional Mortgage Association”, for such services shall be
 4 transferred to the Fund, to remain available until ex-
 5 pended: *Provided further*, That the Secretary shall notify
 6 the House and Senate Committees on Appropriations of
 7 its plans for executing such transfers at least 15 days in
 8 advance of such transfers.

9 PUBLIC AND INDIAN HOUSING

10 TENANT-BASED RENTAL ASSISTANCE

11 For activities and assistance for the provision of ten-
 12 ant-based rental assistance authorized under the United
 13 States Housing Act of 1937, as amended (42 U.S.C. 1437
 14 et seq.) (in this title “the Act”), not otherwise provided
 15 for, \$26,181,550,000, to remain available until expended,
 16 which shall be available on October 1, 2022 (in addition
 17 to the \$4,000,000,000 previously appropriated under this
 18 heading that shall be available on October 1, 2022), and
 19 \$4,000,000,000, to remain available until expended, which
 20 shall be available on October 1, 2023: *Provided*, That of
 21 the sums appropriated under this heading—

22 (1) \$26,184,000,000 shall be available for re-
 23 newals of expiring section 8 tenant-based annual
 24 contributions contracts (including renewals of en-
 25 hanced vouchers under any provision of law author-

1 izing such assistance under section 8(t) of the Act)
2 and including renewal of other special purpose incre-
3 mental vouchers: *Provided*, That notwithstanding
4 any other provision of law, from amounts provided
5 under this paragraph and any carryover, the Sec-
6 retary for the calendar year 2023 funding cycle shall
7 provide renewal funding for each public housing
8 agency based on validated voucher management sys-
9 tem (VMS) leasing and cost data for the prior cal-
10 endar year and by applying an inflation factor as es-
11 tablished by the Secretary, by notice published in
12 the Federal Register, and by making any necessary
13 adjustments for the costs associated with the first-
14 time renewal of vouchers under this paragraph in-
15 cluding tenant protection and Choice Neighborhoods
16 vouchers: *Provided further*, That none of the funds
17 provided under this paragraph may be used to fund
18 a total number of unit months under lease which ex-
19 ceeds a public housing agency's authorized level of
20 units under contract, except for public housing agen-
21 cies participating in the Moving to Work (MTW)
22 demonstration, which are instead governed in ac-
23 cordance with the requirements of the MTW dem-
24 onstration program or their MTW agreements, if
25 any: *Provided further*, That the Secretary shall, to

1 the extent necessary to stay within the amount spec-
2 ified under this paragraph (except as otherwise
3 modified under this paragraph), prorate each public
4 housing agency's allocation otherwise established
5 pursuant to this paragraph: *Provided further*, That
6 except as provided in the following provisos, the en-
7 tire amount specified under this paragraph (except
8 as otherwise modified under this paragraph) shall be
9 obligated to the public housing agencies based on the
10 allocation and pro rata method described above, and
11 the Secretary shall notify public housing agencies of
12 their annual budget by the latter of 60 days after
13 enactment of this Act or March 1, 2023: *Provided*
14 *further*, That the Secretary may extend the notifica-
15 tion period with the prior written approval of the
16 House and Senate Committees on Appropriations:
17 *Provided further*, That public housing agencies par-
18 ticipating in the MTW demonstration shall be fund-
19 ed in accordance with the requirements of the MTW
20 demonstration program or their MTW agreements,
21 if any, and shall be subject to the same pro rata ad-
22 justments under the preceding provisos: *Provided*
23 *further*, That the Secretary may offset public hous-
24 ing agencies' calendar year 2023 allocations based
25 on the excess amounts of public housing agencies'

1 net restricted assets accounts, including HUD-held
2 programmatic reserves (in accordance with VMS
3 data in calendar year 2022 that is verifiable and
4 complete), as determined by the Secretary: *Provided*
5 *further*, That public housing agencies participating
6 in the MTW demonstration shall also be subject to
7 the offset, as determined by the Secretary, excluding
8 amounts subject to the single fund budget authority
9 provisions of their MTW agreements, from the agen-
10 cies' calendar year 2023 MTW funding allocation:
11 *Provided further*, That the Secretary shall use any
12 offset referred to in the preceding two provisos
13 throughout the calendar year to prevent the termi-
14 nation of rental assistance for families as the result
15 of insufficient funding, as determined by the Sec-
16 retary, and to avoid or reduce the proration of re-
17 newal funding allocations: *Provided further*, That up
18 to \$200,000,000 shall be available only:

19 (A) for adjustments in the allocations for
20 public housing agencies, after application for an
21 adjustment by a public housing agency that ex-
22 perience a significant increase, as determined
23 by the Secretary, in renewal costs of vouchers
24 resulting from unforeseen circumstances or
25 from portability under section 8(r) of the Act;

1 (B) for vouchers that were not in use dur-
2 ing the previous 12-month period in order to be
3 available to meet a commitment pursuant to
4 section 8(o)(13) of the Act, or an adjustment
5 for a funding obligation not yet expended in the
6 previous calendar year for a MTW-eligible ac-
7 tivity to develop affordable housing for an agen-
8 cy added to the MTW demonstration under the
9 expansion authority provided in section 239 of
10 the Transportation, Housing and Urban Devel-
11 opment, and Related Agencies Appropriations
12 Act, 2016 (division L of Public Law 114–113);

13 (C) for adjustments for costs associated
14 with HUD–Veterans Affairs Supportive Hous-
15 ing (HUD–VASH) vouchers;

16 (D) for public housing agencies that de-
17 spite taking reasonable cost savings measures,
18 as determined by the Secretary, would other-
19 wise be required to terminate rental assistance
20 for families as a result of insufficient funding;

21 (E) for adjustments in the allocations for
22 public housing agencies that—

23 (i) are leasing a lower-than-average
24 percentage of their authorized vouchers,

1 (ii) have low amounts of budget au-
2 thority in their net restricted assets ac-
3 counts and HUD-held programmatic re-
4 serves, relative to other agencies, and

5 (iii) are not participating in the Mov-
6 ing to Work demonstration, to enable such
7 agencies to lease more vouchers;

8 (F) for withheld payments in accordance
9 with section 8(o)(8)(A)(ii) of the Act for
10 months in the previous calendar year that were
11 subsequently paid by the public housing agency
12 after the agency's actual costs were validated;
13 and

14 (G) for public housing agencies that have
15 experienced increased costs or loss of units in
16 an area for which the President declared a dis-
17 aster under title IV of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5170 et seq.):

20 *Provided further,* That the Secretary shall allocate
21 amounts under the preceding proviso based on need,
22 as determined by the Secretary;

23 (2) \$363,938,000 shall be available for section
24 8 rental assistance for relocation and replacement of
25 housing units that are demolished or disposed of

1 pursuant to section 18 of the Act, conversion of sec-
2 tion 23 projects to assistance under section 8, relo-
3 cation of witnesses (including victims of violent
4 crimes) in connection with efforts to combat crime
5 in public and assisted housing pursuant to a request
6 from a law enforcement or prosecution agency, en-
7 hanced vouchers under any provision of law author-
8 izing such assistance under section 8(t) of the Act,
9 Choice Neighborhood vouchers, mandatory and vol-
10 untary conversions, and tenant protection assistance
11 including replacement and relocation assistance or
12 for project-based assistance to prevent the displace-
13 ment of unassisted elderly tenants currently residing
14 in section 202 properties financed between 1959 and
15 1974 that are refinanced pursuant to Public Law
16 106–569, as amended, or under the authority as
17 provided under this Act: *Provided*, That when a pub-
18 lic housing development is submitted for demolition
19 or disposition under section 18 of the Act, the Sec-
20 retary may provide section 8 rental assistance when
21 the units pose an imminent health and safety risk to
22 residents: *Provided further*, That the Secretary may
23 provide section 8 rental assistance from amounts
24 made available under this paragraph for units as-
25 sisted under a project-based subsidy contract funded

1 under the “Project-Based Rental Assistance” head-
2 ing under this title where the owner has received a
3 Notice of Default and the units pose an imminent
4 health and safety risk to residents: *Provided further,*
5 That of the amounts made available under this para-
6 graph, no less than \$5,000,000 may be available to
7 provide tenant protection assistance, not otherwise
8 provided under this paragraph, to residents residing
9 in low vacancy areas and who may have to pay rents
10 greater than 30 percent of household income, as the
11 result of: (A) the maturity of a HUD-insured, HUD-
12 held or section 202 loan that requires the permission
13 of the Secretary prior to loan prepayment; (B) the
14 expiration of a rental assistance contract for which
15 the tenants are not eligible for enhanced voucher or
16 tenant protection assistance under existing law; or
17 (C) the expiration of affordability restrictions accom-
18 panying a mortgage or preservation program admin-
19 istered by the Secretary: *Provided further,* That such
20 tenant protection assistance made available under
21 the preceding proviso may be provided under the au-
22 thority of section 8(t) or section 8(o)(13) of the Act:
23 *Provided further,* That any tenant protection voucher
24 made available from amounts under this paragraph
25 shall not be reissued by any public housing agency,

1 except the replacement vouchers as defined by the
2 Secretary by notice, when the initial family that re-
3 ceived any such voucher no longer receives such
4 voucher, and the authority for any public housing
5 agency to issue any such voucher shall cease to exist:
6 *Provided further,* That the Secretary may only pro-
7 vide replacement vouchers for units that were occu-
8 pied within the previous 24 months that cease to be
9 available as assisted housing, subject only to the
10 availability of funds;

11 (3) \$2,801,612,000 shall be available for ad-
12 ministrative and other expenses of public housing
13 agencies in administering the section 8 tenant-based
14 rental assistance program, of which up to
15 \$30,000,000 shall be available to the Secretary to al-
16 locate to public housing agencies that need addi-
17 tional funds to administer their section 8 programs,
18 including fees associated with section 8 tenant pro-
19 tection rental assistance, the administration of dis-
20 aster related vouchers, HUD-VASH vouchers, and
21 other special purpose incremental vouchers: *Pro-*
22 *vided,* That no less than \$2,771,612,000 of the
23 amount provided in this paragraph shall be allocated
24 to public housing agencies for the calendar year
25 2023 funding cycle based on section 8(q) of the Act

1 (and related Appropriation Act provisions) as in ef-
2 fect immediately before the enactment of the Quality
3 Housing and Work Responsibility Act of 1998 (Pub-
4 lic Law 105–276): *Provided further*, That if the
5 amounts made available under this paragraph are
6 insufficient to pay the amounts determined under
7 the preceding proviso, the Secretary may decrease
8 the amounts allocated to agencies by a uniform per-
9 centage applicable to all agencies receiving funding
10 under this paragraph or may, to the extent nec-
11 essary to provide full payment of amounts deter-
12 mined under the preceding proviso, utilize unobli-
13 gated balances, including recaptures and carryover,
14 remaining from funds appropriated to the Depart-
15 ment of Housing and Urban Development under this
16 heading from prior fiscal years, excluding special
17 purpose vouchers, notwithstanding the purposes for
18 which such amounts were appropriated: *Provided*
19 *further*, That all public housing agencies partici-
20 pating in the MTW demonstration shall be funded
21 in accordance with the requirements of the MTW
22 demonstration program or their MTW agreements,
23 if any, and shall be subject to the same uniform per-
24 centage decrease as under the preceding proviso:
25 *Provided further*, That amounts provided under this

1 paragraph shall be only for activities related to the
2 provision of tenant-based rental assistance author-
3 ized under section 8, including related development
4 activities;

5 (4) \$667,000,000 shall be available for the re-
6 newal of tenant-based assistance contracts under
7 section 811 of the Cranston-Gonzalez National Af-
8 fordable Housing Act (42 U.S.C. 8013), including
9 necessary administrative expenses: *Provided*, That
10 administrative and other expenses of public housing
11 agencies in administering the special purpose vouch-
12 ers in this paragraph shall be funded under the
13 same terms and be subject to the same pro rata re-
14 duction as the percent decrease for administrative
15 and other expenses to public housing agencies under
16 paragraph (3) of this heading: *Provided further*,
17 That up to \$10,000,000 shall be available only—

18 (A) for adjustments in the allocation for
19 public housing agencies, after applications for
20 an adjustment by a public housing agency that
21 experienced a significant increase, as deter-
22 mined by the Secretary, in Mainstream renewal
23 costs resulting from unforeseen circumstances;
24 and

1 (B) for public housing agencies that de-
2 spite taking reasonable cost savings measures,
3 as determined by the Secretary, would other-
4 wise be required to terminate the rental assist-
5 ance for Mainstream families as a result of in-
6 sufficient funding:

7 *Provided further*, That the Secretary shall allocate
8 amounts under the preceding proviso based on need,
9 as determined by the Secretary: *Provided further*,
10 That upon turnover, section 811 special purpose
11 vouchers funded under this heading in this or prior
12 Acts, or under any other heading in prior Acts, shall
13 be provided to non-elderly persons with disabilities;

14 (5) Of the amounts provided under paragraph
15 (1), up to \$5,000,000 shall be available for rental
16 assistance and associated administrative fees for
17 Tribal HUD-VASH to serve Native American vet-
18 erans that are homeless or at-risk of homelessness
19 living on or near a reservation or other Indian areas:
20 *Provided*, That such amount shall be made available
21 for renewal grants to recipients that received assist-
22 ance under prior Acts under the Tribal HUD-VASH
23 program: *Provided further*, That the Secretary shall
24 be authorized to specify criteria for renewal grants,
25 including data on the utilization of assistance re-

1 ported by grant recipients: *Provided further*, That
2 such assistance shall be administered in accordance
3 with program requirements under the Native Amer-
4 ican Housing Assistance and Self-Determination Act
5 of 1996 and modeled after the HUD–VASH pro-
6 gram: *Provided further*, That the Secretary shall be
7 authorized to waive, or specify alternative require-
8 ments for any provision of any statute or regulation
9 that the Secretary administers in connection with
10 the use of funds made available under this para-
11 graph (except for requirements related to fair hous-
12 ing, nondiscrimination, labor standards, and the en-
13 vironment), upon a finding by the Secretary that
14 any such waivers or alternative requirements are
15 necessary for the effective delivery and administra-
16 tion of such assistance: *Provided further*, That grant
17 recipients shall report to the Secretary on utilization
18 of such rental assistance and other program data, as
19 prescribed by the Secretary: *Provided further*, That
20 the Secretary may reallocate, as determined by the
21 Secretary, amounts returned or recaptured from
22 awards under the Tribal HUD–VASH program
23 under prior Acts to existing recipients under the
24 Tribal HUD–VASH program;

1 (6) \$85,000,000 shall be available for incre-
2 mental rental voucher assistance for use through a
3 supported housing program administered in conjunc-
4 tion with the Department of Veterans Affairs as au-
5 thorized under section 8(o)(19) of the United States
6 Housing Act of 1937: *Provided*, That the Secretary
7 of Housing and Urban Development shall make such
8 funding available, notwithstanding section 203 (com-
9 petition provision) of this title, to public housing
10 agencies that partner with eligible VA Medical Cen-
11 ters or other entities as designated by the Secretary
12 of the Department of Veterans Affairs, based on
13 geographical need for such assistance as identified
14 by the Secretary of the Department of Veterans Af-
15 fairs, public housing agency administrative perform-
16 ance, and other factors as specified by the Secretary
17 of Housing and Urban Development in consultation
18 with the Secretary of the Department of Veterans
19 Affairs: *Provided further*, That the Secretary of
20 Housing and Urban Development may waive, or
21 specify alternative requirements for (in consultation
22 with the Secretary of the Department of Veterans
23 Affairs), any provision of any statute or regulation
24 that the Secretary of Housing and Urban Develop-
25 ment administers in connection with the use of

1 funds made available under this paragraph (except
2 for requirements related to fair housing, non-
3 discrimination, labor standards, and the environ-
4 ment), upon a finding by the Secretary that any
5 such waivers or alternative requirements are nec-
6 essary for the effective delivery and administration
7 of such voucher assistance: *Provided further*, That
8 assistance made available under this paragraph shall
9 continue to remain available for homeless veterans
10 upon turn-over: *Provided further*, That of the total
11 amount made available under this paragraph, up to
12 \$10,000,000 may be for additional fees established
13 by and allocated pursuant to a method determined
14 by the Secretary for administrative and other ex-
15 penses (including those eligible activities defined by
16 notice to facilitate leasing, such as security deposit
17 assistance and costs related to the retention and
18 support of participating owners) of public housing
19 agencies in administering HUD–VASH vouchers;

20 (7) \$30,000,000 shall be available for the fam-
21 ily unification program as authorized under section
22 8(x) of the Act: *Provided*, That the amounts made
23 available under this paragraph are provided as fol-
24 lows:

1 (A) \$5,000,000 shall be available for new
2 incremental voucher assistance: *Provided*, That
3 the assistance made available under this sub-
4 paragraph shall continue to remain available for
5 family unification upon turnover; and

6 (B) \$25,000,000 shall be available for new
7 incremental voucher assistance to assist eligible
8 youth as defined by such section 8(x)(2)(B) of
9 the Act: *Provided*, That assistance made avail-
10 able under this subparagraph shall continue to
11 remain available for such eligible youth upon
12 turnover: *Provided further*, That of the total
13 amount made available under this subpara-
14 graph, up to \$15,000,000 shall be available on
15 a noncompetitive basis to public housing agen-
16 cies that partner with public child welfare agen-
17 cies to identify such eligible youth, that request
18 such assistance to timely assist such eligible
19 youth, and that meet any other criteria as spec-
20 ified by the Secretary: *Provided further*, That
21 the Secretary shall review utilization of the as-
22 sistance made available under the preceding
23 proviso, at an interval to be determined by the
24 Secretary, and unutilized voucher assistance
25 that is no longer needed shall be recaptured by

1 the Secretary and reallocated pursuant to the
2 preceding proviso:

3 *Provided further*, That for any public housing agency
4 administering voucher assistance appropriated in a
5 prior Act under the family unification program, or
6 made available and competitively selected under this
7 paragraph, that determines that it no longer has an
8 identified need for such assistance upon turnover,
9 such agency shall notify the Secretary, and the Sec-
10 retary shall recapture such assistance from the agen-
11 cy and reallocate it to any other public housing
12 agency or agencies based on need for voucher assist-
13 ance in connection with such specified program or
14 eligible youth, as applicable;

15 (8) \$50,000,000 shall be available for new in-
16 cremental voucher assistance under section 8(o) of
17 the Act to be allocated pursuant to a method, as de-
18 termined by the Secretary, which may include a for-
19 mula that may include such factors as severe cost
20 burden, overcrowding, substandard housing for very
21 low-income renters, homelessness, and administrative
22 capacity, where such allocation method shall include
23 both rural and urban areas: *Provided*, That the Sec-
24 retary may specify additional terms and conditions
25 to ensure that public housing agencies provide

1 vouchers for use by survivors of domestic violence, or
 2 individuals and families who are homeless, as de-
 3 fined in section 103(a) of the McKinney-Vento
 4 Homeless Assistance Act (42 U.S.C. 11302(a)), or
 5 at risk of homelessness, as defined in section 401(1)
 6 of such Act (42 U.S.C. 11360(1)); and

7 (9) the Secretary shall separately track all spe-
 8 cial purpose vouchers funded under this heading.

9 HOUSING CERTIFICATE FUND

10 (INCLUDING RESCISSIONS)

11 Unobligated balances, including recaptures and car-
 12 ryover, remaining from funds appropriated to the Depart-
 13 ment of Housing and Urban Development under this
 14 heading, the heading “Annual Contributions for Assisted
 15 Housing” and the heading “Project-Based Rental Assist-
 16 ance”, for fiscal year 2023 and prior years may be used
 17 for renewal of or amendments to section 8 project-based
 18 contracts and for performance-based contract administra-
 19 tors, notwithstanding the purposes for which such funds
 20 were appropriated: *Provided*, That any obligated balances
 21 of contract authority from fiscal year 1974 and prior fiscal
 22 years that have been terminated shall be rescinded: *Pro-*
 23 *vided further*, That amounts heretofore recaptured, or re-
 24 captured during the current fiscal year, from section 8
 25 project-based contracts from source years fiscal year 1975

1 through fiscal year 1987 are hereby rescinded, and an
2 amount of additional new budget authority, equivalent to
3 the amount rescinded is hereby appropriated, to remain
4 available until expended, for the purposes set forth under
5 this heading, in addition to amounts otherwise available.

6 PUBLIC HOUSING FUND

7 For 2023 payments to public housing agencies for the
8 operation and management of public housing, as author-
9 ized by section 9(e) of the United States Housing Act of
10 1937 (42 U.S.C. 1437g(e)) (the “Act”), and to carry out
11 capital and management activities for public housing
12 agencies, as authorized under section 9(d) of the Act (42
13 U.S.C. 1437g(d)), \$8,468,500,000, to remain available
14 until September 30, 2026: *Provided*, That of the sums ap-
15 propriated under this heading—

16 (1) \$5,038,500,000 shall be available for the
17 Secretary to allocate pursuant to the Operating
18 Fund formula at part 990 of title 24, Code of Fed-
19 eral Regulations, for 2023 payments;

20 (2) \$25,000,000 shall be available for the Sec-
21 retary to allocate pursuant to a need-based applica-
22 tion process notwithstanding section 203 of this title
23 and not subject to such Operating Fund formula to
24 public housing agencies that experience, or are at
25 risk of, financial shortfalls, as determined by the

1 Secretary: *Provided*, That after all such shortfall
2 needs are met, the Secretary may distribute any re-
3 maining funds to all public housing agencies on a
4 pro-rata basis pursuant to such Operating Fund for-
5 mula;

6 (3) \$3,225,000,000 shall be available for the
7 Secretary to allocate pursuant to the Capital Fund
8 formula at section 905.400 of title 24, Code of Fed-
9 eral Regulations: *Provided*, That for funds provided
10 under this paragraph, the limitation in section
11 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
12 *ther*, That the Secretary may waive the limitation in
13 the preceding proviso to allow public housing agen-
14 cies to fund activities authorized under section
15 9(e)(1)(C) of the Act: *Provided further*, That the
16 Secretary shall notify public housing agencies re-
17 questing waivers under the preceding proviso if the
18 request is approved or denied within 14 days of sub-
19 mitting the request: *Provided further*, That from the
20 funds made available under this paragraph, the Sec-
21 retary shall provide bonus awards in fiscal year
22 2023 to public housing agencies that are designated
23 high performers: *Provided further*, That the Depart-
24 ment shall notify public housing agencies of their

1 formula allocation within 60 days of enactment of
2 this Act;

3 (4) \$50,000,000 shall be available for the Sec-
4 retary to make grants, notwithstanding section 203
5 of this title, to public housing agencies for emer-
6 gency capital needs, including safety and security
7 measures necessary to address crime and drug-re-
8 lated activity, as well as needs resulting from unfore-
9 seen or unpreventable emergencies and natural dis-
10 asters excluding Presidentially declared emergencies
11 and natural disasters under the Robert T. Stafford
12 Disaster Relief and Emergency Act (42 U.S.C. 5121
13 et seq.) occurring in fiscal year 2023, of which
14 \$20,000,000 shall be available for public housing
15 agencies under administrative and judicial receiver-
16 ships or under the control of a Federal monitor:
17 *Provided*, That of the amount made available under
18 this paragraph, not less than \$10,000,000 shall be
19 for safety and security measures: *Provided further*,
20 That in addition to the amount in the preceding pro-
21 viso for such safety and security measures, any
22 amounts that remain available, after all applications
23 received on or before September 30, 2024, for emer-
24 gency capital needs have been processed, shall be al-

1 located to public housing agencies for such safety
2 and security measures;

3 (5) \$65,000,000 shall be available for competi-
4 tive grants to public housing agencies to evaluate
5 and reduce residential health hazards in public hous-
6 ing, including lead-based paint (by carrying out the
7 activities of risk assessments, abatement, and in-
8 terim controls, as those terms are defined in section
9 1004 of the Residential Lead-Based Paint Hazard
10 Reduction Act of 1992 (42 U.S.C. 4851b)), carbon
11 monoxide, mold, radon, and fire safety: *Provided,*
12 That not less than \$25,000,000 of the amounts pro-
13 vided under this paragraph shall be awarded for
14 evaluating and reducing lead-based paint hazards:
15 *Provided further,* That for purposes of environmental
16 review, a grant under this paragraph shall be consid-
17 ered funds for projects or activities under title I of
18 the Act for purposes of section 26 of the Act (42
19 U.S.C. 1437x) and shall be subject to the regula-
20 tions implementing such section: *Provided further,*
21 That amounts made available under this paragraph
22 shall be combined with amounts made available
23 under the sixth paragraph under this heading in the
24 Consolidated Appropriations Act, 2021 (Public Law

1 116–260) and shall be used in accordance with the
2 purposes and requirements under this paragraph;

3 (6) \$15,000,000 shall be available to support
4 the costs of administrative and judicial receiverships
5 and for competitive grants to PHAs in receivership,
6 designated troubled or substandard, or otherwise at
7 risk, as determined by the Secretary, for costs asso-
8 ciated with public housing asset improvement, in ad-
9 dition to other amounts for that purpose provided
10 under any heading under this title; and

11 (7) \$50,000,000 shall be available to support
12 ongoing public housing financial and physical assess-
13 ment activities:

14 *Provided further*, That notwithstanding any other provi-
15 sion of law or regulation, during fiscal year 2023, the Sec-
16 retary of Housing and Urban Development may not dele-
17 gate to any Department official other than the Deputy
18 Secretary and the Assistant Secretary for Public and In-
19 dian Housing any authority under paragraph (2) of sec-
20 tion 9(j) of the Act regarding the extension of the time
21 periods under such section: *Provided further*, That for pur-
22 poses of such section 9(j), the term “obligate” means, with
23 respect to amounts, that the amounts are subject to a
24 binding agreement that will result in outlays, immediately
25 or in the future.

1 CHOICE NEIGHBORHOODS INITIATIVE

2 For competitive grants under the Choice Neighbor-
3 hoods Initiative (subject to section 24 of the United States
4 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
5 specified under this heading), for transformation, rehabili-
6 tation, and replacement housing needs of both public and
7 HUD-assisted housing and to transform neighborhoods of
8 poverty into functioning, sustainable, mixed-income neigh-
9 borhoods with appropriate services, schools, public assets,
10 transportation, and access to jobs, \$250,000,000, to re-
11 main available until September 30, 2027: *Provided*, That
12 grant funds may be used for resident and community serv-
13 ices, community development, and affordable housing
14 needs in the community, and for conversion of vacant or
15 foreclosed properties to affordable housing: *Provided fur-*
16 *ther*, That not more than 20 percent of the amount of any
17 grant made with amounts made available under this head-
18 ing may be used for necessary supportive services notwith-
19 standing subsection (d)(1)(L) of such section 24: *Provided*
20 *further*, That the use of amounts made available under this
21 heading shall not be deemed to be for public housing, not-
22 withstanding section 3(b)(1) of such Act: *Provided further*,
23 That grantees shall commit to an additional period of af-
24 fordability determined by the Secretary of not fewer than
25 20 years: *Provided further*, That grantees shall provide a

1 match in State, local, other Federal, or private funds: *Pro-*
2 *vided further*, That grantees may include local govern-
3 ments, Tribal entities, public housing agencies, and non-
4 profit organizations: *Provided further*, That for-profit de-
5 velopers may apply jointly with a public entity: *Provided*
6 *further*, That for purposes of environmental review, a
7 grantee shall be treated as a public housing agency under
8 section 26 of the United States Housing Act of 1937 (42
9 U.S.C. 1437x), and grants made with amounts available
10 under this heading shall be subject to the regulations
11 issued by the Secretary to implement such section: *Pro-*
12 *vided further*, That of the amounts made available under
13 this heading, not less than \$125,000,000 shall be awarded
14 to public housing agencies: *Provided further*, That such
15 grantees shall create partnerships with other local organi-
16 zations, including assisted housing owners, service agen-
17 cies, and resident organizations: *Provided further*, That
18 the Secretary shall consult with the Secretaries of Edu-
19 cation, Labor, Transportation, Health and Human Serv-
20 ices, Agriculture, and Commerce, the Attorney General,
21 and the Administrator of the Environmental Protection
22 Agency to coordinate and leverage other appropriate Fed-
23 eral resources: *Provided further*, That not more than
24 \$10,000,000 of the amounts made available under this
25 heading may be provided as grants to undertake com-

1 prehensive local planning with input from residents and
2 the community: *Provided further*, That unobligated bal-
3 ances, including recaptures, remaining from amounts
4 made available under the heading “Revitalization of Se-
5 verely Distressed Public Housing (HOPE VI)” in fiscal
6 year 2011 and prior fiscal years may be used for purposes
7 under this heading, notwithstanding the purposes for
8 which such amounts were appropriated: *Provided further*,
9 That the Secretary shall make grant awards not later than
10 1 year after the date of enactment of this Act in such
11 amounts that the Secretary determines: *Provided further*,
12 That notwithstanding section 24(o) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary
14 may, until September 30, 2023, obligate any available un-
15 obligated balances made available under this heading in
16 this or any prior Act.

17 SELF-SUFFICIENCY PROGRAMS

18 For activities and assistance related to Self-Suffi-
19 ciency Programs, to remain available until September 30,
20 2026, \$200,000,000: *Provided*, That of the sums appro-
21 priated under this heading—

22 (1) \$150,000,000 shall be available for the
23 Family Self-Sufficiency program to support family
24 self-sufficiency coordinators under section 23 of the
25 United States Housing Act of 1937 (42 U.S.C.

1 1437u), to promote the development of local strate-
2 gies to coordinate the use of assistance under sec-
3 tions 8 and 9 of such Act with public and private
4 resources, and enable eligible families to achieve eco-
5 nomic independence and self-sufficiency: *Provided*,
6 That the Secretary may, by Federal Register notice,
7 waive or specify alternative requirements under sub-
8 sections (b)(3), (b)(4), (b)(5), or (c)(1) of section 23
9 of such Act in order to facilitate the operation of a
10 unified self-sufficiency program for individuals re-
11 ceiving assistance under different provisions of such
12 Act, as determined by the Secretary;

13 (2) \$35,000,000 shall be available for the Resi-
14 dent Opportunity and Self-Sufficiency program to
15 provide for supportive services, service coordinators,
16 and congregate services as authorized by section 34
17 of the United States Housing Act of 1937 (42
18 U.S.C. 1437z-6) and the Native American Housing
19 Assistance and Self-Determination Act of 1996 (25
20 U.S.C. 4101 et seq.); and

21 (3) \$15,000,000 shall be available for a Jobs-
22 Plus Initiative, modeled after the Jobs-Plus dem-
23 onstration: *Provided*, That funding provided under
24 this paragraph shall be available for competitive
25 grants to partnerships between public housing au-

1 thorities, local workforce investment boards estab-
2 lished under section 107 of the Workforce Innova-
3 tion and Opportunity Act of 2014 (29 U.S.C. 3122),
4 and other agencies and organizations that provide
5 support to help public housing residents obtain em-
6 ployment and increase earnings: *Provided further,*
7 That applicants must demonstrate the ability to pro-
8 vide services to residents, partner with workforce in-
9 vestment boards, and leverage service dollars: *Pro-*
10 *vided further,* That the Secretary may allow public
11 housing agencies to request exemptions from rent
12 and income limitation requirements under sections 3
13 and 6 of the United States Housing Act of 1937 (42
14 U.S.C. 1437a, 1437d), as necessary to implement
15 the Jobs-Plus program, on such terms and condi-
16 tions as the Secretary may approve upon a finding
17 by the Secretary that any such waivers or alternative
18 requirements are necessary for the effective imple-
19 mentation of the Jobs-Plus Initiative as a voluntary
20 program for residents: *Provided further,* That the
21 Secretary shall publish by notice in the Federal Reg-
22 ister any waivers or alternative requirements pursu-
23 ant to the preceding proviso no later than 10 days
24 before the effective date of such notice.

1 NATIVE AMERICAN PROGRAMS

2 (INCLUDING RESCISSION)

3 For activities and assistance authorized under title
4 I of the Native American Housing Assistance and Self-
5 Determination Act of 1996 (in this heading
6 “NAHASDA”) (25 U.S.C. 4111 et seq.), title I of the
7 Housing and Community Development Act of 1974 (42
8 U.S.C. 5301 et seq.) with respect to Indian tribes, and
9 related training and technical assistance, \$1,052,086,000,
10 to remain available until September 30, 2027: *Provided*,
11 That of the sums appropriated under this heading—

12 (1) \$819,086,000 shall be available for the Na-
13 tive American Housing Block Grants program, as
14 authorized under title I of NAHASDA: *Provided*,
15 That, notwithstanding NAHASDA, to determine the
16 amount of the allocation under title I of such Act for
17 each Indian tribe, the Secretary shall apply the for-
18 mula under section 302 of such Act with the need
19 component based on single-race census data and
20 with the need component based on multi-race census
21 data, and the amount of the allocation for each In-
22 dian tribe shall be the greater of the two resulting
23 allocation amounts: *Provided further*, That the Sec-
24 retary shall notify grantees of their formula alloca-

1 tion not later than 60 days after the date of enact-
2 ment of this Act;

3 (2) \$150,000,000 shall be available for competi-
4 tive grants under the Native American Housing
5 Block Grants program, as authorized under title I of
6 NAHASDA: *Provided*, That the Secretary shall obli-
7 gate such amount for competitive grants to eligible
8 recipients authorized under NAHASDA that apply
9 for funds: *Provided further*, That in awarding
10 amounts made available in this paragraph, the Sec-
11 retary shall consider need and administrative capac-
12 ity, and shall give priority to projects that will spur
13 construction and rehabilitation of housing: *Provided*
14 *further*, That a grant funded pursuant to this para-
15 graph shall be in an amount not greater than
16 \$7,500,000: *Provided further*, That any amounts
17 transferred for the necessary costs of administering
18 and overseeing the obligation and expenditure of
19 such additional amounts in prior Acts may also be
20 used for the necessary costs of administering and
21 overseeing such additional amount;

22 (3) \$1,000,000 shall be available for the cost of
23 guaranteed notes and other obligations, as author-
24 ized by title VI of NAHASDA: *Provided*, That such
25 costs, including the cost of modifying such notes and

1 other obligations, shall be as defined in section 502
2 of the Congressional Budget Act of 1974 (2 U.S.C.
3 661a): *Provided further*, That amounts made avail-
4 able in this and prior Acts for the cost of such guar-
5 anteed notes and other obligations that are unobli-
6 gated, including recaptures and carryover, shall be
7 available to subsidize the total principal amount of
8 any notes and other obligations, any part of which
9 is to be guaranteed, not to exceed \$50,000,000, to
10 remain available until September 30, 2024: *Provided*
11 *further*, That any remaining loan guarantee limita-
12 tion authorized for this program in fiscal year 2020
13 or prior fiscal years is hereby rescinded;

14 (4) \$75,000,000 shall be available for grants to
15 Indian tribes for carrying out the Indian Community
16 Development Block Grant program under title I of
17 the Housing and Community Development Act of
18 1974, notwithstanding section 106(a)(1) of such
19 Act, of which, notwithstanding any other provision
20 of law (including section 203 of this Act), not more
21 than \$5,000,000 may be used for emergencies that
22 constitute imminent threats to health and safety:
23 *Provided*, That not to exceed 20 percent of any
24 grant made with amounts made available in this

1 paragraph shall be expended for planning and man-
2 agement development and administration; and

3 (5) \$7,000,000, in addition to amounts other-
4 wise available for such purpose, shall be available for
5 providing training and technical assistance to Indian
6 tribes, Indian housing authorities, and tribally des-
7 ignated housing entities, to support the inspection of
8 Indian housing units, for contract expertise, and for
9 training and technical assistance related to amounts
10 made available under this heading and other head-
11 ings in this Act for the needs of Native American
12 families and Indian country: *Provided*, That of the
13 amounts made available in this paragraph, not less
14 than \$2,000,000 shall be for a national organization
15 as authorized under section 703 of NAHASDA (25
16 U.S.C. 4212): *Provided further*, That amounts made
17 available in this paragraph may be used, contracted,
18 or competed as determined by the Secretary: *Pro-*
19 *vided further*, That notwithstanding chapter 63 of
20 title 31, United States Code (commonly known as
21 the Federal Grant and Cooperative Agreements Act
22 of 1977), the amounts made available in this para-
23 graph may be used by the Secretary to enter into co-
24 operative agreements with public and private organi-
25 zations, agencies, institutions, and other technical

1 assistance providers to support the administration of
2 negotiated rulemaking under section 106 of
3 NAHASDA (25 U.S.C. 4116), the administration of
4 the allocation formula under section 302 of
5 NAHASDA (25 U.S.C. 4152), and the administra-
6 tion of performance tracking and reporting under
7 section 407 of NAHASDA (25 U.S.C. 4167).

8 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

9 ACCOUNT

10 (INCLUDING RESCISSION)

11 For the cost of guaranteed loans, as authorized by
12 section 184 of the Housing and Community Development
13 Act of 1992 (12 U.S.C. 1715z–13a), \$5,521,000, to re-
14 main available until expended: *Provided*, That such costs,
15 including the cost of modifying such loans, shall be as de-
16 fined in section 502 of the Congressional Budget Act of
17 1974 (2 U.S.C. 661a): *Provided further*, That amounts
18 made available in this and prior Acts for the cost of guar-
19 anteed loans, as authorized by section 184 of the Housing
20 and Community Development Act of 1992 (12 U.S.C.
21 1715z–13a), that are unobligated, including recaptures
22 and carryover, shall be available to subsidize total loan
23 principal, any part of which is to be guaranteed, not to
24 exceed \$1,400,000,000, to remain available until Sep-
25 tember 30, 2024: *Provided further*, That any remaining

1 loan guarantee limitation authorized under this heading
 2 in fiscal year 2020 or prior fiscal years is hereby re-
 3 scinded: *Provided further*, That any amounts determined
 4 by the Secretary to be unavailable are hereby returned to
 5 the General Fund of the Treasury.

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. 4221 et seq.), \$22,300,000, to remain
 11 available until September 30, 2027: *Provided*, That not-
 12 withstanding section 812(b) of such Act, the Department
 13 of Hawaiian Home Lands may not invest grant amounts
 14 made available under this heading in investment securities
 15 and other obligations: *Provided further*, That amounts
 16 made available under this heading in this and prior fiscal
 17 years may be used to provide rental assistance to eligible
 18 Native Hawaiian families both on and off the Hawaiian
 19 Home Lands, notwithstanding any other provision of law.

20 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

21 PROGRAM ACCOUNT

22 New commitments to guarantee loans, as authorized
 23 by section 184A of the Housing and Community Develop-
 24 ment Act of 1992 (12 U.S.C. 1715z-13b), any part of
 25 which is to be guaranteed, shall not exceed \$28,000,000

1 in total loan principal, to remain available until September
2 30, 2024: *Provided*, That the Secretary may enter into
3 commitments to guarantee loans used for refinancing.

4 COMMUNITY PLANNING AND DEVELOPMENT

5 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

6 For carrying out the Housing Opportunities for Per-
7 sons with AIDS program, as authorized by the AIDS
8 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
9 \$468,000,000, to remain available until September 30,
10 2024, except that amounts allocated pursuant to section
11 854(c)(5) of such Act shall remain available until Sep-
12 tember 30, 2025: *Provided*, That the Secretary shall renew
13 or replace all expiring contracts for permanent supportive
14 housing that initially were funded under section 854(c)(5)
15 of such Act from funds made available under this heading
16 in fiscal year 2010 and prior fiscal years that meet all
17 program requirements before awarding funds for new con-
18 tracts under such section: *Provided further*, That the proc-
19 ess for submitting amendments and approving replace-
20 ment contracts shall be established by the Secretary in a
21 notice: *Provided further*, That the Department shall notify
22 grantees of their formula allocation within 60 days of en-
23 actment of this Act.

1 COMMUNITY DEVELOPMENT FUND

2 For assistance to States and units of general local
3 government, and other entities, for economic and commu-
4 nity development activities, and other purposes,
5 \$4,817,726,000, to remain available until September 30,
6 2026: *Provided*, That of the sums appropriated under this
7 heading—

8 (1) \$3,525,000,000 shall be available for car-
9 rying out the community development block grant
10 program under title I of the Housing and Commu-
11 nity Development Act of 1974, as amended (42
12 U.S.C. 5301 et seq.) (in this heading “the Act”):
13 *Provided*, That not to exceed 20 percent of any
14 grant made with funds made available under this
15 paragraph shall be expended for planning and man-
16 agement development and administration: *Provided*
17 *further*, That a metropolitan city, urban county, unit
18 of general local government, or insular area that di-
19 rectly or indirectly receives funds under this para-
20 graph may not sell, trade, or otherwise transfer all
21 or any portion of such funds to another such entity
22 in exchange for any other funds, credits, or non-
23 Federal considerations, but shall use such funds for
24 activities eligible under title I of the Act: *Provided*
25 *further*, That notwithstanding section 105(e)(1) of

1 the Act, no funds made available under this para-
2 graph may be provided to a for-profit entity for an
3 economic development project under section
4 105(a)(17) unless such project has been evaluated
5 and selected in accordance with guidelines required
6 under subsection (e)(2) of section 105;

7 (2) \$200,000,000 shall be available for the Sec-
8 retary to award grants on a competitive basis to
9 state and local governments, metropolitan planning
10 organizations, and multijurisdictional entities for ad-
11 ditional activities under title I of the Act for the
12 identification and removal of barriers to affordable
13 housing production: *Provided*, That eligible uses of
14 such grants include activities to further develop,
15 evaluate, and implement housing policy plans, im-
16 prove housing strategies, and facilitate affordable
17 housing production: *Provided further*, That the Sec-
18 retary shall prioritize applicants that are able to (A)
19 demonstrate progress and a commitment to over-
20 coming local barriers to facilitate the increase in af-
21 fordable housing production; and (B) show rising
22 housing costs, or the reasonable expectation that
23 costs will rise, in their jurisdiction, using Census or
24 other data: *Provided further*, That funds allocated
25 for such grants shall not adversely affect the amount

1 of any formula assistance received by a jurisdiction
2 under paragraph (1) of this heading: *Provided fur-*
3 *ther*, That in administering such amounts the Sec-
4 retary may waive or specify alternative requirements
5 for any provision of such title I except for require-
6 ments related to fair housing, nondiscrimination,
7 labor standards, the environment, and requirements
8 that activities benefit persons of low- and moderate-
9 income, upon a finding that any such waivers or al-
10 ternative requirements are necessary to expedite or
11 facilitate the use of such amount;

12 (3) \$25,000,000 shall be available for activities
13 authorized under section 8071 of the SUPPORT for
14 Patients and Communities Act (Public Law 115–
15 271): *Provided*, That the funds allocated pursuant to
16 this paragraph shall not adversely affect the amount
17 of any formula assistance received by a State under
18 paragraph (1) of this heading: *Provided further*,
19 That the Secretary shall allocate the funds for such
20 activities based on the notice establishing the fund-
21 ing formula published in 84 FR 16027 (April 17,
22 2019) except that the formula shall use age-adjusted
23 rates of drug overdose deaths for 2020 based on
24 data from the Centers for Disease Control and Pre-
25 vention; and

1 (4) \$1,067,726,000 shall be available for grants
2 for the Economic Development Initiative (EDI) for
3 the purposes, and in amounts, specified for Congres-
4 sionally Directed Spending in the table entitled
5 “Congressionally Directed Spending” included in the
6 explanatory statement accompanying this Act: *Pro-*
7 *vided*, That not to exceed 20 percent of any grant
8 made with funds made available under this para-
9 graph shall be expended for planning and manage-
10 ment development and administration: *Provided fur-*
11 *ther*, That none of the amounts made available
12 under this paragraph shall be used for reimburse-
13 ment of expenses incurred prior to the obligation of
14 funds.

15 COMMUNITY DEVELOPMENT LOAN GUARANTEES

16 PROGRAM ACCOUNT

17 Subject to section 502 of the Congressional Budget
18 Act of 1974 (2 U.S.C. 661a), during fiscal year 2023,
19 commitments to guarantee loans under section 108 of the
20 Housing and Community Development Act of 1974 (42
21 U.S.C. 5308), any part of which is guaranteed, shall not
22 exceed a total principal amount of \$300,000,000, notwith-
23 standing any aggregate limitation on outstanding obliga-
24 tions guaranteed in subsection (k) of such section 108:
25 *Provided*, That the Secretary shall collect fees from bor-

1 rowers, notwithstanding subsection (m) of such section
2 108, to result in a credit subsidy cost of zero for guaran-
3 teeing such loans, and any such fees shall be collected in
4 accordance with section 502(7) of the Congressional
5 Budget Act of 1974: *Provided further*, That such commit-
6 ment authority funded by fees may be used to guarantee,
7 or make commitments to guarantee, notes or other obliga-
8 tions issued by any State on behalf of non-entitlement
9 communities in the State in accordance with the require-
10 ments of such section 108: *Provided further*, That any
11 State receiving such a guarantee or commitment under the
12 preceding proviso shall distribute all funds subject to such
13 guarantee to the units of general local government in non-
14 entitlement areas that received the commitment.

15 HOME INVESTMENT PARTNERSHIPS PROGRAM

16 For the HOME Investment Partnerships program, as
17 authorized under title II of the Cranston-Gonzalez Na-
18 tional Affordable Housing Act, as amended (42 U.S.C.
19 12721 et seq.), \$1,725,000,000, to remain available until
20 September 30, 2026: *Provided*, That notwithstanding sec-
21 tion 231(b) of such Act (42 U.S.C. 12771(b)), all unobli-
22 gated balances remaining from amounts recaptured pursu-
23 ant to such section that remain available until expended
24 shall be combined with amounts made available under this
25 heading and allocated in accordance with the formula

1 under section 217(b)(1)(A) of such Act (42 U.S.C.
2 12747(b)(1)(A)): *Provided further*, That the Department
3 shall notify grantees of their formula allocations within 60
4 days after enactment of this Act: *Provided further*, That
5 section 218(g) of such Act (42 U.S.C. 12748(g)) shall not
6 apply with respect to the right of a jurisdiction to draw
7 funds from its HOME Investment Trust Fund that other-
8 wise expired or would expire in any calendar year from
9 2016 through 2025 under that section: *Provided further*,
10 That section 231(b) of such Act (42 U.S.C. 12771(b))
11 shall not apply to any uninvested funds that otherwise
12 were deducted or would be deducted from the line of credit
13 in the participating jurisdiction's HOME Investment
14 Trust Fund in any calendar year from 2018 through 2025
15 under that section.

16 SELF-HELP AND ASSISTED HOMEOWNERSHIP

17 OPPORTUNITY PROGRAM

18 For the Self-Help and Assisted Homeownership Op-
19 portunity Program, as authorized under section 11 of the
20 Housing Opportunity Program Extension Act of 1996 (42
21 U.S.C. 12805 note), and for related activities and assist-
22 ance, \$70,000,000, to remain available until September
23 30, 2025: *Provided*, That of the sums appropriated under
24 this heading—

1 (1) \$17,000,000 shall be available for the Self-
2 Help Homeownership Opportunity Program as au-
3 thorized under such section 11: *Provided*, That the
4 maximum average expenditure for the combined cost
5 of land acquisition and infrastructure improvements
6 shall be increased to \$20,000 per unit;

7 (2) \$43,000,000 shall be available for the sec-
8 ond, third, and fourth capacity building entities
9 specified in section 4(a) of the HUD Demonstration
10 Act of 1993 (42 U.S.C. 9816 note), of which not
11 less than \$5,000,000 shall be for rural capacity
12 building activities: *Provided*, That for purposes of
13 awarding grants from amounts made available in
14 this paragraph, the Secretary may enter into
15 multiyear agreements, as appropriate, subject to the
16 availability of annual appropriations;

17 (3) \$6,000,000 shall be available for capacity
18 building by national rural housing organizations hav-
19 ing experience assessing national rural conditions
20 and providing financing, training, technical assist-
21 ance, information, and research to local nonprofit or-
22 ganizations, local governments, and Indian Tribes
23 serving high need rural communities; and

24 (4) \$4,000,000 shall be available for a program
25 to rehabilitate and modify the homes of disabled or

1 low-income veterans, as authorized under section
2 1079 of the Carl Levin and Howard P. “Buck”
3 McKeon National Defense Authorization Act for
4 Fiscal Year 2015 (38 U.S.C. 2101 note): *Provided*,
5 That the issuance of a Notice of Funding Oppor-
6 tunity for the amounts made available in this para-
7 graph shall be completed not later than 120 days
8 after enactment of this Act and such amounts shall
9 be awarded not later than 180 days after such
10 issuance.

11 HOMELESS ASSISTANCE GRANTS

12 For assistance under title IV of the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. 11360 et seq.), and
14 for related activities and assistance, \$3,545,000,000, to
15 remain available until September 30, 2025: *Provided*,
16 That of the sums appropriated under this heading—

17 (1) \$290,000,000 shall be available for the
18 Emergency Solutions Grants program authorized
19 under subtitle B of such title IV (42 U.S.C. 11371
20 et seq.): *Provided*, That the Department shall notify
21 grantees of their formula allocation from amounts
22 allocated (which may represent initial or final
23 amounts allocated) for the Emergency Solutions
24 Grant program not later than 60 days after enact-
25 ment of this Act;

1 (2) \$3,041,000,000 shall be available for the
2 Continuum of Care program authorized under sub-
3 title C of such title IV (42 U.S.C. 11381 et seq.)
4 and the Rural Housing Stability Assistance pro-
5 grams authorized under subtitle D of such title IV
6 (42 U.S.C. 11408): *Provided*, That the Secretary
7 shall prioritize funding under the Continuum of
8 Care program to continuums of care that have dem-
9 onstrated a capacity to reallocate funding from lower
10 performing projects to higher performing projects:
11 *Provided further*, That the Secretary shall provide
12 incentives to create projects that coordinate with
13 housing providers and healthcare organizations to
14 provide permanent supportive housing and rapid re-
15 housing services: *Provided further*, That the Sec-
16 retary may establish by notice an alternative max-
17 imum amount for administrative costs related to the
18 requirements described in sections 402(f)(1) and
19 402(f)(2) of subtitle A of such title IV or no more
20 than 5 percent or \$50,000, whichever is greater,
21 notwithstanding the 3 percent limitation in section
22 423(a)(10) of such subtitle C: *Provided further*, That
23 of the amounts made available for the Continuum of
24 Care program under this paragraph, not less than
25 \$52,000,000 shall be for grants for new rapid re-

1 housing projects and supportive service projects pro-
2 viding coordinated entry, and for eligible activities
3 that the Secretary determines to be critical in order
4 to assist survivors of domestic violence, dating vio-
5 lence, sexual assault, or stalking: *Provided further,*
6 That amounts made available for the Continuum of
7 Care program under this paragraph and any remain-
8 ing unobligated balances under this heading in prior
9 Acts may be used to competitively or non-competi-
10 tively renew or replace grants for youth homeless
11 demonstration projects under the Continuum of
12 Care program, notwithstanding any conflict with the
13 requirements of the Continuum of Care program;

14 (3) \$7,000,000 shall be available for the na-
15 tional homeless data analysis project: *Provided,* That
16 notwithstanding the provisions of the Federal Grant
17 and Cooperative Agreements Act of 1977 (31 U.S.C.
18 6301–6308), the amounts made available under this
19 paragraph and any remaining unobligated balances
20 under this heading for such purposes in prior Acts
21 may be used by the Secretary to enter into coopera-
22 tive agreements with such entities as may be deter-
23 mined by the Secretary, including public and private
24 organizations, agencies, and institutions;

1 (4) \$107,000,000 shall be available to imple-
2 ment projects to demonstrate how a comprehensive
3 approach to serving homeless youth, age 24 and
4 under, in up to 25 communities with a priority for
5 communities with substantial rural populations in up
6 to eight locations, can dramatically reduce youth
7 homelessness: *Provided*, That of the amount made
8 available under this paragraph, not less than
9 \$25,000,000 shall be for youth homelessness system
10 improvement grants to support communities, includ-
11 ing but not limited to the communities assisted
12 under the matter preceding this proviso, in estab-
13 lishing and implementing a response system for
14 youth homelessness, or for improving their existing
15 system: *Provided further*, That of the amount made
16 available under this paragraph, up to \$10,000,000
17 shall be to provide technical assistance to commu-
18 nities, including but not limited to the communities
19 assisted in the preceding proviso and the matter pre-
20 ceding such proviso, on improving system responses
21 to youth homelessness, and collection, analysis, use,
22 and reporting of data and performance measures
23 under the comprehensive approaches to serve home-
24 less youth, in addition to and in coordination with
25 other technical assistance funds provided under this

1 title: *Provided further*, That the Secretary may use
2 up to 10 percent of the amount made available
3 under the preceding proviso to build the capacity of
4 current technical assistance providers or to train
5 new technical assistance providers with verifiable
6 prior experience with systems and programs for
7 youth experiencing homelessness; and

8 (5) \$100,000,000 shall be available for one-time
9 awards under the Continuum of Care program for
10 new construction, acquisition, or rehabilitation of
11 new permanent supportive housing, of which not
12 more than 20 percent of such awards may be used
13 for other Continuum of Care eligible activities asso-
14 ciated with such projects and not more than 10 per-
15 cent of such awards may be used for project admin-
16 istration: *Provided*, That these amounts shall be
17 awarded on a competitive basis, based on need and
18 other factors to be determined by the Secretary, in-
19 cluding incentives to establish projects that coordi-
20 nate with housing providers, healthcare organiza-
21 tions and social service providers: *Provided further*,
22 That not less than \$30,000,000 shall be awarded to
23 applicants for projects within States with popu-
24 lations less than 2,500,000, except that if such
25 amount is undersubscribed any remaining amounts

1 may be awarded to qualified applicants for projects
2 in any State: *Provided further*, That the grants for
3 ongoing costs associated with such projects shall be
4 eligible for renewal under the Continuum of Care
5 program subject to the same terms and conditions
6 as other renewal applicants:

7 *Provided further*, That youth aged 24 and under seeking
8 assistance under this heading shall not be required to pro-
9 vide third party documentation to establish their eligibility
10 under subsection (a) or (b) of section 103 of the McKin-
11 ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to
12 receive services: *Provided further*, That unaccompanied
13 youth aged 24 and under or families headed by youth aged
14 24 and under who are living in unsafe situations may be
15 served by youth-serving providers funded under this head-
16 ing: *Provided further*, That persons eligible under section
17 103(a)(5) of the McKinney-Vento Homeless Assistance
18 Act may be served by any project funded under this head-
19 ing to provide both transitional housing and rapid re-hous-
20 ing: *Provided further*, That for all matching funds require-
21 ments applicable to funds made available under this head-
22 ing for this fiscal year and prior fiscal years, a grantee
23 may use (or could have used) as a source of match funds
24 other funds administered by the Secretary and other Fed-
25 eral agencies unless there is (or was) a specific statutory

1 prohibition on any such use of any such funds: *Provided*
2 *further*, That none of the funds made available under this
3 heading shall be available to provide funding for new
4 projects, except for projects created through reallocation,
5 unless the Secretary determines that the continuum of
6 care has demonstrated that projects are evaluated and
7 ranked based on the degree to which they improve the con-
8 tinuum of care's system performance: *Provided further*,
9 That any unobligated amounts remaining from funds
10 made available under this heading in fiscal year 2012 and
11 prior years for project-based rental assistance for rehabili-
12 tation projects with 10-year grant terms may be used for
13 purposes under this heading, notwithstanding the pur-
14 poses for which such funds were appropriated: *Provided*
15 *further*, That unobligated balances, including recaptures
16 and carryover, remaining from funds transferred to or ap-
17 propriated under this heading in fiscal year 2019 or prior
18 years, except for rental assistance amounts that were re-
19 captured and made available until expended, shall be avail-
20 able for the current purposes authorized under this head-
21 ing in addition to the purposes for which such funds origi-
22 nally were appropriated.

1 HOUSING PROGRAMS

2 PROJECT-BASED RENTAL ASSISTANCE

3 For activities and assistance for the provision of
4 project-based subsidy contracts under the United States
5 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
6 Act”), not otherwise provided for, \$14,287,100,000, to re-
7 main available until expended, shall be available on Octo-
8 ber 1, 2022 (in addition to the \$400,000,000 previously
9 appropriated under this heading that became available Oc-
10 tober 1, 2022), and \$400,000,000, to remain available
11 until expended, shall be available on October 1, 2023: *Pro-*
12 *vided*, That the amounts made available under this head-
13 ing shall be available for expiring or terminating section
14 8 project-based subsidy contracts (including section 8
15 moderate rehabilitation contracts), for amendments to sec-
16 tion 8 project-based subsidy contracts (including section
17 8 moderate rehabilitation contracts), for contracts entered
18 into pursuant to section 441 of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11401), for renewal
20 of section 8 contracts for units in projects that are subject
21 to approved plans of action under the Emergency Low In-
22 come Housing Preservation Act of 1987 or the Low-In-
23 come Housing Preservation and Resident Homeownership
24 Act of 1990, and for administrative and other expenses
25 associated with project-based activities and assistance

1 funded under this heading: *Provided further*, That of the
2 total amounts provided under this heading, not to exceed
3 \$375,000,000 shall be available for performance-based
4 contract administrators for section 8 project-based assist-
5 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
6 That the Secretary may also use such amounts in the pre-
7 ceding proviso for performance-based contract administra-
8 tors for the administration of: interest reduction payments
9 pursuant to section 236(a) of the National Housing Act
10 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
11 suant to section 101 of the Housing and Urban Develop-
12 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
13 rental assistance payments (12 U.S.C. 1715z-1(f)(2));
14 project rental assistance contracts for the elderly under
15 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
16 1701q); project rental assistance contracts for supportive
17 housing for persons with disabilities under section
18 811(d)(2) of the Cranston-Gonzalez National Affordable
19 Housing Act (42 U.S.C. 8013(d)(2)); project assistance
20 contracts pursuant to section 202(h) of the Housing Act
21 of 1959 (Public Law 86-372; 73 Stat. 667); and loans
22 under section 202 of the Housing Act of 1959 (Public Law
23 86-372; 73 Stat. 667): *Provided further*, That amounts
24 recaptured under this heading, the heading “Annual Con-
25 tributions for Assisted Housing”, or the heading “Housing

1 Certificate Fund”, may be used for renewals of or amend-
2 ments to section 8 project-based contracts or for perform-
3 ance-based contract administrators, notwithstanding the
4 purposes for which such amounts were appropriated: *Pro-*
5 *vided further*, That, notwithstanding any other provision
6 of law, upon the request of the Secretary, project funds
7 that are held in residual receipts accounts for any project
8 subject to a section 8 project-based Housing Assistance
9 Payments contract that authorizes the Department or a
10 housing finance agency to require that surplus project
11 funds be deposited in an interest-bearing residual receipts
12 account and that are in excess of an amount to be deter-
13 mined by the Secretary, shall be remitted to the Depart-
14 ment and deposited in this account, to be available until
15 expended: *Provided further*, That amounts deposited pur-
16 suant to the preceding proviso shall be available in addi-
17 tion to the amount otherwise provided by this heading for
18 uses authorized under this heading: *Provided further*, That
19 of the total amounts provided under this heading, not to
20 exceed \$53,100,000 shall be available for rent adjustments
21 authorized under section 515(d) of the Multifamily As-
22 sisted Housing Reform and Affordability Act of 1997 (as
23 added by section 240(a) of this Act): *Provided further*,
24 That up to 2 percent of the total amount made available
25 in the preceding proviso shall be for administrative con-

1 tract costs, including for carrying out due diligence and
2 underwriting functions for evaluating owners' requests
3 and for technical assistance activities: *Provided further,*
4 That any additional amounts for rent adjustments or sup-
5 plemental contract funding authorized under the two pre-
6 ceding provisos shall be combined with other amounts obli-
7 gated to such contracts and the combined total amount
8 shall be available for all purposes under such contracts.

9 HOUSING FOR THE ELDERLY

10 For capital advances, including amendments to cap-
11 ital advance contracts, for housing for the elderly, as au-
12 thorized by section 202 of the Housing Act of 1959 (12
13 U.S.C. 1701q), for project rental assistance for the elderly
14 under section 202(c)(2) of such Act, including amend-
15 ments to contracts for such assistance and renewal of ex-
16 piring contracts for such assistance for up to a 5-year
17 term, for senior preservation rental assistance contracts,
18 including renewals, as authorized by section 811(e) of the
19 American Homeownership and Economic Opportunity Act
20 of 2000 (12 U.S.C. 1701q note), and for supportive serv-
21 ices associated with the housing, \$1,033,000,000 to re-
22 main available until September 30, 2026: *Provided,* That
23 of the amount made available under this heading, up to
24 \$170,000,000 shall be for service coordinators and the
25 continuation of existing congregate service grants for resi-

1 dents of assisted housing projects: *Provided further*, That
2 any funding for existing service coordinators under the
3 preceding proviso shall be provided within 120 days of en-
4 actment of this Act: *Provided further*, That amounts made
5 available under this heading shall be available for Real Es-
6 tate Assessment Center inspections and inspection-related
7 activities associated with section 202 projects: *Provided*
8 *further*, That the Secretary may waive the provisions of
9 section 202 governing the terms and conditions of project
10 rental assistance, except that the initial contract term for
11 such assistance shall not exceed 5 years in duration: *Pro-*
12 *vided further*, That upon request of the Secretary, project
13 funds that are held in residual receipts accounts for any
14 project subject to a section 202 project rental assistance
15 contract, and that upon termination of such contract are
16 in excess of an amount to be determined by the Secretary,
17 shall be remitted to the Department and deposited in this
18 account, to remain available until September 30, 2026:
19 *Provided further*, That amounts deposited in this account
20 pursuant to the preceding proviso shall be available, in ad-
21 dition to the amounts otherwise provided by this heading,
22 for the purposes authorized under this heading: *Provided*
23 *further*, That unobligated balances, including recaptures
24 and carryover, remaining from funds transferred to or ap-
25 propriated under this heading shall be available for the

1 current purposes authorized under this heading in addi-
2 tion to the purposes for which such funds originally were
3 appropriated: *Provided further*, That of the total amount
4 made available under this heading, up to \$10,000,000
5 shall be used by the Secretary to support preservation
6 transactions of housing for the elderly originally developed
7 with a capital advance and assisted by a project rental
8 assistance contract under the provisions of section 202(c)
9 of the Housing Act of 1959.

10 HOUSING FOR PERSONS WITH DISABILITIES

11 For capital advances, including amendments to cap-
12 ital advance contracts, for supportive housing for persons
13 with disabilities, as authorized by section 811 of the Cran-
14 ston-Gonzalez National Affordable Housing Act (42
15 U.S.C. 8013), for project rental assistance for supportive
16 housing for persons with disabilities under section
17 811(d)(2) of such Act, for project assistance contracts
18 pursuant to subsection (h) of section 202 of the Housing
19 Act of 1959, as added by section 205(a) of the Housing
20 and Community Development Amendments of 1978 (Pub-
21 lic Law 95-557: 92 Stat. 2090), including amendments
22 to contracts for such assistance and renewal of expiring
23 contracts for such assistance for up to a 5-year term, for
24 project rental assistance to State housing finance agencies
25 and other appropriate entities as authorized under section

1 811(b)(3) of the Cranston-Gonzalez National Affordable
2 Housing Act, and for supportive services associated with
3 the housing for persons with disabilities as authorized by
4 section 811(b)(1) of such Act, \$287,700,000, to remain
5 available until September 30, 2026: *Provided*, That
6 amounts made available under this heading shall be avail-
7 able for Real Estate Assessment Center inspections and
8 inspection-related activities associated with section 811
9 projects: *Provided further*, That, upon the request of the
10 Secretary, project funds that are held in residual receipts
11 accounts for any project subject to a section 811 project
12 rental assistance contract, and that upon termination of
13 such contract are in excess of an amount to be determined
14 by the Secretary, shall be remitted to the Department and
15 deposited in this account, to remain available until Sep-
16 tember 30, 2026: *Provided further*, That amounts depos-
17 ited in this account pursuant to the preceding proviso shall
18 be available in addition to the amounts otherwise provided
19 by this heading for the purposes authorized under this
20 heading: *Provided further*, That unobligated balances, in-
21 cluding recaptures and carryover, remaining from funds
22 transferred to or appropriated under this heading shall be
23 used for the current purposes authorized under this head-
24 ing in addition to the purposes for which such funds origi-
25 nally were appropriated.

1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding
3 loans, as authorized under section 106 of the Housing and
4 Urban Development Act of 1968, as amended,
5 \$63,000,000, to remain available until September 30,
6 2024, including up to \$4,500,000 for administrative con-
7 tract services: *Provided*, That funds shall be used for pro-
8 viding counseling and advice to tenants and homeowners,
9 both current and prospective, with respect to property
10 maintenance, financial management or literacy, and such
11 other matters as may be appropriate to assist them in im-
12 proving their housing conditions, meeting their financial
13 needs, and fulfilling the responsibilities of tenancy or
14 homeownership; for program administration; and for hous-
15 ing counselor training: *Provided further*, That for purposes
16 of awarding grants from amounts provided under this
17 heading, the Secretary may enter into multiyear agree-
18 ments, as appropriate, subject to the availability of annual
19 appropriations.

20 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

21 FUND

22 For necessary expenses as authorized by the National
23 Manufactured Housing Construction and Safety Stand-
24 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
25 \$14,000,000, to remain available until expended, of which

1 \$14,000,000 shall be derived from the Manufactured
2 Housing Fees Trust Fund (established under section
3 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That
4 not to exceed the total amount appropriated under this
5 heading shall be available from the general fund of the
6 Treasury to the extent necessary to incur obligations and
7 make expenditures pending the receipt of collections to the
8 Fund pursuant to section 620 of such Act: *Provided fur-*
9 *ther*, That the amount made available under this heading
10 from the general fund shall be reduced as such collections
11 are received during fiscal year 2023 so as to result in a
12 final fiscal year 2023 appropriation from the general fund
13 estimated at zero, and fees pursuant to such section 620
14 shall be modified as necessary to ensure such a final fiscal
15 year 2023 appropriation: *Provided further*, That for the
16 dispute resolution and installation programs, the Sec-
17 retary may assess and collect fees from any program par-
18 ticipant: *Provided further*, That such collections shall be
19 deposited into the Trust Fund, and the Secretary, as pro-
20 vided herein, may use such collections, as well as fees col-
21 lected under section 620 of such Act, for necessary ex-
22 penses of such Act: *Provided further*, That, notwith-
23 standing the requirements of section 620 of such Act, the
24 Secretary may carry out responsibilities of the Secretary
25 under such Act through the use of approved service pro-

1 viders that are paid directly by the recipients of their serv-
2 ices.

3 FEDERAL HOUSING ADMINISTRATION

4 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

5 New commitments to guarantee single family loans
6 insured under the Mutual Mortgage Insurance Fund shall
7 not exceed \$400,000,000,000, to remain available until
8 September 30, 2024: *Provided*, That during fiscal year
9 2023, obligations to make direct loans to carry out the
10 purposes of section 204(g) of the National Housing Act,
11 as amended, shall not exceed \$1,000,000: *Provided fur-*
12 *ther*, That the foregoing amount in the preceding proviso
13 shall be for loans to nonprofit and governmental entities
14 in connection with sales of single family real properties
15 owned by the Secretary and formerly insured under the
16 Mutual Mortgage Insurance Fund: *Provided further*, That
17 for administrative contract expenses of the Federal Hous-
18 ing Administration, \$150,000,000, to remain available
19 until September 30, 2024: *Provided further*, That to the
20 extent guaranteed loan commitments exceed
21 \$200,000,000,000 on or before April 1, 2023, an addi-
22 tional \$1,400 for administrative contract expenses shall be
23 available for each \$1,000,000 in additional guaranteed
24 loan commitments (including a pro rata amount for any
25 amount below \$1,000,000), but in no case shall funds

1 made available by this proviso exceed \$30,000,000: *Pro-*
2 *vided further*, That notwithstanding the limitation in the
3 first sentence of section 255(g) of the National Housing
4 Act (12 U.S.C. 1715z–20(g)), during fiscal year 2023 the
5 Secretary may insure and enter into new commitments to
6 insure mortgages under section 255 of the National Hous-
7 ing Act only to the extent that the net credit subsidy cost
8 for such insurance does not exceed zero.

9 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

10 New commitments to guarantee loans insured under
11 the General and Special Risk Insurance Funds, as author-
12 ized by sections 238 and 519 of the National Housing Act
13 (12 U.S.C. 1715z–3 and 1735c), shall not exceed
14 \$35,000,000,000 in total loan principal, any part of which
15 is to be guaranteed, to remain available until September
16 30, 2024: *Provided*, That during fiscal year 2023, gross
17 obligations for the principal amount of direct loans, as au-
18 thorized by sections 204(g), 207(l), 238, and 519(a) of
19 the National Housing Act, shall not exceed \$1,000,000,
20 which shall be for loans to nonprofit and governmental en-
21 tities in connection with the sale of single family real prop-
22 erties owned by the Secretary and formerly insured under
23 such Act.

1 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
2 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
3 GUARANTEE PROGRAM ACCOUNT

4 New commitments to issue guarantees to carry out
5 the purposes of section 306 of the National Housing Act,
6 as amended (12 U.S.C. 1721(g)), shall not exceed
7 \$900,000,000,000, to remain available until September
8 30, 2024: *Provided*, That \$42,400,000, to remain avail-
9 able until September 30, 2024, shall be for necessary sala-
10 ries and expenses of the Government National Mortgage
11 Association: *Provided further*, That to the extent that
12 guaranteed loan commitments exceed \$155,000,000,000
13 on or before April 1, 2023, an additional \$100 for nec-
14 essary salaries and expenses shall be available until ex-
15 pended for each \$1,000,000 in additional guaranteed loan
16 commitments (including a pro rata amount for any
17 amount below \$1,000,000), but in no case shall funds
18 made available by this proviso exceed \$3,000,000: *Pro-*
19 *vided further*, That receipts from Commitment and
20 Multiclass fees collected pursuant to title III of the Na-
21 tional Housing Act (12 U.S.C. 1716 et seq.) shall be cred-
22 ited as offsetting collections to this account.

1 POLICY DEVELOPMENT AND RESEARCH

2 RESEARCH AND TECHNOLOGY

3 For contracts, grants, and necessary expenses of pro-
4 grams of research and studies relating to housing and
5 urban problems, not otherwise provided for, as authorized
6 by title V of the Housing and Urban Development Act
7 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
8 out the functions of the Secretary of Housing and Urban
9 Development under section 1(a)(1)(i) of Reorganization
10 Plan No. 2 of 1968, and for technical assistance,
11 \$115,000,000, to remain available until September 30,
12 2024: *Provided*, That with respect to amounts made avail-
13 able under this heading, notwithstanding section 203 of
14 this title, the Secretary may enter into cooperative agree-
15 ments with philanthropic entities, other Federal agencies,
16 State or local governments and their agencies, Indian
17 Tribes, tribally designated housing entities, or colleges or
18 universities for research projects: *Provided further*, That
19 with respect to the preceding proviso, such partners to the
20 cooperative agreements shall contribute at least a 50 per-
21 cent match toward the cost of the project: *Provided fur-*
22 *ther*, That for non-competitive agreements entered into in
23 accordance with the preceding two provisos, the Secretary
24 shall comply with section 2(b) of the Federal Funding Ac-
25 countability and Transparency Act of 2006 (Public Law

1 109–282, 31 U.S.C. note) in lieu of compliance with sec-
2 tion 102(a)(4)(C) of the Department of Housing and
3 Urban Development Reform Act of 1989 (42 U.S.C.
4 3545(a)(4)(C)) with respect to documentation of award
5 decisions: *Provided further*, That prior to obligation of
6 technical assistance funding, the Secretary shall submit a
7 plan to the House and Senate Committees on Appropria-
8 tions on how the Secretary will allocate funding for this
9 activity at least 30 days prior to obligation: *Provided fur-*
10 *ther*, That none of the funds provided under this heading
11 may be available for the doctoral dissertation research
12 grant program.

13 FAIR HOUSING AND EQUAL OPPORTUNITY

14 FAIR HOUSING ACTIVITIES

15 For contracts, grants, and other assistance, not oth-
16 erwise provided for, as authorized by title VIII of the Civil
17 Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
18 561 of the Housing and Community Development Act of
19 1987 (42 U.S.C. 3616a), \$85,000,000, to remain available
20 until September 30, 2024: *Provided*, That notwithstanding
21 section 3302 of title 31, United States Code, the Secretary
22 may assess and collect fees to cover the costs of the Fair
23 Housing Training Academy, and may use such funds to
24 develop on-line courses and provide such training: *Pro-*
25 *vided further*, That none of the funds made available under

1 this heading may be used to lobby the executive or legisla-
 2 tive branches of the Federal Government in connection
 3 with a specific contract, grant, or loan: *Provided further*,
 4 That of the funds made available under this heading,
 5 \$1,000,000 shall be available to the Secretary for the cre-
 6 ation and promotion of translated materials and other pro-
 7 grams that support the assistance of persons with limited
 8 English proficiency in utilizing the services provided by
 9 the Department of Housing and Urban Development.

10 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

11 HOMES

12 LEAD HAZARD REDUCTION

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Lead Hazard Reduction Program, as author-
 15 ized by section 1011 of the Residential Lead-Based Paint
 16 Hazard Reduction Act of 1992 (42 U.S.C. 4852), and for
 17 related activities and assistance, \$390,000,000, to remain
 18 available until September 30, 2025: *Provided*, That of the
 19 sums appropriated under this heading—

20 (1) \$290,000,000 shall be available for the
 21 award of grants pursuant to such section 1011, of
 22 which not less than \$95,000,000 shall be provided to
 23 areas with the highest lead-based paint abatement
 24 needs;

1 (2) \$90,000,000 shall be available for the
2 Healthy Homes Initiative, pursuant to sections 501
3 and 502 of the Housing and Urban Development
4 Act of 1970, which shall include research, studies,
5 testing, and demonstration efforts, including edu-
6 cation and outreach concerning lead-based paint poi-
7 soning and other housing-related diseases and haz-
8 ards, and mitigating housing-related health and
9 safety hazards in housing of low-income families, of
10 which—

11 (A) \$5,000,000 of such amounts shall be
12 available for the implementation of projects in
13 up to five communities that are served by both
14 the Healthy Homes Initiative and the Depart-
15 ment of Energy weatherization programs to
16 demonstrate whether the coordination of
17 Healthy Homes remediation activities with
18 weatherization activities achieves cost savings
19 and better outcomes in improving the safety
20 and quality of homes; and

21 (B) \$15,000,000 of such amounts shall be
22 available for grants to experienced non-profit
23 organizations, States, local governments, or
24 public housing agencies for safety and func-
25 tional home modification repairs and renova-

1 tions to meet the needs of low-income seniors to
2 enable them to remain in their primary resi-
3 dence: *Provided*, That of the total amount made
4 available under this subparagraph no less than
5 \$5,000,000 shall be available to meet such
6 needs in communities with substantial rural
7 populations;

8 (3) \$5,000,000 shall be available for the award
9 of grants and contracts for research pursuant to sec-
10 tions 1051 and 1052 of the Residential Lead-Based
11 Paint Hazard Reduction Act of 1992 (42 U.S.C.
12 4854, 4854a);

13 (4) up to \$2,000,000 in total of the amounts
14 made available under paragraphs (2) and (3) may be
15 transferred to the heading “Research and Tech-
16 nology” for the purposes of conducting research and
17 studies and for use in accordance with the provisos
18 under that heading for non-competitive agreements;
19 and

20 (5) \$5,000,000 shall be available for grants for
21 a radon testing and mitigation safety demonstration
22 program (the radon demonstration) in public hous-
23 ing: *Provided*, That the testing method, mitigation
24 method, or action level used under the radon dem-
25 onstration shall be as specified by applicable state or

1 local law, if such law is more protective of human
2 health or the environment than the method or level
3 specified by the Secretary:

4 *Provided further*, That for purposes of environmental re-
5 view, pursuant to the National Environmental Policy Act
6 of 1969 (42 U.S.C. 4321 et seq.) and other provisions of
7 law that further the purposes of such Act, a grant under
8 the Healthy Homes Initiative, or the Lead Technical Stud-
9 ies program, or other demonstrations or programs under
10 this heading or under prior appropriations Acts for such
11 purposes under this heading, or under the heading “Hous-
12 ing for the Elderly” under prior Appropriations Acts, shall
13 be considered to be funds for a special project for purposes
14 of section 305(c) of the Multifamily Housing Property
15 Disposition Reform Act of 1994: *Provided further*, That
16 each applicant for a grant or cooperative agreement under
17 this heading shall certify adequate capacity that is accept-
18 able to the Secretary to carry out the proposed use of
19 funds pursuant to a notice of funding opportunity: *Pro-*
20 *vided further*, That amounts made available under this
21 heading, except for amounts in paragraph (2)(B) for home
22 modification repairs and renovations, in this or prior ap-
23 propriations Acts, still remaining available, may be used
24 for any purpose under this heading notwithstanding the
25 purpose for which such amounts were appropriated if a

1 program competition is undersubscribed and there are
2 other program competitions under this heading that are
3 oversubscribed.

4 INFORMATION TECHNOLOGY FUND

5 For Department-wide and program-specific informa-
6 tion technology systems and infrastructure, \$383,750,000,
7 to remain available until September 30, 2025, of which
8 up to \$32,950,000 shall be for development, moderniza-
9 tion, and enhancement projects, including planning for
10 such projects: *Provided*, That not more than 10 percent
11 of the funds made available under this heading for devel-
12 opment, modernization, and enhancement may be obli-
13 gated until the Secretary submits and the House and Sen-
14 ate Committees on Appropriations approve a plan that—

15 (1) identifies for each development, moderniza-
16 tion, and enhancement project to be funded from
17 available balances, including carryover—

18 (A) plain language summaries of the
19 project scope;

20 (B) the estimated total project cost; and

21 (C) key milestones to be met; and

22 (2) identifies for each major modernization
23 project—

1 (A) the functional and performance capa-
2 bilities to be delivered and the mission benefits
3 to be realized;

4 (B) the estimated life-cycle cost;

5 (C) key milestones to be met through the
6 project end date, including any identified sys-
7 tem decommissioning;

8 (D) a description of the procurement strat-
9 egy and governance structure for the project
10 and the number of HUD staff and contractors
11 supporting the project; and

12 (E) certification from the Chief Informa-
13 tion Officer that each project is compliant with
14 the Department's enterprise architecture, life-
15 cycle management and capital planning and in-
16 vestment control requirements:

17 *Provided further*, That not later than 30 days after the
18 end of each quarter, the Secretary shall submit an updated
19 report to the Committees on Appropriations of the House
20 of Representatives and the Senate summarizing the sta-
21 tus, cost and plan for all modernization projects; and for
22 each major modernization project with an approved
23 project plan, identifying—

24 (1) results and actual expenditures of the prior
25 quarter;

- 1 (2) any variances in cost, schedule (including
2 procurement), or functionality from the previously
3 approved project plan, reasons for such variances
4 and estimated impact on total life-cycle costs; and
- 5 (3) risks and mitigation strategies associated
6 with ongoing work.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary salaries and expenses of the Office of
9 Inspector General in carrying out the Inspector General
10 Act of 1978, as amended, \$140,000,000: *Provided*, That
11 the Inspector General shall have independent authority
12 over all personnel issues within this office.

13 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
14 URBAN DEVELOPMENT

15 (INCLUDING TRANSFER OF FUNDS)

16 (INCLUDING RESCISSION)

17 SEC. 201. Fifty percent of the amounts of budget au-
18 thority, or in lieu thereof 50 percent of the cash amounts
19 associated with such budget authority, that are recaptured
20 from projects described in section 1012(a) of the Stewart
21 B. McKinney Homeless Assistance Amendments Act of
22 1988 (42 U.S.C. 1437f note) shall be rescinded or in the
23 case of cash, shall be remitted to the Treasury, and such
24 amounts of budget authority or cash recaptured and not
25 rescinded or remitted to the Treasury shall be used by

1 State housing finance agencies or local governments or
2 local housing agencies with projects approved by the Sec-
3 retary of Housing and Urban Development for which set-
4 tlement occurred after January 1, 1992, in accordance
5 with such section. Notwithstanding the previous sentence,
6 the Secretary may award up to 15 percent of the budget
7 authority or cash recaptured and not rescinded or remitted
8 to the Treasury to provide project owners with incentives
9 to refinance their project at a lower interest rate.

10 SEC. 202. None of the funds made available by this
11 Act may be used during fiscal year 2023 to investigate
12 or prosecute under the Fair Housing Act any otherwise
13 lawful activity engaged in by one or more persons, includ-
14 ing the filing or maintaining of a nonfrivolous legal action,
15 that is engaged in solely for the purpose of achieving or
16 preventing action by a Government official or entity, or
17 a court of competent jurisdiction.

18 SEC. 203. Except as explicitly provided in law, any
19 grant, cooperative agreement or other assistance made
20 pursuant to title II of this Act shall be made on a competi-
21 tive basis and in accordance with section 102 of the De-
22 partment of Housing and Urban Development Reform Act
23 of 1989 (42 U.S.C. 3545).

24 SEC. 204. Funds of the Department of Housing and
25 Urban Development subject to the Government Corpora-

1 tion Control Act or section 402 of the Housing Act of
2 1950 shall be available, without regard to the limitations
3 on administrative expenses, for legal services on a contract
4 or fee basis, and for utilizing and making payment for
5 services and facilities of the Federal National Mortgage
6 Association, Government National Mortgage Association,
7 Federal Home Loan Mortgage Corporation, Federal Fi-
8 nancing Bank, Federal Reserve banks or any member
9 thereof, Federal Home Loan banks, and any insured bank
10 within the meaning of the Federal Deposit Insurance Cor-
11 poration Act, as amended (12 U.S.C. 1811-1).

12 SEC. 205. Unless otherwise provided for in this Act
13 or through a reprogramming of funds, no part of any ap-
14 propriation for the Department of Housing and Urban
15 Development shall be available for any program, project
16 or activity in excess of amounts set forth in the budget
17 estimates submitted to Congress.

18 SEC. 206. Corporations and agencies of the Depart-
19 ment of Housing and Urban Development which are sub-
20 ject to the Government Corporation Control Act are here-
21 by authorized to make such expenditures, within the limits
22 of funds and borrowing authority available to each such
23 corporation or agency and in accordance with law, and to
24 make such contracts and commitments without regard to
25 fiscal year limitations as provided by section 104 of such

1 Act as may be necessary in carrying out the programs set
2 forth in the budget for 2023 for such corporation or agen-
3 cy except as hereinafter provided: *Provided*, That collec-
4 tions of these corporations and agencies may be used for
5 new loan or mortgage purchase commitments only to the
6 extent expressly provided for in this Act (unless such loans
7 are in support of other forms of assistance provided for
8 in this or prior appropriations Acts), except that this pro-
9 viso shall not apply to the mortgage insurance or guaranty
10 operations of these corporations, or where loans or mort-
11 gage purchases are necessary to protect the financial in-
12 terest of the United States Government.

13 SEC. 207. The Secretary shall provide quarterly re-
14 ports to the House and Senate Committees on Appropria-
15 tions regarding all uncommitted, unobligated, recaptured
16 and excess funds in each program and activity within the
17 jurisdiction of the Department and shall submit addi-
18 tional, updated budget information to these Committees
19 upon request.

20 SEC. 208. None of the funds made available by this
21 title may be used for an audit of the Government National
22 Mortgage Association that makes applicable requirements
23 under the Federal Credit Reform Act of 1990 (2 U.S.C.
24 661 et seq.).

1 SEC. 209. (a) Notwithstanding any other provision
2 of law, subject to the conditions listed under this section,
3 for fiscal years 2023 and 2024, the Secretary of Housing
4 and Urban Development may authorize the transfer of
5 some or all project-based assistance, debt held or insured
6 by the Secretary and statutorily required low-income and
7 very low-income use restrictions if any, associated with one
8 or more multifamily housing project or projects to another
9 multifamily housing project or projects.

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

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

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

20 (A) For occupied units in the transferring
21 project: The number of low-income and very
22 low-income units and the configuration (i.e.,
23 bedroom size) provided by the transferring
24 project shall be no less than when transferred
25 to the receiving project or projects and the net

1 dollar amount of Federal assistance provided to
2 the transferring project shall remain the same
3 in the receiving project or projects.

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

12 (2) The transferring project shall, as deter-
13 mined by the Secretary, be either physically obsolete
14 or economically nonviable, or be reasonably expected
15 to become economically nonviable when complying
16 with state or Federal requirements for community
17 integration and reduced concentration of individuals
18 with disabilities.

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

22 (4) The owner or mortgagor of the transferring
23 project shall notify and consult with the tenants re-
24 siding in the transferring project and provide a cer-

1 tification of approval by all appropriate local govern-
2 mental officials.

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

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

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

22 (8) If the transferring project meets the re-
23 quirements of subsection (d)(2), the owner or mort-
24 gagor of the receiving project or projects shall exe-
25 cute and record either a continuation of the existing

1 use agreement or a new use agreement for the
2 project where, in either case, any use restrictions in
3 such agreement are of no lesser duration than the
4 existing use restrictions.

5 (9) The transfer does not increase the cost (as
6 defined in section 502 of the Congressional Budget
7 Act of 1974 (2 U.S.C. 661a)) of any FHA-insured
8 mortgage, except to the extent that appropriations
9 are provided in advance for the amount of any such
10 increased cost.

11 (d) For purposes of this section—

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

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

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

21 (B) housing that has project-based assist-
22 ance attached to the structure including
23 projects undergoing mark to market debt re-
24 structuring under the Multifamily Assisted
25 Housing Reform and Affordability Housing Act;

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 (12 U.S.C.
3 1701q);

4 (D) housing that is assisted under section
5 202 of the Housing Act of 1959 (12 U.S.C.
6 1701q), as such section existed before the en-
7 actment of the Cranston-Gonzales National Af-
8 fordable Housing Act;

9 (E) housing that is assisted under section
10 811 of the Cranston-Gonzales National Afford-
11 able Housing Act (42 U.S.C. 8013); or

12 (F) housing or vacant land that is subject
13 to a use agreement;

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

16 (A) assistance provided under section 8(b)
17 of the United States Housing Act of 1937 (42
18 U.S.C. 1437f(b));

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

1 (C) rent supplement payments under sec-
2 tion 101 of the Housing and Urban Develop-
3 ment Act of 1965 (12 U.S.C. 1701s);

4 (D) interest reduction payments under sec-
5 tion 236 and/or additional assistance payments
6 under section 236(f)(2) of the National Hous-
7 ing Act (12 U.S.C. 1715z-1);

8 (E) assistance payments made under sec-
9 tion 202(e)(2) of the Housing Act of 1959 (12
10 U.S.C. 1701q(e)(2)); and

11 (F) assistance payments made under sec-
12 tion 811(d)(2) of the Cranston-Gonzalez Na-
13 tional Affordable Housing Act (42 U.S.C.
14 8013(d)(2));

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

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

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

3 (e) RESEARCH REPORT.—The Secretary shall con-
4 duct an evaluation of the transfer authority under this sec-
5 tion, including the effect of such transfers on the oper-
6 ational efficiency, contract rents, physical and financial
7 conditions, and long-term preservation of the affected
8 properties.

9 SEC. 210. (a) No assistance shall be provided under
10 section 8 of the United States Housing Act of 1937 (42
11 U.S.C. 1437f) to any individual who—

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

16 (2) is under 24 years of age;

17 (3) is not a veteran;

18 (4) is unmarried;

19 (5) does not have a dependent child;

20 (6) is not a person with disabilities, as such
21 term is defined in section 3(b)(3)(E) of the United
22 States Housing Act of 1937 (42 U.S.C.
23 1437a(b)(3)(E)) and was not receiving assistance
24 under such section 8 as of November 30, 2005;

1 (7) is not a youth who left foster care at age
2 14 or older and is at risk of becoming homeless; and
3 (8) is not otherwise individually eligible, or has
4 parents who, individually or jointly, are not eligible,
5 to receive assistance under section 8 of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f).

7 (b) For purposes of determining the eligibility of a
8 person to receive assistance under section 8 of the United
9 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
10 cial assistance (in excess of amounts received for tuition
11 and any other required fees and charges) that an indi-
12 vidual receives under the Higher Education Act of 1965
13 (20 U.S.C. 1001 et seq.), from private sources, or from
14 an institution of higher education (as defined under sec-
15 tion 102 of the Higher Education Act of 1965 (20 U.S.C.
16 1002)), shall be considered income to that individual, ex-
17 cept for a person over the age of 23 with dependent chil-
18 dren.

19 SEC. 211. The funds made available for Native Alas-
20 kans under paragraph (1) under the heading “Native
21 American Programs” in title II of this Act shall be allo-
22 cated to the same Native Alaskan housing block grant re-
23 cipients that received funds in fiscal year 2005, and only
24 such recipients shall be eligible to apply for funds made
25 available under paragraph (2) of such heading.

1 SEC. 212. Notwithstanding any other provision of
2 law, in fiscal year 2023, in managing and disposing of any
3 multifamily property that is owned or has a mortgage held
4 by the Secretary of Housing and Urban Development, and
5 during the process of foreclosure on any property with a
6 contract for rental assistance payments under section 8
7 of the United States Housing Act of 1937 (42 U.S.C.
8 1437f) or any other Federal programs, the Secretary shall
9 maintain any rental assistance payments under section 8
10 of the United States Housing Act of 1937 and other pro-
11 grams that are attached to any dwelling units in the prop-
12 erty. To the extent the Secretary determines, in consulta-
13 tion with the tenants and the local government that such
14 a multifamily property owned or having a mortgage held
15 by the Secretary is not feasible for continued rental assist-
16 ance payments under such section 8 or other programs,
17 based on consideration of (1) the costs of rehabilitating
18 and operating the property and all available Federal,
19 State, and local resources, including rent adjustments
20 under section 524 of the Multifamily Assisted Housing
21 Reform and Affordability Act of 1997 (in this section
22 “MAHRAA”) (42 U.S.C. 1437f note), and (2) environ-
23 mental conditions that cannot be remedied in a cost-effec-
24 tive fashion, the Secretary may, in consultation with the
25 tenants of that property, contract for project-based rental

1 assistance payments with an owner or owners of other ex-
2 isting housing properties, or provide other rental assist-
3 ance. The Secretary shall also take appropriate steps to
4 ensure that project-based contracts remain in effect prior
5 to foreclosure, subject to the exercise of contractual abate-
6 ment remedies to assist relocation of tenants for imminent
7 major threats to health and safety after written notice to
8 and informed consent of the affected tenants and use of
9 other available remedies, such as partial abatements or re-
10 ceivership. After disposition of any multifamily property
11 described in this section, the contract and allowable rent
12 levels on such properties shall be subject to the require-
13 ments under section 524 of MAHRAA.

14 SEC. 213. Public housing agencies that own and oper-
15 ate 400 or fewer public housing units may elect to be ex-
16 empt from any asset management requirement imposed by
17 the Secretary in connection with the operating fund rule:
18 *Provided*, That an agency seeking a discontinuance of a
19 reduction of subsidy under the operating fund formula
20 shall not be exempt from asset management requirements.

21 SEC. 214. With respect to the use of amounts pro-
22 vided in this Act and in future Acts for the operation, cap-
23 ital improvement, and management of public housing as
24 authorized by sections 9(d) and 9(e) of the United States
25 Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Sec-

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

11 SEC. 215. No official or employee of the Department
12 of Housing and Urban Development shall be designated
13 as an allotment holder unless the Office of the Chief Fi-
14 nancial Officer has determined that such allotment holder
15 has implemented an adequate system of funds control and
16 has received training in funds control procedures and di-
17 rectives. The Chief Financial Officer shall ensure that
18 there is a trained allotment holder for each HUD appro-
19 priation under the accounts “Executive Offices”, “Admin-
20 istrative Support Offices”, “Program Offices”, “Govern-
21 ment National Mortgage Association—Guarantees of
22 Mortgage-Backed Securities Loan Guarantee Program
23 Account”, and “Office of Inspector General” within the
24 Department of Housing and Urban Development.

1 SEC. 216. The Secretary shall, for fiscal year 2023,
2 notify the public through the Federal Register and other
3 means, as determined appropriate, of the issuance of a no-
4 tice of the availability of assistance or notice of funding
5 opportunity (NOFO) for any program or discretionary
6 fund administered by the Secretary that is to be competi-
7 tively awarded. Notwithstanding any other provision of
8 law, for fiscal year 2023, the Secretary may make the
9 NOFO available only on the Internet at the appropriate
10 Government website or through other electronic media, as
11 determined by the Secretary.

12 SEC. 217. Payment of attorney fees in program-re-
13 lated litigation shall be paid from the individual program
14 office and Office of General Counsel salaries and expenses
15 appropriations.

16 SEC. 218. The Secretary is authorized to transfer up
17 to 10 percent or \$5,000,000, whichever is less, of funds
18 appropriated for any office under the headings “Adminis-
19 trative Support Offices”, or “Program Offices” to any
20 other such office under such headings: *Provided*, That no
21 appropriation for any such office under such headings
22 shall be increased or decreased by more than 10 percent
23 or \$5,000,000, whichever is less, without prior written ap-
24 proval of the House and Senate Committees on Appropria-
25 tions: *Provided further*, That the Secretary shall provide

1 notification to such Committees 3 business days in ad-
2 vance of any such transfers under this section up to 10
3 percent or \$5,000,000, whichever is less.

4 SEC. 219. (a) Any entity receiving housing assistance
5 payments shall maintain decent, safe, and sanitary condi-
6 tions, as determined by the Secretary, and comply with
7 any standards under applicable State or local laws, rules,
8 ordinances, or regulations relating to the physical condi-
9 tion of any property covered under a housing assistance
10 payment contract.

11 (b) The Secretary shall take action under subsection
12 (c) when a multifamily housing project with a contract
13 under section 8 of the United States Housing Act of 1937
14 (42 U.S.C. 1437f) or a contract for similar project-based
15 assistance—

16 (1) receives a Uniform Physical Condition
17 Standards (UPCS) score of 59 or less; or

18 (2) fails to certify in writing to the Secretary
19 within 3 days that all Exigent Health and Safety de-
20 ficiencies identified by the inspector at the project
21 have been corrected.

22 Such requirements shall apply to insured and non-
23 insured projects with assistance attached to the units
24 under section 8 of the United States Housing Act of 1937
25 (42 U.S.C. 1437f), but shall not apply to such units as-

1 sisted under section 8(o)(13) of such Act (42 U.S.C.
2 1437f(o)(13)) or to public housing units assisted with cap-
3 ital or operating funds under section 9 of the United
4 States Housing Act of 1937 (42 U.S.C. 1437g).

5 (c)(1) Within 15 days of the issuance of the Real Es-
6 tate Assessment Center (“REAC”) inspection, the Sec-
7 retary shall provide the owner with a Notice of Default
8 with a specified timetable, determined by the Secretary,
9 for correcting all deficiencies. The Secretary shall provide
10 a copy of the Notice of Default to the tenants, the local
11 government, any mortgagees, and any contract adminis-
12 trator. If the owner’s appeal results in a UPCS score of
13 60 or above, the Secretary may withdraw the Notice of
14 Default.

15 (2) At the end of the time period for correcting all
16 deficiencies specified in the Notice of Default, if the owner
17 fails to fully correct such deficiencies, the Secretary may—

18 (A) require immediate replacement of project
19 management with a management agent approved by
20 the Secretary;

21 (B) impose civil money penalties, which shall be
22 used solely for the purpose of supporting safe and
23 sanitary conditions at applicable properties, as des-
24 ignated by the Secretary, with priority given to the
25 tenants of the property affected by the penalty;

1 (C) abate the section 8 contract, including par-
2 tial abatement, as determined by the Secretary, until
3 all deficiencies have been corrected;

4 (D) pursue transfer of the project to an owner,
5 approved by the Secretary under established proce-
6 dures, who will be obligated to promptly make all re-
7 quired repairs and to accept renewal of the assist-
8 ance contract if such renewal is offered;

9 (E) transfer the existing section 8 contract to
10 another project or projects and owner or owners;

11 (F) pursue exclusionary sanctions, including
12 suspensions or debarments from Federal programs;

13 (G) seek judicial appointment of a receiver to
14 manage the property and cure all project deficiencies
15 or seek a judicial order of specific performance re-
16 quiring the owner to cure all project deficiencies;

17 (H) work with the owner, lender, or other re-
18 lated party to stabilize the property in an attempt
19 to preserve the property through compliance, trans-
20 fer of ownership, or an infusion of capital provided
21 by a third-party that requires time to effectuate; or

22 (I) take any other regulatory or contractual
23 remedies available as deemed necessary and appro-
24 priate by the Secretary.

1 (d) The Secretary shall take appropriate steps to en-
2 sure that project-based contracts remain in effect, subject
3 to the exercise of contractual abatement remedies to assist
4 relocation of tenants for major threats to health and safety
5 after written notice to the affected tenants. To the extent
6 the Secretary determines, in consultation with the tenants
7 and the local government, that the property is not feasible
8 for continued rental assistance payments under such sec-
9 tion 8 or other programs, based on consideration of—

10 (1) the costs of rehabilitating and operating the
11 property and all available Federal, State, and local
12 resources, including rent adjustments under section
13 524 of the Multifamily Assisted Housing Reform
14 and Affordability Act of 1997 (“MAHRAA”); and

15 (2) environmental conditions that cannot be
16 remedied in a cost-effective fashion, the Secretary
17 may contract for project-based rental assistance pay-
18 ments with an owner or owners of other existing
19 housing properties, or provide other rental assist-
20 ance.

21 (e) The Secretary shall report semi-annually on all
22 properties covered by this section that are assessed
23 through the Real Estate Assessment Center and have
24 UPCS physical inspection scores of less than 60 or have

1 received an unsatisfactory management and occupancy re-
2 view within the past 36 months. The report shall include—

3 (1) identification of the enforcement actions
4 being taken to address such conditions, including
5 imposition of civil money penalties and termination
6 of subsidies, and identification of properties that
7 have such conditions multiple times;

8 (2) identification of actions that the Depart-
9 ment of Housing and Urban Development is taking
10 to protect tenants of such identified properties; and

11 (3) any administrative or legislative rec-
12 ommendations to further improve the living condi-
13 tions at properties covered under a housing assist-
14 ance payment contract.

15 The first report shall be submitted to the Senate and
16 House Committees on Appropriations not later than 30
17 days after the enactment of this Act, and the second re-
18 port shall be submitted within 180 days of the transmittal
19 of the first report.

20 SEC. 220. None of the funds made available by this
21 Act, or any other Act, for purposes authorized under sec-
22 tion 8 (only with respect to the tenant-based rental assist-
23 ance program) and section 9 of the United States Housing
24 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
25 any public housing agency for any amount of salary, in-

1 cluding bonuses, for the chief executive officer of which,
2 or any other official or employee of which, that exceeds
3 the annual rate of basic pay payable for a position at level
4 IV of the Executive Schedule at any time during any pub-
5 lic housing agency fiscal year 2023.

6 SEC. 221. None of the funds made available by this
7 Act and provided to the Department of Housing and
8 Urban Development may be used to make a grant award
9 unless the Secretary notifies the House and Senate Com-
10 mittees on Appropriations not less than 3 full business
11 days before any project, State, locality, housing authority,
12 Tribe, nonprofit organization, or other entity selected to
13 receive a grant award is announced by the Department
14 or its offices.

15 SEC. 222. None of the funds made available in this
16 Act shall be used by the Federal Housing Administration,
17 the Government National Mortgage Association, or the
18 Department of Housing and Urban Development to in-
19 sure, securitize, or establish a Federal guarantee of any
20 mortgage or mortgage backed security that refinances or
21 otherwise replaces a mortgage that has been subject to
22 eminent domain condemnation or seizure, by a State, mu-
23 nicipality, or any other political subdivision of a State.

24 SEC. 223. None of the funds made available by this
25 Act may be used to terminate the status of a unit of gen-

1 eral local government as a metropolitan city (as defined
2 in section 102 of the Housing and Community Develop-
3 ment Act of 1974 (42 U.S.C. 5302)) with respect to
4 grants under section 106 of such Act (42 U.S.C. 5306).

5 SEC. 224. Amounts made available by this Act that
6 are appropriated, allocated, advanced on a reimbursable
7 basis, or transferred to the Office of Policy Development
8 and Research of the Department of Housing and Urban
9 Development and functions thereof, for research, evalua-
10 tion, or statistical purposes, and that are unexpended at
11 the time of completion of a contract, grant, or cooperative
12 agreement, may be deobligated and shall immediately be-
13 come available and may be reobligated in that fiscal year
14 or the subsequent fiscal year for the research, evaluation,
15 or statistical purposes for which the amounts are made
16 available to that Office subject to reprogramming require-
17 ments in section 246 of this Act.

18 SEC. 225. None of the funds provided in this Act or
19 any other Act may be used for awards, including perform-
20 ance, special act, or spot, for any employee of the Depart-
21 ment of Housing and Urban Development subject to ad-
22 ministrative discipline (including suspension from work),
23 in this fiscal year, but this prohibition shall not be effec-
24 tive prior to the effective date of any such administrative

1 discipline or after any final decision over-turning such dis-
2 cipline.

3 SEC. 226. With respect to grant amounts awarded
4 under the heading “Homeless Assistance Grants” for fis-
5 cal years 2015 through 2023 for the Continuum of Care
6 (CoC) program as authorized under subtitle C of title IV
7 of the McKinney-Vento Homeless Assistance Act, costs
8 paid by program income of grant recipients may count to-
9 ward meeting the recipient’s matching requirements, pro-
10 vided the costs are eligible CoC costs that supplement the
11 recipient’s CoC program.

12 SEC. 227. (a) From amounts made available under
13 this title under the heading “Homeless Assistance
14 Grants”, the Secretary may award 1-year transition
15 grants to recipients of funds for activities under subtitle
16 C of the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11381 et seq.) to transition from one Continuum
18 of Care program component to another.

19 (b) In order to be eligible to receive a transition
20 grant, the funding recipient must have the consent of the
21 continuum of care and meet standards determined by the
22 Secretary.

23 SEC. 228. The Promise Zone designations and Prom-
24 ise Zone Designation Agreements entered into pursuant
25 to such designations, made by the Secretary in prior fiscal

1 years, shall remain in effect in accordance with the terms
2 and conditions of such agreements.

3 SEC. 229. None of the amounts made available in this
4 Act may be used to consider Family Self-Sufficiency per-
5 formance measures or performance scores in determining
6 funding awards for programs receiving Family Self-Suffi-
7 ciency program coordinator funding provided in this Act.

8 SEC. 230. Any public housing agency designated as
9 a Moving to Work agency pursuant to section 239 of divi-
10 sion L of Public Law 114–113 (42 U.S.C. 1437f note;
11 129 Stat. 2897) may, upon such designation, use funds
12 (except for special purpose funding, including special pur-
13 pose vouchers) previously allocated to any such public
14 housing agency under section 8 or 9 of the United States
15 Housing Act of 1937, including any reserve funds held by
16 the public housing agency or funds held by the Depart-
17 ment of Housing and Urban Development, pursuant to the
18 authority for use of section 8 or 9 funding provided under
19 such section and section 204 of title II of the Departments
20 of Veterans Affairs and Housing and Urban Development
21 and Independent Agencies Appropriations Act, 1996
22 (Public Law 104–134; 110 Stat. 1321–28), notwith-
23 standing the purposes for which such funds were appro-
24 priated.

1 SEC. 231. None of the amounts made available by
2 this Act may be used to prohibit any public housing agen-
3 cy under receivership or the direction of a Federal monitor
4 from applying for, receiving, or using funds made available
5 under the heading “Public Housing Fund” for competitive
6 grants to evaluate and reduce lead-based paint hazards in
7 this Act or that remain available and not awarded from
8 prior Acts, or be used to prohibit a public housing agency
9 from using such funds to carry out any required work pur-
10 suant to a settlement agreement, consent decree, vol-
11 untary agreement, or similar document for a violation of
12 the Lead Safe Housing or Lead Disclosure Rules.

13 SEC. 232. None of the funds made available by this
14 Act may be used to issue rules or guidance in contraven-
15 tion of section 1210 of Public Law 115–254 (132 Stat.
16 3442) or section 312 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C. 5155).

18 SEC. 233. Funds previously made available in the
19 Consolidated Appropriations Act, 2016 (Public Law 114–
20 113) for the “Choice Neighborhoods Initiative” that were
21 available for obligation through fiscal year 2018 are to re-
22 main available through fiscal year 2024 for the liquidation
23 of valid obligations incurred in fiscal years 2016 through
24 2018.

1 SEC. 234. None of the funds made available by this
2 Act may be used by the Department of Housing and
3 Urban Development to direct a grantee to undertake spe-
4 cific changes to existing zoning laws as part of carrying
5 out the final rule entitled “Affirmatively Furthering Fair
6 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
7 notice entitled “Affirmatively Furthering Fair Housing
8 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
9 2014)).

10 SEC. 235. The language under the heading “Rental
11 Assistance Demonstration” in the Department of Housing
12 and Urban Development Appropriations Act, 2012 (Public
13 Law 112–55), as most recently amended by Public Law
14 117–103, is further amended—

15 (1) in the initial undesignated matter, by strik-
16 ing “and ‘Public Housing Operating Fund’” and in-
17 serting “, ‘Public Housing Operating Fund’ and
18 ‘Public Housing Fund’”;

19 (2) in the second proviso, by striking “until
20 September 30, 2024” and inserting “for fiscal year
21 2012 and thereafter”;

22 (3) by striking the fourth proviso and inserting
23 the following new provisos: “*Provided further*, That
24 at properties with assistance under section 9 of the
25 Act requesting to partially convert such assistance,

1 and where an event under section 18 of the Act oc-
2 curs that results in the eligibility for tenant protec-
3 tion vouchers under section 8(o) of the Act, the Sec-
4 retary may convert the tenant protection voucher as-
5 sistance to assistance under a project-based subsidy
6 contract under section 8 of the Act, which shall be
7 eligible for renewal under section 524 of the Multi-
8 family Assisted Housing Reform and Affordability
9 Act of 1997, or assistance under section 8(o)(13) of
10 the Act, so long as the property meets any addi-
11 tional requirements established by the Secretary to
12 facilitate conversion: *Provided further*, That to facili-
13 tate the conversion of assistance under the previous
14 proviso, the Secretary may transfer an amount equal
15 to the total amount that would have been allocated
16 for tenant protection voucher assistance for prop-
17 erties that have requested such conversions from
18 amounts made available for tenant protection vouch-
19 er assistance under the heading ‘Tenant-Based
20 Rental Assistance’ to the heading ‘Project-Based
21 Rental Assistance’: *Provided further*, That at prop-
22 erties with assistance previously converted hereunder
23 to assistance under the heading ‘Project Based
24 Rental Assistance,’ which are also separately as-
25 sisted under section 8(o)(13) of the Act, the Sec-

1 retary may, with the consent of the public housing
2 agency and owner, terminate such project-based sub-
3 sidy contracts and immediately enter into one new
4 project-based subsidy contract under section 8 of the
5 Act, which shall be eligible for renewal under section
6 524 of the Multifamily Assisted Housing Reform
7 and Affordability Act of 1997, subject to the re-
8 quirement that any residents assisted under section
9 8(o)(13) of the Act at the time of such termination
10 of such project-based subsidy contract shall retain
11 all rights accrued under section 8(o)(13)(E) of the
12 Act under the new project-based subsidy contract
13 and section 8(o)(13)(F)(iv) of the Act shall not
14 apply: *Provided further*, That to carry out the pre-
15 vious proviso, the Secretary may transfer from the
16 heading ‘Tenant-Based Rental Assistance’ to the
17 heading ‘Project-Based Rental Assistance’ an
18 amount equal to the amounts associated with such
19 terminating contract under section 8(o)(13) of the
20 Act.”;

21 (4) in the thirteenth proviso, as reordered
22 above, by—

23 (A) inserting “‘Public Housing Fund’,
24 ‘Self-Sufficiency Programs’, ‘Family Self-Suffi-

1 ciency’” following “‘Public Housing Operating
2 Fund’,”; and

3 (B) inserting “or the ongoing availability
4 of services for residents” after “effective con-
5 version of assistance under the demonstration”;

6 (5) after the twenty-third proviso, as reordered
7 above, by inserting the following proviso: “*Provided*
8 *further*, That owners of properties with a senior
9 preservation rental assistance contract under section
10 811 of the American Homeownership and Economic
11 Opportunity Act of 2000 (12 U.S.C. 1701q note),
12 shall be eligible, subject to requirements established
13 by the Secretary as necessary to facilitate the con-
14 version of assistance while maintaining the afford-
15 ability period and the designation of the property as
16 serving elderly families, and tenant consultation pro-
17 cedures, for conversion of assistance available for
18 such assistance contracts to assistance under a long-
19 term project-based subsidy contract under section 8
20 of the Act”;

21 (6) in the twenty-eighth proviso, as reordered
22 above, by inserting “, section 811 of the American
23 Homeownership and Economic Opportunity Act of
24 2000,” after “Housing Act of 1959”; and

1 (7) in the thirty-third proviso, as reordered
2 above, by striking “any section 202 project rental
3 assistance contract or section 811 project rental as-
4 sistance contract conversions” and inserting “the
5 conversion of assistance from section 202(c)(2) of
6 the Housing Act of 1959, section 811 of the Amer-
7 ican Homeownership and Economic Opportunity Act
8 of 2000, or section 811(d)(2) of the Cranston-Gon-
9 zalez National Affordable Housing Act”.

10 SEC. 236. For fiscal year 2023, if the Secretary de-
11 termines or has determined, for any prior formula grant
12 allocation administered by the Secretary through the Of-
13 fices of Public and Indian Housing, Community Planning
14 and Development, or Housing, that a recipient received
15 an allocation greater than the amount such recipient
16 should have received for a formula allocation cycle pursu-
17 ant to applicable statutes and regulations, the Secretary
18 may adjust for any such funding error in the next applica-
19 ble formula allocation cycle by (a) offsetting each such re-
20 cipient’s formula allocation (if eligible for a formula alloca-
21 tion in the next applicable formula allocation cycle) by the
22 amount of any such funding error, and (b) reallocating
23 any available balances that are attributable to the offset
24 to the recipient or recipients that would have been allo-
25 cated additional funds in the formula allocation cycle in

1 which any such error occurred (if such recipient or recipi-
2 ents are eligible for a formula allocation in the next appli-
3 cable formula allocation cycle) in an amount proportionate
4 to such recipient’s eligibility under the next applicable for-
5 mula allocation cycle: *Provided*, That all offsets and re-
6 allocations from such available balances shall be recorded
7 against funds available for the next applicable formula al-
8 location cycle: *Provided further*, That the term “next appli-
9 cable formula allocation cycle” means the first formula al-
10 location cycle for a program that is reasonably available
11 for correction following such a Secretarial determination:
12 *Provided further*, That if, upon request by a recipient and
13 giving consideration to all Federal resources available to
14 the recipient for the same grant purposes, the Secretary
15 determines that the offset in the next applicable formula
16 allocation cycle would critically impair the recipient’s abil-
17 ity to accomplish the purpose of the formula grant, the
18 Secretary may adjust for the funding error across two or
19 more formula allocation cycles.

20 SEC. 237. Section 239 of the Department of Housing
21 and Urban Development Appropriations Act, 2016 (Public
22 Law 114–113; 129 Stat. 2897) is amended by striking
23 “7-year period” and inserting “8-year period” in the fifth
24 sentence.

1 SEC. 238. The Secretary may transfer from amounts
2 made available for salaries and expenses under this title
3 (excluding amounts made available under the heading
4 “Office of Inspector General”) up to \$500,000 from each
5 office to the heading “Information Technology Fund” for
6 information technology needs of such transferring office,
7 to remain available until September 30, 2025: *Provided*,
8 That this transfer authority shall not be used to fund in-
9 formation technology projects or activities that have
10 known out-year development, modernization, or enhance-
11 ment costs in excess of \$500,000: *Provided further*, That
12 the Secretary shall provide notification to the House and
13 Senate Committees on Appropriations no less than three
14 business days in advance of any such transfer.

15 SEC. 239. Funds previously made available in the
16 Consolidated Appropriations Act, 2019 (Public Law 116–
17 6) for “Lead Hazard Reduction” that were available for
18 obligation through fiscal year 2020 are to remain available
19 through fiscal year 2027 for the liquidation of valid obliga-
20 tions incurred in fiscal years 2019 through 2020.

21 SEC. 240. The Multifamily Assisted Housing Reform
22 and Affordability Act of 1997 (42 U.S.C. 1437f note) is
23 amended—

24 (a) in section 515, by adding at the end the following
25 new subsection:

1 “(d) RENT ADJUSTMENTS AND SUBSEQUENT RE-
2 NEWALS.—After the initial renewal of a section 8 contract
3 pursuant to this section and notwithstanding any other
4 provision of law or contract regarding the adjustment of
5 rents or subsequent renewal of such contract for a project,
6 including such a provision in section 514 or this section,
7 in the case of a project subject to any restrictions imposed
8 pursuant to sections 514 or this section, the Secretary
9 may, not more often than once every 10 years, adjust such
10 rents or renew such contracts at rent levels that are equal
11 to the lesser of budget-based rents or comparable market
12 rents for the market area upon the request of an owner
13 or purchaser who—

14 “(1) demonstrates that—

15 “(A) project income is insufficient to oper-
16 ate and maintain the project, as determined by
17 the Secretary; or

18 “(B) the rent adjustment or renewal con-
19 tract is necessary to support commercially rea-
20 sonable financing (including any required debt
21 service coverage and replacement reserve) for
22 rehabilitation necessary to ensure the long-term
23 sustainability of the project, as determined by
24 the Secretary; and

25 “(2) agrees to—

1 “(A) extend the affordability and use re-
2 strictions required under 514(e)(6) for an addi-
3 tional twenty years; and

4 “(B) enter into a binding commitment to
5 continue to renew such contract for and during
6 such extended term, provided that after the af-
7 fordability and use restrictions required under
8 514(e)(6) have been maintained for a term of
9 30 years:

10 “(i) an owner with a contract for
11 which rent levels were set at the time of its
12 initial renewal under section 514(g)(2)
13 shall request that the Secretary renew such
14 contract under section 524 for and during
15 such extended term; and

16 “(ii) an owner with a contract for
17 which rent levels were set at the time of its
18 initial renewal under section 514(g)(1)
19 may request that the Secretary renew such
20 contract under section 524.”; and

21 (b) in section 579, by striking “October 1, 2022”
22 each place it appears and inserting in lieu thereof “Octo-
23 ber 1, 2027”.

24 SEC. 241. (a) With respect to the funds made avail-
25 able for the Continuum of Care program authorized under

1 subtitle C of title IV of the McKinney-Vento Homeless As-
2 sistance Act (42 U.S.C. 11381 et seq.) under the heading
3 “Homeless Assistance Grants” in the Department of
4 Housing and Urban Development Appropriations Act,
5 2021 (Public Law 116–260), under section 231 of the De-
6 partment of Housing and Urban Development Appropria-
7 tions Act, 2020 (42 U.S.C. 11364a), or in this title, Title
8 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et
9 seq.) and Title VIII of the Civil Rights Act of 1968 (42
10 U.S.C. 3601 et seq.) shall not apply to applications by
11 or awards for projects to be carried out—

12 (1) on or off reservation or trust lands for
13 awards made to Indian tribes or tribally designated
14 housing entities; or

15 (2) on reservation or trust lands for awards
16 made to eligible entities as defined in section 401 of
17 the McKinney-Vento Homeless-Assistance Act (42
18 U.S.C. 11360).

19 (b) With respect to funds made available for the Con-
20 tinuum of Care program authorized under subtitle C of
21 title IV of the McKinney-Vento Homeless Assistance Act
22 (42 U.S.C. 11381 et seq.) under the heading “Homeless
23 Assistance Grants” in this title or under section 231 of
24 the Department of Housing and Urban Development Ap-
25 propriations Act, 2020 (42 U.S.C. 11364a)—

1 (1) applications for projects to be carried out
2 on reservations or trust land shall contain a certifi-
3 cation of consistency with an approved Indian hous-
4 ing plan developed under section 102 of the Native
5 American Housing Assistance and Self-Determina-
6 tion Act (NAHASDA) (25 U.S.C. 4112), notwith-
7 standing section 106 of the Cranston-Gonzalez Na-
8 tional Affordable Housing Act (42 U.S.C. 12706)
9 and section 403 of the McKinney-Vento Homeless
10 Assistance Act (42 U.S.C. 11361);

11 (2) Indian tribes and tribally designated hous-
12 ing entities that are recipients of awards for projects
13 on reservations or trust land shall certify that they
14 are following an approved housing plan developed
15 under section 102 of NAHASDA (25 U.S.C. 4112);
16 and

17 (3) a collaborative applicant for a Continuum of
18 Care whose geographic area includes only reserva-
19 tion and trust land is not required to meet the re-
20 quirement in section 402(f)(2) of the McKinney-
21 Vento Homeless Assistance Act (42 U.S.C.
22 11360a(f)(2)).

23 SEC. 242. (a) Section 184(a) of the Housing and
24 Community Development Act of 1992 (12 U.S.C. 1715z-
25 13a(a)) is amended to read as follows:

1 “(a) AUTHORITY.—To provide access to sources of
2 private financing to Indian families, Indian housing au-
3 thorities, and Indian tribes, who otherwise could not ac-
4 quire housing financing because of the unique legal status
5 of Indian lands and the unique nature of tribal economies;
6 and to expand homeownership opportunities to Indian
7 families, Indian housing authorities and Indian tribes on
8 fee simple lands, the Secretary may guarantee not to ex-
9 ceed 100 percent of the unpaid principal and interest due
10 on any loan eligible under subsection (b) made to an In-
11 dian family, Indian housing authority, or Indian tribe on
12 trust land and fee simple land.”.

13 (b) Section 184(b)(2) of the Housing and Community
14 Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is
15 amended to read as follows:

16 “(2) ELIGIBLE HOUSING.—The loan shall be
17 used to construct, acquire, refinance, or rehabilitate
18 1- to 4-family dwellings that are standard housing.”.

19 (c) Section 184A of the Housing and Community De-
20 velopment Act of 1992 (12 U.S.C. 1715z–13b) is amend-
21 ed—

22 (1) in subsection (b), by inserting “, and to ex-
23 pand homeownership opportunities to Native Hawai-
24 ian families who are eligible to receive a homestead
25 under the Hawaiian Homes Commission Act, 1920

1 (42 Stat. 108) on fee simple lands in the State of
2 Hawaii” after “markets”; and

3 (2) in subsection (c), by striking paragraph (2)
4 and inserting the following:

5 “(2) ELIGIBLE HOUSING.—The loan shall be
6 used to construct, acquire, refinance, or rehabilitate
7 1- to 4-family dwellings that are standard housing.”.

8 SEC. 243. (a) Section 184(b)(5)(A) of the Housing
9 and Community Development Act of 1992 (12 U.S.C.
10 1715z–13a(b)(5)(A)) is amended to read as follows:

11 “(5) TERMS.—The loan shall—

12 “(A) be made for a term not exceeding 30
13 years, except as determined by the Secretary,
14 when there is a loan modification under sub-
15 section (h)(1)(B), the loan shall not exceed 40
16 years;”.

17 (b) Section 184A(c)(5)(A) of the Housing and Com-
18 munity Development Act of 1992 (12 U.S.C. 1715z–
19 13b(c)(5)(A)) is amended to read as follows:

20 “(5) TERMS.—The loan shall—

21 “(A) be made for a term not exceeding 30
22 years; except, as determined by the Secretary,
23 when there is a loan modification under sub-
24 section (i)(1)(B) the term of the loan shall not
25 exceed 40 years;”.

1 SEC. 244. Section 105 of the Housing and Commu-
2 nity Development Act of 1974 (42 U.S.C. 5305) is amend-
3 ed by adding at the end the following new subsection:

4 “(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—In-
5 dian tribes receiving grants under section 5306(a)(1) of
6 this title (section 106(a)(1) of this Act) shall be authorized
7 to carry out activities described in subsection (a)(15) di-
8 rectly.”.

9 SEC. 245. Of the amounts made available under the
10 heading “Project-Based Rental Assistance” in prior Acts,
11 up to \$1,300,000 may be transferred to Treasury Account
12 86–X–0148 for the liquidation of obligations incurred in
13 fiscal year 2018 in connection with the continued provision
14 of interest reduction payments authorized under section
15 236 of the National Housing Act (12 U.S.C. 1715z–1).

16 SEC. 246. Except as otherwise provided in this Act,
17 none of the funds provided in this title, provided by pre-
18 vious appropriations Acts to the Department of Housing
19 and Urban Development that remain available for obliga-
20 tion or expenditure in fiscal year 2023, or provided from
21 any accounts in the Treasury derived by the collection of
22 fees and available to the Department of Housing and
23 Urban Development, shall be available for obligation or
24 expenditure through a reprogramming of funds that—

1 (1) For Program and Information Technology
2 funds—

3 (A) initiates or creates a new program,
4 project, or activity;

5 (B) eliminates a program, project, or activ-
6 ity;

7 (C) increases funds for any program,
8 project, or activity for which funds have been
9 denied or restricted by the Congress;

10 (D) proposes to use funds directed for a
11 specific activity by either the House or Senate
12 Committees on Appropriations for a different
13 purpose;

14 (E) augments existing programs, projects,
15 or activities in excess of \$5,000,000 or 10 per-
16 cent, whichever is less; or

17 (F) reduces existing programs, projects, or
18 activities by \$5,000,000 or 10 percent which-
19 ever is less;

20 (2) For Salaries and Expenses funds—

21 (A) assigns personnel or hires to support
22 the creation of a new program, project, or activ-
23 ity not previously included in the President's
24 budget;

1 (B) increases the personnel or other re-
2 sources for any program, project, or activity for
3 which funds have been denied or restricted by
4 the Congress;

5 (C) relocates or closes an office; or

6 (D) creates, reorganizes or restructures an
7 office, division, branch, board or administration,
8 which shall include the transfer of any function
9 from one organizational unit to another organi-
10 zational unit;

11 unless prior written notification is provided to, and ap-
12 proval is received from the House and Senate Committees
13 on Appropriations.

14 SEC. 247. Not later than 60 days after the date of
15 enactment of this Act, the Department of Housing and
16 Urban Development shall submit a report to the Commit-
17 tees on Appropriations of the Senate and of the House
18 of Representatives to establish the baseline for application
19 of reprogramming and transfer authorities for the current
20 fiscal year: *Provided*, That the report shall include—

21 (1) a table for each appropriation with a sepa-
22 rate column to display the prior year enacted level,
23 the President's budget request, adjustments made by
24 Congress, adjustments due to enacted rescissions, if
25 appropriate, and the fiscal year enacted level;

1 (2) for program and information technology
2 funds, a delineation in the table for each appropria-
3 tion and its respective prior year enacted level by
4 program, project, and activity as detailed in this
5 Act, the explanatory statement accompanying this
6 Act, accompanying reports of the House and Senate
7 Committees on Appropriations, or the budget appen-
8 dix for the respective appropriation, whichever is
9 more detailed, and shall apply to all items for which
10 a dollar amount is specified and to all new programs
11 for which new budget authority is provided;

12 (3) for salaries and expenses funds, an organi-
13 zational chart for each office that includes detail to
14 the branch level, and clearly identifies those “organi-
15 zational units” to which paragraph (2) shall be ap-
16 plied; and

17 (4) an identification of items of special congres-
18 sional interest.

19 SEC. 248. The Secretary shall comply with all process
20 requirements, including public notice and comment, when
21 seeking to revise any annual contributions contract.

22 SEC. 249. None of the funds appropriated or other-
23 wise made available in this or prior Acts may be used by
24 the Department to carry out customer experience activities

1 within the Office of the Assistant Chief Financial Officer
2 for Budget.

3 SEC. 250. For an additional amount for “Long-Term
4 Disaster Recovery Fund”, \$1,447,000,000, to remain
5 available until expended, for grants for the Community
6 Development Block Grant Disaster Recovery Program
7 under section 123 of the Housing and Community Devel-
8 opment Act of 1974, as added by section 506 of title V
9 of this Act, to respond to current or future major disasters
10 declared under section 401 of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 5179): *Provided*, That such amount is designated by the
13 Congress as being for an emergency requirement pursuant
14 to section 4001(a)(1) of S. Con. Res. 14 (117th Con-
15 gress), the concurrent resolution on the budget for fiscal
16 year 2022, and section 1(e) of H. Res. 1151 (117th Con-
17 gress), as engrossed in the House of Representatives on
18 June 8, 2022.

19 This title may be cited as the “Department of Hous-
20 ing and Urban Development Appropriations Act, 2023”.

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 (29 U.S.C. 792), \$9,850,000: *Provided*, That, notwith-
8 standing any other provision of law, there may be credited
9 to this appropriation funds received for publications and
10 training 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. 46107),
16 including services as authorized by section 3109 of title
17 5, United States Code; hire of passenger motor vehicles
18 as authorized by section 1343(b) of title 31, United States
19 Code; and uniforms or allowances therefore, as authorized
20 by sections 5901 and 5902 of title 5, United States Code,
21 \$38,260,000, of which \$2,000,000 shall remain available
22 until September 30, 2024: *Provided*, That not to exceed
23 \$3,500 shall be for official reception and representation
24 expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978 (5 U.S.C. App. 3), \$27,720,000: *Provided*, That
8 the Inspector General shall have all necessary authority,
9 in carrying out the duties specified in such Act, to inves-
10 tigate allegations of fraud, including false statements to
11 the Government under section 1001 of title 18, United
12 States Code, by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the National Railroad

1 Passenger Corporation: *Provided further*, That concurrent
2 with the President's budget request for fiscal year 2024,
3 the Inspector General shall submit to the House and Sen-
4 ate Committees on Appropriations a budget request for
5 fiscal year 2024 in similar format and substance to budget
6 requests submitted by executive agencies of the Federal
7 Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by section 3109
13 of title 5, United States Code, but at rates for individuals
14 not to exceed the per diem rate equivalent to the rate for
15 a GS-15; uniforms, or allowances therefor, as authorized
16 by sections 5901 and 5902 of title 5, United States Code,
17 \$129,300,000, of which not to exceed \$2,000 may be used
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the amounts made available to the National
20 Transportation Safety Board in this Act include amounts
21 necessary to make lease payments on an obligation in-
22 curred in fiscal year 2001 for a capital lease.

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$166,000,000: *Provided,*
8 That an additional \$4,000,000, to remain available until
9 September 30, 2026, shall be for the promotion and devel-
10 opment of shared equity housing models.

11 SURFACE TRANSPORTATION BOARD
12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by section
15 3109 of title 5, United States Code, \$41,429,000: *Pro-*
16 *vided,* That, notwithstanding any other provision of law,
17 not to exceed \$1,250,000 from fees established by the Sur-
18 face Transportation Board shall be credited to this appro-
19 priation as offsetting collections and used for necessary
20 and authorized expenses under this heading: *Provided fur-*
21 *ther,* That the amounts made available under this heading
22 from the general fund shall be reduced on a dollar-for-
23 dollar basis as such offsetting collections are received dur-
24 ing fiscal year 2023, to result in a final appropriation from
25 the general fund estimated at not more than \$40,179,000.

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, \$4,000,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

1
2
3 SEC. 401. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 402. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 403. The expenditure of any appropriation
13 under this Act for any consulting service through a pro-
14 curement contract pursuant to section 3109 of title 5,
15 United States Code, shall be limited to those contracts
16 where such expenditures are a matter of public record and
17 available for public inspection, except where otherwise pro-
18 vided under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 404. (a) None of the funds made available in
21 this Act may be obligated or expended for any employee
22 training that—

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

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

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

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

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

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

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in titles I or III of this Act,
20 provided by previous appropriations Acts to the agencies
21 or entities in titles I or III of this Act that remain avail-
22 able for obligation or expenditure in fiscal year 2023, or
23 provided from any accounts in the Treasury derived by
24 the collection of fees and available to the agencies funded
25 by titles I or III of this Act, shall be available for obliga-

1 tion or expenditure through a reprogramming of funds
2 that—

3 (1) creates a new program;

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

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

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

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

14 (6) reduces existing programs, projects, or ac-
15 tivities by \$5,000,000 or 10 percent, whichever is
16 less; or

17 (7) creates, reorganizes, or restructures a
18 branch, division, office, bureau, board, commission,
19 agency, administration, or department different from
20 the budget justifications submitted to the Commit-
21 tees on Appropriations or the table accompanying
22 the explanatory statement accompanying this Act,
23 whichever is more detailed;

24 unless prior approval is received from the House and Sen-
25 ate Committees on Appropriations: *Provided*, That not

1 later than 60 days after the date of enactment of this Act,
2 agencies funded by title I or III of this Act shall submit
3 a report to the Committees on Appropriations of the Sen-
4 ate and of the House of Representatives to establish the
5 baseline for application of reprogramming and transfer
6 authorities for the current fiscal year: *Provided further*,
7 That the report shall include—

8 (A) a table for each appropriation with a sepa-
9 rate column to display the prior year enacted level,
10 the President’s budget request, adjustments made by
11 Congress, adjustments due to enacted rescissions, if
12 appropriate, and the fiscal year enacted level;

13 (B) a delineation in the table for each appro-
14 priation and its respective prior year enacted level by
15 object class and program, project, and activity as de-
16 tailed in this Act, the table accompanying the ex-
17 planatory statement accompanying this Act, accom-
18 panying reports of the House and Senate Committee
19 on Appropriations, or in the budget appendix for the
20 respective appropriations, whichever is more de-
21 tailed, and shall apply to all items for which a dollar
22 amount is specified and to all programs for which
23 new budget (obligational) authority is provided, as
24 well as to discretionary grants and discretionary
25 grant allocations; and

1 (C) an identification of items of special congres-
2 sional interest.

3 SEC. 406. Except as otherwise specifically provided
4 by law, not to exceed 50 percent of unobligated balances
5 remaining available at the end of fiscal year 2023 from
6 appropriations made available for salaries and expenses
7 for fiscal year 2023 in this Act, shall remain available
8 through September 30, 2024, for each such account for
9 the purposes authorized: *Provided*, That a request shall
10 be submitted to the House and Senate Committees on Ap-
11 propriations for approval prior to the expenditure of such
12 funds: *Provided further*, That these requests shall be made
13 in compliance with reprogramming guidelines under sec-
14 tions 246 and 405 of this Act.

15 SEC. 407. No funds in this Act may be used to sup-
16 port any Federal, State, or local projects that seek to use
17 the power of eminent domain, unless eminent domain is
18 employed only for a public use: *Provided*, That for pur-
19 poses of this section, public use shall not be construed to
20 include economic development that primarily benefits pri-
21 vate entities: *Provided further*, That any use of funds for
22 mass transit, railroad, airport, seaport or highway
23 projects, as well as utility projects which benefit or serve
24 the general public (including energy-related, communica-
25 tion-related, water-related and wastewater-related infra-

1 structure), other structures designated for use by the gen-
2 eral public or which have other common-carrier or public-
3 utility functions that serve the general public and are sub-
4 ject to regulation and oversight by the government, and
5 projects for the removal of an immediate threat to public
6 health and safety or brownfields as defined in the Small
7 Business Liability Relief and Brownfields Revitalization
8 Act (Public Law 107–118) shall be considered a public
9 use for purposes of eminent domain.

10 SEC. 408. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government, except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this Act or any other appropriations Act.

15 SEC. 409. No funds appropriated pursuant to this
16 Act may be expended by an entity unless the entity agrees
17 that in expending the assistance the entity will comply
18 with sections 2 through 4 of the Act of March 3, 1933
19 (41 U.S.C. 8301–8305, popularly known as the “Buy
20 American Act”).

21 SEC. 410. No funds appropriated or otherwise made
22 available under this Act shall be made available to any
23 person or entity that has been convicted of violating the
24 Buy American Act (41 U.S.C. 8301–8305).

1 SEC. 411. None of the funds made available in this
2 Act may be used for first-class airline accommodations in
3 contravention of sections 301–10.122 and 301–10.123 of
4 title 41, Code of Federal Regulations.

5 SEC. 412. None of the funds made available in this
6 Act may be used to send or otherwise pay for the attend-
7 ance of more than 50 employees of a single agency or de-
8 partment of the United States Government, who are sta-
9 tioned in the United States, at any single international
10 conference unless the relevant Secretary reports to the
11 House and Senate Committees on Appropriations at least
12 5 days in advance that such attendance is important to
13 the national interest: *Provided*, That for purposes of this
14 section the term “international conference” shall mean a
15 conference occurring outside of the United States attended
16 by representatives of the United States Government and
17 of foreign governments, international organizations, or
18 nongovernmental organizations.

19 SEC. 413. None of the funds appropriated or other-
20 wise made available under this Act may be used by the
21 Surface Transportation Board to charge or collect any fil-
22 ing fee for rate or practice complaints filed with the Board
23 in an amount in excess of the amount authorized for dis-
24 trict court civil suit filing fees under section 1914 of title
25 28, United States Code.

1 SEC. 414. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

5 (b) Nothing in subsection (a) shall limit the use of
6 funds necessary for any Federal, State, tribal, or local law
7 enforcement agency or any other entity carrying out crimi-
8 nal investigations, prosecution, or adjudication activities.

9 SEC. 415. (a) None of the funds made available in
10 this Act may be used to deny an Inspector General funded
11 under this Act timely access to any records, documents,
12 or other materials available to the department or agency
13 over which that Inspector General has responsibilities
14 under the Inspector General Act of 1978 (5 U.S.C. App.),
15 or to prevent or impede that Inspector General's access
16 to such records, documents, or other materials, under any
17 provision of law, except a provision of law that expressly
18 refers to the Inspector General and expressly limits the
19 Inspector General's right of access.

20 (b) A department or agency covered by this section
21 shall provide its Inspector General with access to all such
22 records, documents, and other materials in a timely man-
23 ner.

24 (c) Each Inspector General shall ensure compliance
25 with statutory limitations on disclosure relevant to the in-

1 formation provided by the establishment over which that
2 Inspector General has responsibilities under the Inspector
3 General Act of 1978 (5 U.S.C. App.).

4 (d) Each Inspector General covered by this section
5 shall report to the Committees on Appropriations of the
6 House of Representatives and the Senate within 5 cal-
7 endar days any failures to comply with this requirement.

8 SEC. 416. None of the funds appropriated or other-
9 wise made available by this Act may be used to pay award
10 or incentive fees for contractors whose performance has
11 been judged to be below satisfactory, behind schedule, over
12 budget, or has failed to meet the basic requirements of
13 a contract, unless the Agency determines that any such
14 deviations are due to unforeseeable events, government-
15 driven scope changes, or are not significant within the
16 overall scope of the project and/or program unless such
17 awards or incentive fees are consistent with 16.401(e)(2)
18 of the Federal Acquisition Regulations.

19 SEC. 417. None of the funds made available by this
20 Act to the Department of Transportation may be used in
21 contravention of section 306108 of title 54, United States
22 Code.

23 SEC. 418. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any person
25 filling a position, other than a temporary position, for-

1 merly held by an employee who has left to enter the Armed
2 Forces of the United States and has satisfactorily com-
3 pleted his or her period of active military or naval service,
4 and has within 90 days after his or her release from such
5 service or from hospitalization continuing after discharge
6 for a period of not more than 1 year, made application
7 for restoration to his or her former position and has been
8 certified by the Office of Personnel Management as still
9 qualified to perform the duties of his or her former posi-
10 tion and has not been restored thereto.

11 SEC. 419. (a) None of the funds made available by
12 this Act may be used to approve a new foreign air carrier
13 permit under sections 41301 through 41305 of title 49,
14 United States Code, or exemption application under sec-
15 tion 40109 of that title of an air carrier already holding
16 an air operators certificate issued by a country that is
17 party to the U.S.-E.U.-Iceland-Norway Air Transport
18 Agreement where such approval would contravene United
19 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
20 way Air Transport Agreement.

21 (b) Nothing in this section shall prohibit, restrict or
22 otherwise preclude the Secretary of Transportation from
23 granting a foreign air carrier permit or an exemption to
24 such an air carrier where such authorization is consistent

1 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
2 ment and United States law.

1 TITLE V
2 REFORMING DISASTER RECOVERY ACT
3 SHORT TITLE

4 SEC. 501. This title may be cited as the “Reforming
5 Disaster Recovery Act”.

6 FINDINGS

7 SEC. 502. Congress finds that—

8 (1) following a major disaster declared by the
9 President under section 401 of the Robert T. Staf-
10 ford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5170), the subset of communities that
12 are most impacted and distressed as a result of the
13 disaster face critical social, economic, and environ-
14 mental obstacles to recovery, including insufficient
15 public and private resources to address disaster-re-
16 lated housing and community development needs for
17 lower income households and distressed commu-
18 nities;

19 (2) unmet disaster recovery needs, including
20 housing assistance needs, can be especially wide-
21 spread among persons with extremely low, low, and
22 moderate incomes;

23 (3) economic, social, and housing hardships
24 that affect communities before disasters are exacer-
25 bated during crises and can delay and complicate

1 long-term recovery, especially after catastrophic
2 major disasters;

3 (4) States, units of local government, and In-
4 dian Tribes within the most impacted and distressed
5 areas resulting from major disasters benefit from
6 flexibility to design programs that meet local needs,
7 but face inadequate financial, technical, and staffing
8 capacity to plan and carry out sustained recovery,
9 restoration, and mitigation activities;

10 (5) the speed and effectiveness considerations of
11 long-term recovery from catastrophic major disasters
12 is improved by predictable investments that support
13 disaster relief, long-term recovery, restoration of
14 housing and infrastructure, and economic revitaliza-
15 tion, primarily for the benefit of low- and moderate-
16 income persons;

17 (6) undertaking activities that mitigate the ef-
18 fects of future natural disasters and extreme weath-
19 er and increase the stock of affordable housing, in-
20 cluding affordable rental housing, as part of long-
21 term recovery can significantly reduce future fiscal
22 and social costs, especially within high-risk areas,
23 and can help to address outstanding housing and
24 community development needs by creating jobs and
25 providing other economic and social benefits within

1 communities that further promote recovery and resil-
2 ience; and

3 (7) the general welfare and security of the na-
4 tion and the health and living standards of its people
5 require targeted resources to support State and local
6 governments in carrying out their responsibilities in
7 disaster recovery and mitigation through interim and
8 long-term housing and community development ac-
9 tivities that primarily benefit persons of low and
10 moderate income.

11 DEFINITIONS

12 SEC. 503. In this Act:

13 (1) DEPARTMENT.—The term “Department”
14 means the Department of Housing and Urban De-
15 velopment.

16 (2) FUND.—The term “Fund” means the
17 Long-Term Disaster Recovery Fund established
18 under section 505.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of Housing and Urban Development.

21 DUTIES OF THE DEPARTMENT OF HOUSING AND URBAN

22 DEVELOPMENT

23 SEC. 504. (a) IN GENERAL.—The offices and officers
24 of the Department shall be responsible for—

1 (1) leading and coordinating the disaster-re-
2 lated responsibilities of the Department under the
3 National Response Framework, the National Dis-
4 aster Recovery Framework, and the National Mitiga-
5 tion Framework;

6 (2) coordinating and administering programs,
7 policies, and activities of the Department related to
8 disaster relief, long-term recovery, resiliency, and
9 mitigation, including disaster recovery assistance
10 under title I of the Housing and Community Devel-
11 opment Act of 1974 (42 U.S.C. 5301 et seq.);

12 (3) supporting disaster-impacted communities
13 as those communities specifically assess, plan for,
14 and address the housing stock and housing needs in
15 the transition from emergency shelters and interim
16 housing to permanent housing of those displaced, es-
17 pecially among vulnerable populations and extremely
18 low-, low-, and moderate-income households;

19 (4) collaborating with the Federal Emergency
20 Management Agency, the Small Business Adminis-
21 tration, and across the Department to align disaster-
22 related regulations and policies, including incorpora-
23 tion of consensus-based codes and standards and in-
24 surance purchase requirements, and ensuring coordi-

1 nation and reducing duplication among other Fed-
2 eral disaster recovery programs;

3 (5) promoting best practices in mitigation and
4 land use planning, including consideration of tradi-
5 tional, natural, and nature-based infrastructure al-
6 ternatives;

7 (6) coordinating technical assistance, including
8 mitigation, resiliency, and recovery training and in-
9 formation on all relevant legal and regulatory re-
10 quirements, to entities that receive disaster recovery
11 assistance under title I of the Housing and Commu-
12 nity Development Act of 1974 (42 U.S.C. 5301 et
13 seq.) that demonstrate capacity constraints; and

14 (7) supporting State, Tribal, and local govern-
15 ments in developing, coordinating, and maintaining
16 their capacity for disaster resilience and recovery,
17 and developing pre-disaster recovery and hazard
18 mitigation plans, in coordination with the Federal
19 Emergency Management Agency and other Federal
20 agencies.

21 (b) ESTABLISHMENT OF THE OFFICE OF DISASTER
22 MANAGEMENT AND RESILIENCY.—Section 4 of the De-
23 partment of Housing and Urban Development Act (42
24 U.S.C. 3533) is amended by adding at the end the fol-
25 lowing:

1 “(i) OFFICE OF DISASTER MANAGEMENT AND RE-
2 SILIENCY.—

3 “(1) ESTABLISHMENT.—There is established,
4 in the Office of the Secretary, the Office of Disaster
5 Management and Resiliency.

6 “(2) DUTIES.—The Office of Disaster Manage-
7 ment and Resiliency shall—

8 “(A) be responsible for oversight and co-
9 ordination of all departmental disaster pre-
10 paredness and response responsibilities; and

11 “(B) coordinate with the Federal Emer-
12 gency Management Agency, the Small Business
13 Administration, and the Office of Community
14 Planning and Development and other offices of
15 the Department in supporting recovery and re-
16 silience activities to provide a comprehensive
17 approach in working with communities.”.

18 LONG-TERM DISASTER RECOVERY FUND

19 SEC. 505. (a) ESTABLISHMENT.—There is estab-
20 lished in the Treasury of the United States an account
21 to be known as the Long-Term Disaster Recovery Fund.

22 (b) DEPOSITS, TRANSFERS, AND CREDIT.—

23 (1) IN GENERAL.—The Fund shall consist of
24 amounts appropriated, transferred, and credited to
25 the Fund.

1 (2) TRANSFERS.—The following may be trans-
2 ferred to the Fund:

3 (A) Amounts made available through sec-
4 tion 106(c)(4) of the Housing and Community
5 Development Act of 1974 (42 U.S.C.
6 5306(c)(4)) as a result of actions taken under
7 section 104(e), 111, or 123(j) of such Act.

8 (B) Any unobligated balances available
9 until expended remaining or subsequently re-
10 captured from amounts appropriated for any
11 disaster and related purposes under the heading
12 “Community Development Fund” in any Act
13 prior to the establishment of the Fund.

14 (3) USE OF TRANSFERRED AMOUNTS.—
15 Amounts transferred to the Fund shall be used for
16 the eligible uses described in subsection (c).

17 (c) ELIGIBLE USES OF FUND.—

18 (1) IN GENERAL.—Amounts in the Fund shall
19 be available—

20 (A) to provide assistance in the form of
21 grants under section 123 of the Housing and
22 Community Development Act of 1974, as added
23 by section 506; and

24 (B) for activities of the Department that
25 support the provision of such assistance, includ-

1 ing necessary salaries and expenses, informa-
2 tion technology, capacity building and technical
3 assistance (including assistance related to pre-
4 disaster planning), and readiness and other pre-
5 disaster planning activities that are not readily
6 attributable to a single major disaster.

7 (2) SET ASIDE.—Of each amount appropriated
8 for or transferred to the Fund, 2 percent shall be
9 made available for activities described in paragraph
10 (1)(B), which shall be in addition to other amounts
11 made available for those activities.

12 (3) TRANSFER OF FUNDS.—Amounts made
13 available for use in accordance with paragraph (2)—

14 (A) may be transferred to the account
15 under the heading for “Program Offices—Com-
16 munity Planning and Development”, or any
17 successor account, for the Department to carry
18 out activities described in paragraph (1)(B);
19 and

20 (B) may be used for the activities de-
21 scribed in paragraph (1)(B) and for the admin-
22 istrative costs of administering any funds ap-
23 propriated to the Department under the head-
24 ing “Community Planning and Development—
25 Community Development Fund” for any major

1 disaster declared under section 401 of the Rob-
2 ert T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5170) in any Act be-
4 fore the establishment of the Fund.

5 (d) INTERCHANGEABILITY OF PRIOR ADMINISTRA-
6 TIVE AMOUNTS.—Any amounts appropriated in any Act
7 prior to the establishment of the Fund and transferred
8 to the account under the heading “Program Offices Sala-
9 ries and Expenses—Community Planning and Develop-
10 ment”, or any predecessor account, for the Department
11 for the costs of administering funds appropriated to the
12 Department under the heading “Community Planning and
13 Development—Community Development Fund” for any
14 major disaster declared under section 401 of the Robert
15 T. Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170) shall be available for the costs of admin-
17 istering any such funds provided by any prior or future
18 Act, notwithstanding the purposes for which those
19 amounts were appropriated and in addition to any amount
20 provided for the same purposes in other appropriations
21 Acts.

22 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-
23 priated, transferred and credited to the Fund shall remain
24 available until expended.

1 (f) FORMULA ALLOCATION.—Use of amounts in the
 2 Fund for grants shall be made by formula allocation in
 3 accordance with the requirements of section 123(a) of the
 4 Housing and Community Development Act of 1974, as
 5 added by section 506.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Fund such sums
 8 as may be necessary to respond to current or future major
 9 disasters declared under section 401 of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act
 11 (42 U.S.C. 5179) for grants under section 123 of the
 12 Housing and Community Development Act of 1974, as
 13 added by section 506.

14 ESTABLISHMENT OF CDBG DISASTER RECOVERY
 15 PROGRAM

16 SEC. 506. Title I of the Housing and Community De-
 17 velopment Act of 1974 (42 U.S.C. 5301 et seq.) is amend-
 18 ed—

19 (1) in section 102(a) (42 U.S.C. 5302(a))—

20 (A) in paragraph (20)—

21 (i) by redesignating subparagraph (B)
 22 as subparagraph (C);

23 (ii) in subparagraph (C), as so reded-
 24 icated, by inserting “or (B)” after “sub-
 25 paragraph (A)”; and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) The term ‘persons of extremely low
4 income’ means families and individuals whose
5 income levels do not exceed household income
6 levels determined by the Secretary under sec-
7 tion 3(b)(2) of the United States Housing Act
8 of 1937 (42 U.S.C. 1437a(b)(2)(C)), except
9 that the Secretary may provide alternative defi-
10 nitions for the Commonwealth of Puerto Rico,
11 Guam, the Commonwealth of the Northern
12 Mariana Islands, the United States Virgin Is-
13 lands, and American Samoa.”; and

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

15 “(25) The term ‘major disaster’ has the mean-
16 ing given the term in section 102 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5122).”;

19 (2) in section 106(c)(4) (42 U.S.C.
20 5306(c)(4))—

21 (A) in subparagraph (A)—

22 (i) by striking “declared by the Presi-
23 dent under the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act”;

1 (ii) inserting “States for use in non-
2 entitlement areas and to” before “metro-
3 politan cities”; and

4 (iii) inserting “major” after “affected
5 by the”;

6 (B) in subparagraph (C)—

7 (i) by striking “metropolitan city or”
8 and inserting “State, metropolitan city,
9 or”;

10 (ii) by striking “city or county” and
11 inserting “State, city, or county”; and

12 (iii) by inserting “major” before “dis-
13 aster”;

14 (C) in subparagraph (D), by striking “met-
15ropolitan cities and” and inserting “States,
16 metropolitan cities, and”;

17 (D) in subparagraph (F)—

18 (i) by striking “metropolitan city or”
19 and inserting “State, metropolitan city,
20 or”; and

21 (ii) by inserting “major” before “dis-
22 aster”; and

23 (E) in subparagraph (G), by striking “met-
24ropolitan city or” and inserting “State, metro-
25politan city, or”; and

1 (3) in section 122 (42 U.S.C. 5321), by striking
2 “disaster under title IV of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act” and
4 inserting “major disaster”; and

5 (4) by adding at the end the following:

6 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
7 **ASTER RECOVERY PROGRAM.**

8 “(a) AUTHORIZATION, FORMULA, AND ALLOCA-
9 TION.—

10 “(1) AUTHORIZATION.—The Secretary is au-
11 thorized to make community development block
12 grant disaster recovery grants from the Long-Term
13 Disaster Recovery Fund established under section
14 505 of the Reforming Disaster Recovery Act (herein-
15 after referred to as the ‘Fund’) for necessary ex-
16 penses for activities authorized under subsection
17 (f)(1) related to disaster relief, long-term recovery,
18 restoration of housing and infrastructure, economic
19 revitalization, and mitigation in the most impacted
20 and distressed areas resulting from a catastrophic
21 major disaster.

22 “(2) GRANT AWARDS.—Grants shall be awarded
23 under this section to States, units of general local
24 government, and Indian tribes based on capacity and
25 the concentration of damage, as determined by the

1 Secretary, to support the efficient and effective ad-
2 ministration of funds.

3 “(3) SECTION 106 ALLOCATIONS.—Grants
4 under this section shall not be considered relevant to
5 the formula allocations made pursuant to section
6 106.

7 “(4) FEDERAL REGISTER NOTICE.—

8 “(A) IN GENERAL.—Not later than 30
9 days after the date of enactment of this section,
10 the Secretary shall issue a notice in the Federal
11 Register containing the latest formula allocation
12 methodologies used to determine the total esti-
13 mate of unmet needs related to housing, eco-
14 nomic revitalization, and infrastructure in the
15 most impacted and distressed areas resulting
16 from a catastrophic major disaster.

17 “(B) PUBLIC COMMENT.—In the notice
18 issued under subparagraph (A), the Secretary
19 shall solicit public comments on—

20 “(i) the methodologies described in
21 subparagraph (A) and seek alternative
22 methods for formula allocation within a
23 similar total amount of funding;

24 “(ii) the impact of formula methodolo-
25 gies on rural areas and Tribal areas;

1 “(iii) adjustments to improve tar-
2 geting to the most serious needs;

3 “(iv) objective criteria for grantee ca-
4 pacity and concentration of damage to in-
5 form grantee determinations and minimum
6 allocation thresholds; and

7 “(v) research and data to inform an
8 additional amount to be provided for miti-
9 gation depending on type of disaster, which
10 shall be no more than 30 percent of the
11 total estimate of unmet needs.

12 “(5) REGULATIONS.—

13 “(A) IN GENERAL.—The Secretary shall,
14 by regulation, establish a formula to allocate as-
15 sistance from the Fund to the most impacted
16 and distressed areas resulting from a cata-
17 strophic major disaster.

18 “(B) FORMULA REQUIREMENTS.—The for-
19 mula established under subparagraph (A)
20 shall—

21 “(i) set forth criteria to determine
22 that a major disaster is catastrophic, which
23 criteria shall consider the presence of a
24 high concentration of damaged housing or
25 businesses that individual, State, Tribal,

1 and local resources could not reasonably be
2 expected to address without additional
3 Federal assistance, or other nationally en-
4 compassing data that the Secretary deter-
5 mines are adequate to assess relative im-
6 pact and distress across geographic areas.

7 “(ii) include a methodology for identi-
8 fying most impacted and distressed areas,
9 which shall consider unmet serious needs
10 related to housing, economic revitalization,
11 and infrastructure;

12 “(iii) include an allocation calculation
13 that considers the unmet serious needs re-
14 sulting from the catastrophic major dis-
15 aster and an additional amount up to 30
16 percent for activities to reduce risks of loss
17 resulting from other natural disasters in
18 the most impacted and distressed area, pri-
19 marily for the benefit of low- and mod-
20 erate-income persons, with particular focus
21 on activities that reduce repetitive loss of
22 property and critical infrastructure; and

23 “(iv) establish objective criteria for
24 periodic review and updates to the formula

1 to reflect changes in available science and
2 data.

3 “(C) MINIMUM ALLOCATION THRESH-
4 OLD.—The Secretary shall, by regulation, es-
5 tablish a minimum allocation threshold.

6 “(D) INTERIM ALLOCATION.—Until such
7 time that the Secretary issues final regulations
8 under this paragraph, the Secretary shall—

9 “(i) allocate assistance from the Fund
10 using the formula allocation methodology
11 published in accordance with paragraph
12 (4); and

13 “(ii) include an additional amount for
14 mitigation equal to 15 percent of the total
15 estimate of unmet need.

16 “(6) ALLOCATION OF FUNDS.—

17 “(A) IN GENERAL.—The Secretary shall—

18 “(i) except as provided in clause (ii),
19 not later than 90 days after the President
20 declares a major disaster, use best avail-
21 able data to determine whether the major
22 disaster is catastrophic and qualifies for
23 assistance under the formula in paragraph
24 (4) or (5), unless data is insufficient to
25 make this determination; and

1 “(ii) if the best available data is insuf-
2 ficient to make the determination required
3 under clause (i) within the 90-day period
4 described in that clause, the Secretary
5 shall determine whether the major disaster
6 qualifies when sufficient data becomes
7 available, but in no case shall the Sec-
8 retary make the determination later than
9 120 days after the declaration of the major
10 disaster.

11 “(B) ANNOUNCEMENT OF ALLOCATION.—
12 If amounts are available in the Fund at the
13 time the Secretary determines that the major
14 disaster is catastrophic and qualifies for assist-
15 ance under the formula in paragraph (4) or (5),
16 the Secretary shall immediately announce an al-
17 location for a grant under this section.

18 “(C) ADDITIONAL AMOUNTS.—If addi-
19 tional amounts are appropriated to the Fund
20 after amounts are allocated under subpara-
21 graph (B), the Secretary shall announce an al-
22 location or additional allocation (if a prior allo-
23 cation under subparagraph (B) was less than
24 the formula calculation) within 15 days of any
25 such appropriation.

1 “(7) PRELIMINARY FUNDING.—

2 “(A) IN GENERAL.—To speed recovery, the
3 Secretary is authorized to allocate and award
4 preliminary grants from the Fund before mak-
5 ing a determination under paragraph (6) if the
6 Secretary projects, based on a preliminary as-
7 sessment of impact and distress, that a major
8 disaster is catastrophic and would likely qualify
9 for funding under the formula in paragraph (4)
10 or (5).

11 “(B) AMOUNT.—

12 “(i) MAXIMUM.—The Secretary may
13 award preliminary funding under subpara-
14 graph (A) in an amount that is not more
15 than \$5,000,000.

16 “(ii) SLIDING SCALE.—The Secretary
17 shall, by regulation, establish a sliding
18 scale for preliminary funding awarded
19 under subparagraph (A) based on the size
20 of the preliminary assessment of impact
21 and distress.

22 “(C) USE OF FUNDS.—The uses of pre-
23 liminary funding awarded under subparagraph
24 (A) shall be limited to eligible activities that—

1 “(i) in the determination of the Sec-
2 retary, will support faster recovery, im-
3 prove the ability of the grantee to assess
4 unmet recovery needs, plan for the preven-
5 tion of improper payments, and reduce
6 fraud, waste, and abuse; and

7 “(ii) may include evaluating the in-
8 terim housing, permanent housing, and
9 supportive service needs of the disaster im-
10 pacted community, with special attention
11 to vulnerable populations, such as homeless
12 and low- to moderate-income households,
13 to inform the grantee action plan required
14 under subsection (c).

15 “(D) CONSIDERATION OF FUNDING.—Pre-
16 liminary funding awarded under subparagraph
17 (A)—

18 “(i) is not subject to the certification
19 requirements of paragraph (h)(1); and

20 “(ii) shall not be considered when cal-
21 culating the amount of the grant used for
22 administrative costs, technical assistance,
23 and planning activities that are subject to
24 the requirements under subsection (f)(2).

1 “(E) WAIVER.—To expedite the use of
2 preliminary funding for activities described in
3 this paragraph, the Secretary may waive re-
4 quirements of this section in accordance with
5 subsection (i).

6 “(F) AMENDED AWARD.—

7 “(i) IN GENERAL.—An award for pre-
8 liminary funding under subparagraph (A)
9 may be amended to add any subsequent
10 amount awarded because of a determina-
11 tion by the Secretary that a major disaster
12 is catastrophic and qualifies for assistance
13 under the formula.

14 “(ii) APPLICABILITY.—Notwith-
15 standing subparagraph (D), amounts pro-
16 vided by an amendment under clause (i)
17 are subject to the requirements under sub-
18 sections (h)(1) and (f)(1) and other re-
19 quirements on grant funds under this sec-
20 tion.

21 “(G) TECHNICAL ASSISTANCE.—Concur-
22 rent with the allocation of any preliminary
23 funding awarded under this paragraph, the Sec-
24 retary shall assign or provide technical assist-
25 ance to the recipient of the grant.

1 “(b) INTERCHANGEABILITY.—The Secretary—

2 “(1) is authorized to approve the use of grants
3 under this section to be used interchangeably and
4 without limitation for the same activities in the most
5 impacted and distressed areas resulting from a dec-
6 laration of another catastrophic major disaster that
7 qualifies for assistance under the formula estab-
8 lished under paragraph (4) or (5) of subsection (a);
9 and

10 “(2) shall establish requirements to expedite the
11 use of grants under this section for the purpose de-
12 scribed in paragraph (1).

13 “(c) GRANTEE PLANS.—

14 “(1) REQUIREMENT.—Not later than 90 days
15 after the date on which the Secretary announces a
16 grant allocation under this section, unless an exten-
17 sion is granted by the Secretary, the grantee shall
18 submit to the Secretary a plan for approval describ-
19 ing—

20 “(A) the activities the grantee will carry
21 out with the grant under this section;

22 “(B) the criteria of the grantee for award-
23 ing assistance and selecting activities;

24 “(C) how the use of the grant under this
25 section will address disaster relief, long-term re-

1 recovery, restoration of housing and infrastruc-
2 ture, economic revitalization, and mitigation in
3 the most impacted and distressed areas

4 “(D) how the use of the grant funds for
5 mitigation is consistent with hazard mitigation
6 plans submitted to the Federal Emergency
7 Management Agency under section 322 of the
8 Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5165);

10 “(E) the estimated amount proposed to be
11 used for activities that will benefit persons of
12 low- and moderate-income;

13 “(F) how the use of grant funds will repair
14 and replace existing housing stock for vulner-
15 able populations, including low- to moderate-in-
16 come households;

17 “(G) how the grantee will address the pri-
18 orities described in paragraph (5);

19 “(H) how uses of funds are proportional to
20 unmet needs, as required under paragraph (5);

21 “(I) for State grantees that plan to dis-
22 tribute grant amounts to units of general local
23 government, a description of the method of dis-
24 tribution; and

1 “(J) such other information as may be de-
2 termined by the Secretary in regulation.

3 “(2) PUBLIC CONSULTATION.—To permit pub-
4 lic examination and appraisal of the plan described
5 in paragraph (1), to enhance the public account-
6 ability of grantees, and to facilitate coordination of
7 activities with different levels of government, when
8 developing the plan or substantial amendments pro-
9 posed to the plan required under paragraph (1), a
10 grantee shall—

11 “(A) publish the plan before adoption;

12 “(B) provide citizens, affected units of
13 general local government, and other interested
14 parties with reasonable notice of, and oppor-
15 tunity to comment on, the plan, with a public
16 comment period of not less than 14 days;

17 “(C) consider comments received before
18 submission to the Secretary;

19 “(D) follow a citizen participation plan for
20 disaster assistance adopted by the grantee that,
21 at a minimum, provides for participation of
22 residents of the most impacted and distressed
23 area affected by the major disaster that re-
24 sulted in the grant under this section and other
25 considerations established by the Secretary; and

1 “(E) undertake any consultation with in-
2 terested parties as may be determined by the
3 Secretary in regulation.

4 “(3) APPROVAL.—The Secretary shall—

5 “(A) by regulation, specify criteria for the
6 approval, partial approval, or disapproval of a
7 plan submitted under paragraph (1), including
8 approval of substantial amendments to the
9 plan;

10 “(B) review a plan submitted under para-
11 graph (1) upon receipt of the plan;

12 “(C) allow a grantee to revise and resub-
13 mit a plan or substantial amendment to a plan
14 under paragraph (1) that the Secretary dis-
15 approves;

16 “(D) by regulation, specify criteria for
17 when the grantee shall be required to provide
18 the required revisions to a disapproved plan or
19 substantial amendment under paragraph (1) for
20 public comment prior to resubmission of the
21 plan or substantial amendment to the Sec-
22 retary; and

23 “(E) approve, partially approve, or dis-
24 approve a plan or substantial amendment under
25 paragraph (1) not later than 60 days after the

1 date on which the plan or substantial amend-
2 ment is received by the Secretary.

3 “(4) LOW- AND MODERATE-INCOME OVERALL
4 BENEFIT.—

5 “(A) USE OF FUNDS.—Not less than 70
6 percent of a grant made under this section shall
7 be used for activities that benefit persons of low
8 and moderate income unless the Secretary—

9 “(i) specifically finds that—

10 “(I) there is compelling need to
11 reduce the percentage for the grant;
12 and

13 “(II) the housing needs of low-
14 and moderate-income residents have
15 been addressed; and

16 “(ii) issues a waiver and alternative
17 requirements pursuant to subsection (i) to
18 lower the percentage.

19 “(B) REGULATIONS.—The Secretary shall,
20 by regulation, establish protocols consistent
21 with the findings of section 502 of the Reform-
22 ing Disaster Recovery Act to prioritize the use
23 of funds by a grantee under this section to meet
24 the needs of low- and moderate-income persons

1 and businesses serving primarily persons of low
2 and moderate income.

3 “(5) PRIORITIZATION.—The grantee shall
4 prioritize activities that—

5 “(A) assist persons with extremely low,
6 low, and moderate incomes and other vulnerable
7 populations to better recover from and with-
8 stand future disasters, emphasizing those with
9 the most severe needs;

10 “(B) address affordable housing, including
11 affordable rental housing, needs arising from a
12 disaster or those needs present prior to a dis-
13 aster;

14 “(C) prolong the life of housing and infra-
15 structure;

16 “(D) use cost-effective means of preventing
17 harm to people and property and incorporate
18 protective features, redundancies, energy sav-
19 ings; and

20 “(E) other measures that will assure the
21 continuation of critical services during future
22 disasters.

23 “(6) PROPORTIONAL ALLOCATION.—

24 “(A) IN GENERAL.—A grantee under this
25 section shall allocate grant funds proportional

1 to unmet needs between housing activities, eco-
2 nomic revitalization, and infrastructure, unless
3 the Secretary—

4 “(i) specifically finds that—

5 “(I) there is a compelling need
6 for a disproportional allocation among
7 those unmet needs; and

8 “(II) the disproportional alloca-
9 tion described in subclause (I) is not
10 inconsistent with the requirements
11 under paragraph (4); and

12 “(ii) issues a waiver and alternative
13 requirement pursuant to subsection (i) to
14 allow for the disproportional allocation de-
15 scribed in clause (i)(I).

16 “(B) HOUSING ACTIVITIES.—With respect
17 to housing activities described in subparagraph
18 (A)(i), grantees should address proportional
19 needs between homeowners and renters, includ-
20 ing low-income households in public housing
21 and federally subsidized housing.

22 “(7) DISASTER RISK MITIGATION.—

23 “(A) DEFINITION.—In this paragraph, the
24 term ‘hazard-prone areas’—

1 “(i) means areas identified by the
2 Secretary, in consultation with the Admin-
3 istrator of the Federal Emergency Man-
4 agement Agency, at risk from natural haz-
5 ards that threaten property damage or
6 health, safety, and welfare, such as floods,
7 wildfires (including Wildland-Urban Inter-
8 face areas), earthquakes, lava inundation,
9 tornados, and high winds; and

10 “(ii) includes areas having special
11 flood hazards as identified under the Flood
12 Disaster Protection Act of 1973 (42
13 U.S.C. 4002 et seq.) or the National Flood
14 Insurance Act of 1968 (42 U.S.C. 4001 et
15 seq.).

16 “(B) HAZARD-PRONE AREAS.—The Sec-
17 retary, in consultation with the Administrator
18 of the Federal Emergency Management Agency,
19 shall establish minimum construction standards,
20 insurance purchase requirements, and other re-
21 quirements for the use of grant funds in haz-
22 ard-prone areas.

23 “(C) SPECIAL FLOOD HAZARDS.—For the
24 areas described in subparagraph (A)(ii), the in-
25 surance purchase requirements established

1 under subparagraph (B) shall meet or exceed
2 the requirements under section 102(a) of the
3 Flood Disaster Protection Act of 1973 (42
4 U.S.C. 4012a(a)).

5 “(D) CONSIDERATION OF FUTURE
6 RISKS.—The Secretary may consider future
7 risks to protecting property and health, safety,
8 and general welfare, and the likelihood of those
9 risks, when making the determination of or
10 modification to hazard-prone areas under this
11 paragraph.

12 “(8) RELOCATION.—

13 “(A) IN GENERAL.—The Uniform Reloca-
14 tion Assistance and Real Property Acquisition
15 Policies Act of 1970 (42 U.S.C. 4601 et seq.)
16 shall apply to activities assisted under this sec-
17 tion to the extent determined by the Secretary
18 in regulation, or as provided in waivers and al-
19 ternative requirements authorized in accordance
20 with subsection (i).

21 “(B) POLICY.—Each grantee under this
22 section shall establish a relocation assistance
23 policy that—

24 “(i) minimizes displacement and de-
25 scribes the benefits available to persons

1 displaced as a direct result of acquisition,
2 rehabilitation, or demolition in connection
3 with an activity that is assisted by a grant
4 under this section; and

5 “(ii) includes any appeal rights or
6 other requirements that the Secretary es-
7 tablishes by regulation.

8 “(d) CERTIFICATIONS.—Any grant under this section
9 shall be made only if the grantee certifies to the satisfac-
10 tion of the Secretary that—

11 “(1) the grantee is in full compliance with the
12 requirements under subsection (c)(2);

13 “(2) for grants other than grants to Indian
14 tribes, the grant will be conducted and administered
15 in conformity with the Civil Rights Act of 1964 (42
16 U.S.C. 2000a et seq.) and the Fair Housing Act (42
17 U.S.C. 3601 et seq.);

18 “(3) the projected use of funds has been devel-
19 oped so as to give maximum feasible priority to ac-
20 tivities that will benefit extremely low-, low-, and
21 moderate-income families and activities described in
22 subsection (c)(5), and may also include activities
23 that are designed to aid in the prevention or elimi-
24 nation of slum and blight to support disaster recov-
25 ery, meet other community development needs hav-

1 ing a particular urgency because existing conditions
2 pose a serious and immediate threat to the health or
3 welfare of the community where other financial re-
4 sources are not available to meet such needs, and al-
5 leviate future threats to human populations, critical
6 natural resources, and property that an analysis of
7 hazards shows are likely to result from natural dis-
8 asters in the future;

9 “(4) the grant funds shall principally benefit
10 persons of low and moderate income as described in
11 subsection (c)(4);

12 “(5) for grants other than grants to Indian
13 tribes, within 24 months of receiving a grant or at
14 the time of its 3 or 5-year update, whichever is soon-
15 er, the grantee will review and make modifications to
16 its non-disaster housing and community development
17 plans and strategies required by subsections (c) and
18 (m) of section 104 to reflect the disaster recovery
19 needs identified by the grantee and consistency with
20 the plan under subsection (c)(1);

21 “(6) the grantee will not attempt to recover any
22 capital costs of public improvements assisted in
23 whole or part under this section by assessing any
24 amount against properties owned and occupied by
25 persons of low and moderate income, including any

1 fee charged or assessment made as a condition of
2 obtaining access to such public improvements, un-
3 less—

4 “(A) funds received under this section are
5 used to pay the proportion of such fee or as-
6 sessment that relates to the capital costs of
7 such public improvements that are financed
8 from revenue sources other than under this
9 chapter; or

10 “(B) for purposes of assessing any amount
11 against properties owned and occupied by per-
12 sons of moderate income, the grantee certifies
13 to the Secretary that the grantee lacks suffi-
14 cient funds received under this section to com-
15 ply with the requirements of subparagraph (A);

16 “(7) the grantee will comply with the other pro-
17 visions of this title that apply to assistance under
18 this section and with other applicable laws;

19 “(8) the grantee will follow a relocation assist-
20 ance policy that includes any minimum requirements
21 identified by the Secretary; and

22 “(9) the grantee will adhere to construction
23 standards, insurance purchase requirements, and
24 other requirements for development in hazard-prone
25 areas described in subsection (c)(7).

1 “(e) PERFORMANCE REVIEWS AND REPORTING.—

2 “(1) IN GENERAL.—The Secretary shall, on not
3 less frequently than an annual basis, make such re-
4 views and audits as may be necessary or appropriate
5 to determine whether a grantee under this section
6 has—

7 “(A) carried out activities using grant
8 funds in a timely manner;

9 “(B) met the performance targets estab-
10 lished by paragraph (2);

11 “(C) carried out activities using grant
12 funds in accordance with the requirements of
13 this section, the other provisions of this title
14 that apply to assistance under this section, and
15 other applicable laws; and

16 “(D) a continuing capacity to carry out ac-
17 tivities in a timely manner.

18 “(2) PERFORMANCE TARGETS.—The Secretary
19 shall develop and make publicly available critical
20 performance targets for review, which shall include
21 spending thresholds for each year from the date on
22 which funds are obligated by the Secretary to the
23 grantee until such time all funds have been ex-
24 pended.

25 “(3) FAILURE TO MEET TARGETS.—

1 “(A) SUSPENSION.—If a grantee under
2 this section fails to meet 1 or more critical per-
3 formance targets under paragraph (2), the Sec-
4 retary may temporarily suspend the grant.

5 “(B) PERFORMANCE IMPROVEMENT
6 PLAN.—If the Secretary suspends a grant
7 under subparagraph (A), the Secretary shall
8 provide to the grantee a performance improve-
9 ment plan with the specific requirements needed
10 to lift the suspension within a defined time pe-
11 riod.

12 “(C) REPORT.—If a grantee fails to meet
13 the spending thresholds established under para-
14 graph (2), the grantee shall submit to the Sec-
15 retary, the appropriate committees of Congress,
16 and each member of Congress who represents a
17 district or State of the grantee a written report
18 identifying technical capacity, funding, or other
19 Federal or State impediments affecting the abil-
20 ity of the grantee to meet the spending thresh-
21 olds.

22 “(4) COLLECTION OF INFORMATION AND RE-
23 PORTING.—

24 “(A) REQUIREMENT TO REPORT.—A
25 grantee under this section shall provide to the

1 Secretary such information as the Secretary
2 may determine necessary for adequate oversight
3 of the grant program under this section.

4 “(B) PUBLIC AVAILABILITY.—Subject to
5 subparagraph (D), the Secretary shall make in-
6 formation submitted under subparagraph (A)
7 available to the public and to the Inspector
8 General for the Department of Housing and
9 Urban Development, disaggregated by income,
10 geography, and all classes of individuals pro-
11 tected under section 109.

12 “(C) SUMMARY STATUS REPORTS.—To in-
13 crease transparency and accountability of the
14 grant program under this section the Secretary
15 shall, on not less frequently than an annual
16 basis, post on a public facing dashboard sum-
17 mary status reports for all active grants under
18 this section that includes—

19 “(i) the status of funds by activity;

20 “(ii) the percentages of funds allo-
21 cated and expended to benefit low- and
22 moderate-income communities;

23 “(iii) performance targets, spending
24 thresholds, and accomplishments; and

1 “(iv) other information the Secretary
2 determines to be relevant for transparency.

3 “(D) CONSIDERATIONS.—In carrying out
4 this paragraph, the Secretary—

5 “(i) shall take such actions as may be
6 necessary to ensure that personally identi-
7 fiable information regarding applicants for
8 assistance provided from funds made avail-
9 able under this section is not made publicly
10 available; and

11 “(ii) may make full and unredacted
12 information available to academic institu-
13 tions for the purpose of researching into
14 the equitable distribution of recovery funds
15 and adherence to civil rights protections.

16 “(f) ELIGIBLE ACTIVITIES.—

17 “(1) IN GENERAL.—Activities assisted under
18 this section—

19 “(A) may include activities permitted
20 under section 105 or other activities permitted
21 by the Secretary by waiver or alternative re-
22 quirement pursuant to subsection (i); and

23 “(B) shall be related to disaster relief,
24 long-term recovery, restoration of housing and
25 infrastructure, economic revitalization, and

1 mitigation in the most impacted and distressed
2 areas resulting from the major disaster for
3 which the grant was awarded.

4 “(2) PROHIBITION.—Grant funds under this
5 section may not be used for costs reimbursable by,
6 or for which funds have been made available by, the
7 Federal Emergency Management Agency or the
8 United States Army Corps of Engineers.

9 “(3) ADMINISTRATIVE COSTS, TECHNICAL AS-
10 SISTANCE AND PLANNING.—

11 “(A) IN GENERAL.—The Secretary shall
12 establish in regulation the maximum grant
13 amounts a grantee may use for administrative
14 costs, technical assistance and planning activi-
15 ties, taking into consideration size of grant,
16 complexity of recovery, and other factors as de-
17 termined by the Secretary, but not to exceed 10
18 percent for administration and 20 percent in
19 total.

20 “(B) AVAILABILITY.—Amounts available
21 for administrative costs for a grant under this
22 section shall be available for eligible administra-
23 tive costs of the grantee for any grant made
24 under this section, without regard to a par-
25 ticular disaster.

1 “(4) PROGRAM INCOME.—Notwithstanding any
2 other provision of law, any grantee under this sec-
3 tion may retain program income that is realized
4 from grants made by the Secretary under this sec-
5 tion if the grantee agrees that the grantee will uti-
6 lize the program income in accordance with the re-
7 quirements for grants under this section, except that
8 the Secretary may—

9 “(A) by regulation, exclude from consider-
10 ation as program income any amounts deter-
11 mined to be so small that compliance with this
12 paragraph creates an unreasonable administra-
13 tive burden on the grantee; or

14 “(B) permit the grantee to transfer re-
15 maining program income to the other grants of
16 the grantee under this title upon closeout of the
17 grant.

18 “(5) PROHIBITION ON USE OF ASSISTANCE FOR
19 EMPLOYMENT RELOCATION ACTIVITIES.—

20 “(A) IN GENERAL.—Grants under this sec-
21 tion may not be used to assist directly in the
22 relocation of any industrial or commercial plant,
23 facility, or operation, from one area to another
24 area, if the relocation is likely to result in a sig-

1 nificant loss of employment in the labor market
2 area from which the relocation occurs.

3 “(B) APPLICABILITY.—The prohibition
4 under subparagraph (A) shall not apply to a
5 business that was operating in the disaster-de-
6 clared labor market area before the incident
7 date of the applicable disaster and has since
8 moved, in whole or in part, from the affected
9 area to another State or to a labor market area
10 within the same State to continue business.

11 “(6) REQUIREMENTS.—Grants under this sec-
12 tion are subject to the requirements of this section,
13 the other provisions of this title that apply to assist-
14 ance under this section, and other applicable laws,
15 unless modified by waivers and alternative require-
16 ments in accordance with subsection (i).

17 “(g) ENVIRONMENTAL REVIEW.—

18 “(1) ADOPTION.—A recipient of funds provided
19 under this section that uses the funds to supplement
20 Federal assistance provided under section 402, 403,
21 404, 406, 407, 408(c)(4), 428, or 502 of the Robert
22 T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172,
24 5173, 5174(c)(4), 5189f, 5192) may adopt, without
25 review or public comment, any environmental review,

1 approval, or permit performed by a Federal agency,
2 and that adoption shall satisfy the responsibilities of
3 the recipient with respect to the environmental re-
4 view, approval, or permit under section 104(g)(1).

5 “(2) APPROVAL OF RELEASE OF FUNDS.—Not-
6 withstanding section 104(g)(2), the Secretary or a
7 State may, upon receipt of a request for release of
8 funds and certification, immediately approve the re-
9 lease of funds for an activity or project to be as-
10 sisted under this section if the recipient has adopted
11 an environmental review, approval, or permit under
12 paragraph (1) or the activity or project is categori-
13 cally excluded from review under the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
15 seq.).

16 “(3) UNITS OF GENERAL LOCAL GOVERN-
17 MENT.—The provisions of section 104(g)(4) shall
18 apply to assistance under this section that a State
19 distributes to a unit of general local government.

20 “(h) FINANCIAL CONTROLS AND PROCEDURES.—

21 “(1) IN GENERAL.—The Secretary shall develop
22 requirements and procedures to demonstrate that a
23 grantee under this section—

24 “(A) has adequate financial controls and
25 procurement processes;

1 “(B) has adequate procedures to detect
2 and prevent fraud, waste, abuse and duplication
3 of benefit; and

4 “(C) maintains a comprehensive and pub-
5 licly accessible website.

6 “(2) CERTIFICATION.—Before making a grant
7 under this section, the Secretary shall certify that
8 the grantee has in place proficient processes and
9 procedures to comply with the requirements devel-
10 oped under paragraph (1), as determined by the
11 Secretary.

12 “(3) COMPLIANCE BEFORE ALLOCATION.—The
13 Secretary may permit a State, unit of general local
14 government, or Indian tribe to demonstrate compli-
15 ance with the requirements for adequate financial
16 controls developed under paragraph (1) before a dis-
17 aster occurs and before receiving an allocation for a
18 grant under this section.

19 “(4) DUPLICATION OF BENEFITS.—

20 “(A) IN GENERAL.—Funds made available
21 under this subsection shall be used in accord-
22 ance with section 312 of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5155), as amended by section 1210
25 of the Disaster Recovery Reform Act of 2018

1 (division D of Public Law 115–254), and such
2 rules as may be prescribed under such section
3 312.

4 “(B) PENALTIES.—In any case in which
5 the use of grant funds under this section results
6 in a prohibited duplication of benefits, the
7 grantee shall—

8 “(i) apply an amount equal to the
9 identified duplication to any allowable costs
10 of the award consistent with actual, imme-
11 diate cash requirement;

12 “(ii) remit any excess amounts to the
13 Secretary to be credited to the obligated,
14 undisbursed balance of the grant con-
15 sistent with requirements on Federal pay-
16 ments applicable to such grantee; and

17 “(iii) if excess amounts under clause
18 (ii) are identified after the period of per-
19 formance or after the closeout of the
20 award, remit such amounts to the Sec-
21 retary to be credited to the Fund.

22 “(C) FAILURE TO COMPLY.—Any grantee
23 provided funds under this subsection or from
24 prior Appropriations Acts under the heading
25 ‘Community Development Fund’ for purposes

1 related to major disasters that fails to comply
2 with section 312 of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act
4 shall be subject to remedies for noncompliance
5 under section 111, unless the Secretary pub-
6 lishes a determination in the Federal Register
7 that it is not in the best interest of the Federal
8 Government to pursue remedial actions.

9 “(i) WAIVERS.—

10 “(1) IN GENERAL.—In administering grants
11 under this section, the Secretary may waive, or
12 specify alternative requirements for, any provision of
13 any statute or regulation that the Secretary admin-
14 isters in connection with the obligation by the Sec-
15 retary or the use by the grantee of those funds (ex-
16 cept for requirements related to fair housing, non-
17 discrimination, labor standards, the environment,
18 and the requirements of this section that do not ex-
19 pressly authorize modifications by waiver or alter-
20 native requirement), if the Secretary makes a public
21 finding that good cause exists for the waiver or al-
22 ternative requirement and the waiver or alternative
23 requirement would not be inconsistent with the find-
24 ings in section 502 of the Reforming Disaster Re-
25 covery Act.

1 “(2) EFFECTIVE DATE.—A waiver or alter-
2 native requirement described in paragraph (1) shall
3 not take effect before the date that is 5 days after
4 the date of publication of the waiver or alternative
5 requirement on the website of the Department of
6 Housing and Urban Development or the effective
7 date for any regulation published in the Federal
8 Register.

9 “(3) PUBLIC NOTIFICATION.—The Secretary
10 shall notify the public of all waivers described in
11 paragraph (1) in accordance with the requirements
12 of section 7(q)(3) of the Department of Housing and
13 Urban Development Act (42 U.S.C. 3535(q)(3)).

14 “(j) UNUSED AMOUNTS.—

15 “(1) DEADLINE TO USE AMOUNTS.—A grantee
16 under this section shall use an amount equal to the
17 grant within 6 years beginning on the date on which
18 the Secretary obligates the amounts to the grantee,
19 as such period may be extended under paragraph
20 (4).

21 “(2) RECAPTURE.—The Secretary shall recap-
22 ture and credit to the Fund any amount that is un-
23 used by a grantee under this section upon the earlier
24 of—

1 “(A) the date on which the grantee notifies
2 the Secretary that the grantee has completed all
3 activities identified in the disaster grantee’s
4 plan under subsection (c); or

5 “(B) the expiration of the 6-year period
6 described in paragraph (1), as such period may
7 be extended under paragraph (4).

8 “(3) RETENTION OF FUNDS.—Notwithstanding
9 paragraph (1), the Secretary may allow a grantee
10 under this section to retain—

11 “(A) amounts needed to close out grants;
12 and

13 “(B) up to 10 percent of the remaining
14 funds to support maintenance of the minimal
15 capacity to launch a new program in the event
16 of a future disaster and to support pre-disaster
17 long-term recovery and mitigation planning.

18 “(4) EXTENSION OF PERIOD FOR USE OF
19 FUNDS.—The Secretary may extend the 6-year pe-
20 riod described in paragraph (1) by not more than 4
21 years, or not more than 6 years for mitigation activi-
22 ties, if—

23 “(A) the grantee submits to the Sec-
24 retary—

1 and Community Development Act of 1974, as added by
2 section 506.

3 COORDINATION OF DISASTER RECOVERY ASSISTANCE,
4 BENEFITS, AND DATA WITH OTHER FEDERAL AGENCIES

5 SEC. 508. (a) COORDINATION OF DISASTER RECOV-
6 ERY ASSISTANCE.—In order to ensure a comprehensive
7 approach to Federal disaster relief, long-term recovery,
8 restoration of housing and infrastructure, economic revi-
9 talization, and mitigation in the most impacted and dis-
10 tressed areas resulting from a catastrophic major disaster,
11 the Secretary shall coordinate with the Federal Emer-
12 gency Management Agency, to the greatest extent prac-
13 ticable, in the implementation of assistance authorized
14 under section 123 of the Housing and Community Devel-
15 opment Act of 1974, as added by section 506.

16 (b) DATA SHARING AGREEMENTS.—To support the
17 coordination of data to prevent duplication of benefits with
18 other Federal disaster recovery programs while also expe-
19 diting recovery and reducing burden on disaster survivors,
20 the Department shall establish data sharing agreements
21 that safeguard privacy with relevant Federal agencies to
22 ensure disaster benefits effectively and efficiently reach in-
23 tended beneficiaries, while using effective means of pre-
24 venting harm to people and property.

1 (c) DATA TRANSFER FROM FEMA AND SBA TO
2 HUD.—As permitted and deemed necessary for efficient
3 program execution, and consistent with a computer match-
4 ing agreement entered into under subsection (f)(1), the
5 Administrator of the Federal Emergency Management
6 Agency and the Administrator of the Small Business Ad-
7 ministration shall provide data on disaster applicants to
8 the Department, including, when necessary, personally
9 identifiable information, disaster recovery needs, and re-
10 sources determined eligible for, and amounts expended, to
11 the Secretary for all major disasters declared by the Presi-
12 dent pursuant to section 401 of Robert T. Stafford Dis-
13 aster Relief and Emergency Assistance Act (42 U.S.C.
14 5170) for the purpose of providing additional assistance
15 to disaster survivors and prevent duplication of benefits.

16 (d) DATA TRANSFERS FROM HUD TO HUD GRANT-
17 EES.—The Secretary is authorized to provide to grantees
18 under section 123 of the Housing and Community Devel-
19 opment Act of 1974, as added by section 506, offices of
20 the Department, technical assistance providers, and lend-
21 ers information that in the determination of the Secretary
22 is reasonably available and appropriate to inform the pro-
23 vision of assistance after a major disaster, including infor-
24 mation provided to the Secretary by the Administrator of
25 the Federal Emergency Management Agency, the Admin-

1 istrator of the Small Business Administration, or other
2 Federal agencies.

3 (e) DATA TRANSFERS FROM HUD GRANTEES TO
4 HUD, FEMA, AND SBA.—

5 (1) REPORTING.—Grantees under section 123
6 of the Housing and Community Development Act of
7 1974, as added by section 506, shall report informa-
8 tion requested by the Secretary on households, busi-
9 nesses, and other entities assisted and the type of
10 assistance provided.

11 (2) SHARING INFORMATION.—The Secretary
12 shall share information collected under paragraph
13 (1) with the Federal Emergency Management Agen-
14 cy, the Small Business Administration, and other
15 Federal agencies to support the planning and deliv-
16 ery of disaster recovery and mitigation assistance.

17 (f) PRIVACY PROTECTION.—The Secretary may make
18 and receive data transfers authorized under this section,
19 including the use and retention of that data for computer
20 matching programs, to inform the provision of assistance,
21 assess disaster recovery needs, and prevent the duplication
22 of benefits and other waste, fraud, and abuse, provided
23 that—

24 (1) the Secretary enters a computer matching
25 agreement with the Administrator of the Federal

1 Emergency Management Agency, the Administrator
2 of the Small Business Administration, or other Fed-
3 eral agencies covering the transfer of data;

4 (2) the Secretary publishes intent to disclose
5 data in the Federal Register;

6 (3) notwithstanding paragraphs (1) and (2),
7 section 552a of title 5, United States Code (com-
8 monly known as the “Privacy Act of 1974”), or any
9 other law, the Secretary is authorized to share data
10 with an entity identified in subsection (d), and the
11 entity is authorized to use the data as described in
12 this section, if the Secretary enters a data sharing
13 agreement with the entity before sharing or receiving
14 any information under transfers authorized by this
15 section, which data sharing agreement shall—

16 (A) in the determination of the Secretary,
17 include measures adequate to safeguard the pri-
18 vacy and personally identifiable information of
19 individuals; and

20 (B) include provisions that describe how
21 the personally identifiable information of an in-
22 dividual will be adequately safeguarded and
23 protected, which requires consultation with the
24 Secretary and the head of each Federal agency

- 1 the data of which is being shared subject to the
- 2 agreement.

1 TITLE VI
2 NATIVE AMERICAN HOUSING ASSISTANCE AND
3 SELF-DETERMINATION ACT OF 2021

4 SHORT TITLE

5 SEC. 601. This title may be cited as the “Native
6 American Housing Assistance and Self-Determination Re-
7 authorization Act of 2021”.

8 CONSOLIDATION OF ENVIRONMENTAL REVIEW
9 REQUIREMENTS

10 SEC. 602. Section 105 of the Native American Hous-
11 ing Assistance and Self-Determination Act of 1996 (25
12 U.S.C. 4115) is amended by adding at the end the fol-
13 lowing:

14 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
15 REQUIREMENTS.—

16 “(1) IN GENERAL.—In the case of a recipient
17 of grant amounts under this Act that is carrying out
18 a project that qualifies as an affordable housing ac-
19 tivity under section 202, if the recipient is using 1
20 or more additional sources of Federal funds to carry
21 out the project, and the grant amounts received
22 under this Act constitute the largest single source of
23 Federal funds that the recipient reasonably expects
24 to commit to the project at the time of environ-
25 mental review, the Indian tribe of the recipient may

1 assume, in addition to all of the responsibilities for
2 environmental review, decision making, and action
3 under subsection (a), all of the additional respon-
4 sibilities for environmental review, decision making,
5 and action under provisions of law that would apply
6 to each Federal agency providing additional funding
7 were the Federal agency to carry out the project as
8 a Federal project.

9 “(2) DISCHARGE.—The assumption by the In-
10 dian tribe of the additional responsibilities for envi-
11 ronmental review, decision making, and action under
12 paragraph (1) with respect to a project shall be
13 deemed to discharge the responsibility of the applica-
14 ble Federal agency for environmental review, deci-
15 sion making, and action with respect to the project.

16 “(3) CERTIFICATION.—An Indian tribe that as-
17 sumes the additional responsibilities under para-
18 graph (1), shall certify, in addition to the require-
19 ments under subsection (c)—

20 “(A) the additional responsibilities that the
21 Indian tribe has fully carried out under this
22 subsection; and

23 “(B) that the certifying officer consents to
24 assume the status of a responsible Federal offi-
25 cial under the provisions of law that would

1 apply to each Federal agency providing addi-
2 tional funding under paragraph (1).

3 “(4) LIABILITY.—

4 “(A) IN GENERAL.—An Indian tribe that
5 completes an environmental review under this
6 subsection shall assume sole liability for the
7 content and quality of the review.

8 “(B) REMEDIES AND SANCTIONS.—Except
9 as provided in subparagraph (C), if the Sec-
10 retary approves a certification and release of
11 funds to an Indian tribe for a project in accord-
12 ance with subsection (b), but the Secretary or
13 the head of another Federal agency providing
14 funding for the project subsequently learns that
15 the Indian tribe failed to carry out the respon-
16 sibilities of the Indian tribe as described in sub-
17 section (a) or paragraph (1), as applicable, the
18 Secretary or other head, as applicable, may im-
19 pose appropriate remedies and sanctions in ac-
20 cordance with—

21 “(i) the regulations issued pursuant to
22 section 106; or

23 “(ii) such regulations as are issued by
24 the other head.

1 “(C) STATUTORY VIOLATION WAIVERS.—If
2 the Secretary waives the requirements under
3 this section in accordance with subsection (d)
4 with respect to a project for which an Indian
5 tribe assumes additional responsibilities under
6 paragraph (1), the waiver shall prohibit any
7 other Federal agency providing additional fund-
8 ing for the project from imposing remedies or
9 sanctions for failure to comply with require-
10 ments for environmental review, decision mak-
11 ing, and action under provisions of law that
12 would apply to the Federal agency.”.

13 AUTHORIZATION OF APPROPRIATIONS

14 SEC. 603. Section 108 of the Native American Hous-
15 ing Assistance and Self-Determination Act of 1996 (25
16 U.S.C. 4117) is amended, in the first sentence, by striking
17 “2009 through 2013” and inserting “2022 through
18 2032”.

19 STUDENT HOUSING ASSISTANCE

20 SEC. 604. Section 202(3) of the Native American
21 Housing Assistance and Self-Determination Act of 1996
22 (25 U.S.C. 4132(3)) is amended by inserting “including
23 education-related stipends, college housing assistance, and
24 other education-related assistance for low-income college
25 students,” after “self-sufficiency and other services,”.

1 APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR
2 OPERATED BY INDIAN TRIBE OR TRIBALLY DES-
3 IGNATED HOUSING ENTITY

4 SEC. 605. Section 203(a)(2) of the Native American
5 Housing Assistance and Self-Determination Act of 1996
6 (25 U.S.C. 4133(a)(2)) is amended by inserting “owned
7 or operated by a recipient and” after “residing in a dwell-
8 ing unit”.

9 PROGRAM REQUIREMENTS

10 SEC. 606. Section 203(a) of the Native American
11 Housing Assistance and Self-Determination Act of 1996
12 (25 U.S.C. 4133(a)) (as amended by section 5) is amend-
13 ed—

14 (1) in paragraph (1), by striking “paragraph
15 (2)” and inserting “paragraphs (2) and (3)”;

16 (2) by redesignating paragraph (2) as para-
17 graph (3);

18 (3) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) APPLICATION OF TRIBAL POLICIES.—
21 Paragraph (3) shall not apply if—

22 “(A) the recipient has a written policy gov-
23 erning rents and homebuyer payments charged
24 for dwelling units; and

1 for conversion to a homebuyer or a lease-pur-
 2 chase unit, that the current rental family can
 3 purchase through a contract of sale, lease-pur-
 4 chase agreement, or any other sales agreement,
 5 is made available for purchase only by the cur-
 6 rent rental family, if the rental family was a
 7 low-income family at the time of their initial oc-
 8 cupancy of such unit; and”;

9 (2) in subsection (c)—

10 (A) by striking “The provisions” and in-
 11 serting the following:

12 “(1) IN GENERAL.—The provisions”; and

13 (B) by adding at the end the following:

14 “(2) APPLICABILITY TO IMPROVEMENTS.—The
 15 provisions of subsection (a)(2) regarding binding
 16 commitments for the remaining useful life of prop-
 17 erty shall not apply to improvements of privately
 18 owned homes if the cost of the improvements do not
 19 exceed 10 percent of the maximum total develop-
 20 ment cost for the home.”.

21 LEASE REQUIREMENTS AND TENANT SELECTION

22 SEC. 609. Section 207 of the Native American Hous-
 23 ing Assistance and Self-Determination Act of 1996 (25
 24 U.S.C. 4137) is amended by adding at the end the fol-
 25 lowing:

1 STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN
2 EMERGENCIES

3 SEC. 611. Section 401(a)(4) of the Native American
4 Housing Assistance and Self-Determination Act of 1996
5 (25 U.S.C. 4161(a)(4)) is amended—

6 (1) in subparagraph (A), by striking “may take
7 an action described in paragraph (1)(C)” and insert-
8 ing “may immediately take an action described in
9 paragraph (1)(C)”; and

10 (2) by striking subparagraph (B) and inserting
11 the following:

12 “(B) PROCEDURAL REQUIREMENTS.—

13 “(i) IN GENERAL.—If the Secretary
14 takes an action described in subparagraph
15 (A), the Secretary shall provide notice to
16 the recipient at the time that the Secretary
17 takes that action.

18 “(ii) NOTICE REQUIREMENTS.—The
19 notice under clause (i) shall inform the re-
20 cipient that the recipient may request a
21 hearing by not later than 30 days after the
22 date on which the Secretary provides the
23 notice.

1 “(iii) HEARING REQUIREMENTS.—A
2 hearing requested under clause (ii) shall be
3 conducted—

4 “(I) in accordance with subpart
5 A of part 26 of title 24, Code of Fed-
6 eral Regulations (or successor regula-
7 tions); and

8 “(II) to the maximum extent
9 practicable, on an expedited basis.

10 “(iv) FAILURE TO CONDUCT A HEAR-
11 ING.—If a hearing requested under clause
12 (ii) is not completed by the date that is
13 180 days after the date on which the re-
14 cipient requests the hearing, the action of
15 the Secretary to limit the availability of
16 payments shall no longer be effective.”.

17 REPORTS TO CONGRESS

18 SEC. 612. Section 407 of the Native American Hous-
19 ing Assistance and Self-Determination Act of 1996 (25
20 U.S.C. 4167) is amended—

21 (1) in subsection (a), by striking “Congress”
22 and inserting “Committee on Indian Affairs and the
23 Committee on Banking, Housing and Urban Affairs
24 of the Senate and the Committee on Financial Serv-
25 ices of the House of Representatives”; and

1 (2) by adding at the end the following:

2 “(c) PUBLIC AVAILABILITY.—The report described in
3 subsection (a) shall be made publicly available, including
4 to recipients.”.

5 99-YEAR LEASEHOLD INTEREST IN TRUST OR
6 RESTRICTED LANDS FOR HOUSING PURPOSES

7 SEC. 613. Section 702 of the Native American Hous-
8 ing Assistance and Self-Determination Act of 1996 (25
9 U.S.C. 4211) is amended—

10 (1) in the section heading, by striking “**50-**
11 **YEAR**” and inserting “**99-YEAR**”;

12 (2) in subsection (b), by striking “50 years”
13 and inserting “99 years”; and

14 (3) in subsection (c)(2), by striking “50 years”
15 and inserting “99 years”.

16 AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE
17 HOUSING ACTIVITIES

18 SEC. 614. Section 802(e) of the Native American
19 Housing Assistance and Self-Determination Act of 1996
20 (25 U.S.C. 4222(e)) is amended by—

21 (1) by striking “The Director” and inserting
22 the following:

23 “(1) IN GENERAL.—The Director”; and

24 (2) by adding at the end the following:

1 “(2) SUBAWARDS.—Notwithstanding any other
2 provision of law, including provisions of State law
3 requiring competitive procurement, the Director may
4 make subawards to subrecipients, except for for-
5 profit entities, using amounts provided under this
6 title to carry out affordable housing activities upon
7 a determination by the Director that such subrecipi-
8 ents have adequate capacity to carry out activities in
9 accordance with this Act.”.

10 REAUTHORIZATION OF NATIVE HAWAIIAN

11 HOMEOWNERSHIP PROVISIONS

12 SEC. 615. Section 824 of the Native American Hous-
13 ing Assistance and Self-Determination Act of 1996 (25
14 U.S.C. 4243) is amended by striking “such sums as may
15 be necessary” and all that follows through the period at
16 the end and inserting “such sums as may be necessary
17 for each of fiscal years 2022 through 2032.”.

18 TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST

19 SEC. 616. Affordable housing (as defined in section
20 4 of the Native American Housing Assistance and Self-
21 Determination Act of 1996 (25 U.S.C. 4103)) that is de-
22 veloped, acquired, or assisted under the block grant pro-
23 gram established under section 101 of the Native Amer-
24 ican Housing Assistance and Self-Determination Act of
25 1996 (25 U.S.C. 4111) shall not exceed by more than 20

1 percent, without prior approval of the Secretary of Hous-
 2 ing and Urban Development, the total development cost
 3 maximum cost for all housing assisted under an affordable
 4 housing activity, including development and model activi-
 5 ties.

6 COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS

7 SEC. 617. Section 105 of the Housing and Commu-
 8 nity Development Act of 1974 (42 U.S.C. 5305) is amend-
 9 ed by adding at the end the following:

10 “(i) INDIAN TRIBES AND TRIBALLY DESIGNATED
 11 HOUSING ENTITIES AS COMMUNITY-BASED DEVELOP-
 12 MENT ORGANIZATIONS.—

13 “(1) DEFINITION.—In this subsection, the term
 14 ‘tribally designated housing entity’ has the meaning
 15 given the term in section 4 of the Native American
 16 Housing Assistance and Self-Determination Act of
 17 1996 (25 U.S.C. 4103).

18 “(2) QUALIFICATION.—An Indian tribe, a trib-
 19 ally designated housing entity, or a tribal organiza-
 20 tion shall qualify as a community-based development
 21 organization for purposes of carrying out new hous-
 22 ing construction under this subsection under a grant
 23 made under section 106(a)(1).”.

1 INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING
2 COUNSELING GRANTS

3 SEC. 618. Section 106(a)(4) of the Housing and
4 Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4))
5 is amended—

6 (1) in subparagraph (A)—

7 (A) by striking “and” and inserting a
8 comma; and

9 (B) by inserting before the period at the
10 end the following: “, Indian tribes, and tribally
11 designated housing entities”;

12 (2) in subparagraph (B), by inserting “, Indian
13 tribes, and tribally designated housing entities” after
14 “organizations”;

15 (3) by redesignating subparagraph (F) as sub-
16 paragraph (G); and

17 (4) by inserting after subparagraph (E) the fol-
18 lowing:

19 “(F) DEFINITIONS.—In this paragraph,
20 the terms ‘Indian tribe’ and ‘tribally designated
21 housing entity’ have the meanings given those
22 terms in section 4 of the Native American
23 Housing Assistance and Self-Determination Act
24 of 1996 (25 U.S.C. 4103).”.

1 SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM

2 SEC. 619. (a) IN GENERAL.—Section 184(b)(4) of
3 the Housing and Community Development Act of 1992
4 (12 U.S.C. 1715z–13a(b)(4)) is amended by—

5 (1) redesignating subparagraphs (A) through
6 (D) as clauses (i) through (iv), respectively, and ad-
7 justing the margins accordingly;

8 (2) by striking “The loan” and inserting the
9 following:

10 “(A) IN GENERAL.—The loan”;

11 (3) in subparagraph (A), as so designated, by
12 adding at the end the following:

13 “(v) Any entity certified as a commu-
14 nity development financial institution by
15 the Community Development Financial In-
16 stitutions Fund established under section
17 104(a) of the Riegle Community Develop-
18 ment and Regulatory Improvement Act of
19 1994 (12 U.S.C. 4703(a)).”; and

20 (4) by adding at the end the following:

21 “(B) DIRECT GUARANTEE PROCESS.—

22 “(i) AUTHORIZATION.—The Secretary
23 may authorize qualifying lenders to partici-
24 pate in a direct guarantee process for ap-
25 proving loans under this section.

1 “(ii) INDEMNIFICATION.—

2 “(I) IN GENERAL.—If the Sec-
3 retary determines that a mortgage
4 guaranteed through a direct guar-
5 antee process under this subpara-
6 graph was not originated in accord-
7 ance with the requirements estab-
8 lished by the Secretary, the Secretary
9 may require the lender approved
10 under this subparagraph to indemnify
11 the Secretary for the loss, irrespective
12 of whether the violation caused the
13 mortgage default.

14 “(II) FRAUD OR MISREPRESENTA-
15 TION.—If fraud or misrepresenta-
16 tion is involved in a direct guarantee
17 process under this subparagraph, the
18 Secretary shall require the original
19 lender approved under this subpara-
20 graph to indemnify the Secretary for
21 the loss regardless of when an insur-
22 ance claim is paid.

23 “(C) REVIEW OF MORTGAGEES.—

24 “(i) IN GENERAL.—The Secretary
25 may periodically review the mortgagees

1 originating, underwriting, or servicing sin-
2 gle family mortgage loans under this sec-
3 tion.

4 “(ii) REQUIREMENTS.—In conducting
5 a review under clause (i), the Secretary—

6 “(I) shall compare the mortgagee
7 with other mortgagees originating or
8 underwriting loan guarantees for In-
9 dian housing based on the rates of de-
10 faults and claims for guaranteed
11 mortgage loans originated, under-
12 written, or serviced by that mort-
13 gagee;

14 “(II) may compare the mort-
15 gagee with such other mortgagees
16 based on underwriting quality, geo-
17 graphic area served, or any commonly
18 used factors the Secretary determines
19 necessary for comparing mortgage de-
20 fault risk, provided that the compari-
21 son is of factors that the Secretary
22 would expect to affect the default risk
23 of mortgage loans guaranteed by the
24 Secretary;

1 “(iii) shall implement such compari-
 2 sons by regulation, notice, or mortgagee
 3 letter; and

4 “(I) may terminate the approval
 5 of a mortgagee to originate, under-
 6 write, or service loan guarantees for
 7 housing under this section if the Sec-
 8 retary determines that the mortgage
 9 loans originated, underwritten, or
 10 serviced by the mortgagee present an
 11 unacceptable risk to the Indian Hous-
 12 ing Loan Guarantee Fund established
 13 under subsection (i)—

14 “(aa) based on a comparison
 15 of any of the factors set forth in
 16 this subparagraph; or

17 “(bb) by a determination
 18 that the mortgagee engaged in
 19 fraud or misrepresentation.”.

20 (b) LOAN GUARANTEES FOR INDIAN HOUSING.—

21 Section 184(i)(5) of the Housing and Community Devel-
 22 opment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is
 23 amended—

24 (1) in subparagraph (B), by inserting after the
 25 first sentence the following: “There are authorized

1 to be appropriated for those costs such sums as may
 2 be necessary for each of fiscal years 2022 through
 3 2032.”; and

4 (2) in subparagraph (C), by striking “2008
 5 through 2012” and inserting “2022 through 2032”.

6 LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING

7 SEC. 620. Section 184A of the Housing and Commu-
 8 nity Development Act of 1992 (12 U.S.C. 1715z–13b) is
 9 amended—

10 (1) in subsection (c)(4)(B)—

11 (A) by redesignating clause (iv) as clause
 12 (v); and

13 (B) by adding after clause (iii) the fol-
 14 lowing:

15 “(iv) Any entity certified as a commu-
 16 nity development financial institution by
 17 the Community Development Financial In-
 18 stitutions Fund established under section
 19 104(a) of the Riegle Community Develop-
 20 ment and Regulatory Improvement Act of
 21 1994 (12 U.S.C. 4703(a)).”; and

22 (2) in subsection (j)(5)(B), by inserting after
 23 the first sentence the following: “There are author-
 24 ized to be appropriated for those costs such sums as

1 may be necessary for each of fiscal years 2022
2 through 2032.”.

3 ASSISTANT SECRETARY FOR INDIAN HOUSING

4 SEC. 621. The Department of Housing and Urban
5 Development Act (42 U.S.C. 3531 et seq.) is amended—

6 (1) in section 4 (42 U.S.C. 3533)—

7 (A) in subsection (a)(1), by striking “7”
8 and inserting “8”; and

9 (B) in subsection (e)—

10 (i) by redesignating paragraph (2) as
11 paragraph (4); and

12 (ii) by striking “(e)(1)(A) There” and
13 all that follows through the end of para-
14 graph (1) and inserting the following:

15 “(e)(1) There is established within the Department
16 the Office of Native American Programs (in this sub-
17 section referred to as the ‘Office’) to be headed by an As-
18 sistant Secretary for Native American Programs (in this
19 subsection referred to as the ‘Assistant Secretary’), who
20 shall be 1 of the Assistant Secretaries in subsection (a)(1).

21 “(2) The Assistant Secretary shall be responsible
22 for—

23 “(A) administering, in coordination with the
24 relevant office in the Department, the provision of
25 housing assistance to Indian tribes or Indian hous-

1 ing authorities under each program of the Depart-
2 ment that provides for such assistance;

3 “(B) administering the community development
4 block grant program for Indian tribes under title I
5 of the Housing and Community Development Act of
6 1974 (42 U.S.C. 5301 et seq.) and the provision of
7 assistance to Indian tribes under such Act;

8 “(C) directing, coordinating, and assisting in
9 managing any regional offices of the Department
10 that administer Indian programs to the extent of
11 such programs; and

12 “(D) coordinating all programs of the Depart-
13 ment relating to Indian and Alaska Native housing
14 and community development.

15 “(3) The Secretary shall include in the annual report
16 under section 8 a description of the extent of the housing
17 needs for Indian families and community development
18 needs of Indian tribes in the United States and the activi-
19 ties of the Department, and extent of such activities, in
20 meeting such needs.”; and

21 (2) in section 8 (42 U.S.C. 3536), by striking
22 “section 4(e)(2)” and inserting “section 4(e)(4)”.

23 DRUG ELIMINATION PROGRAM

24 SEC. 622. (a) DEFINITIONS.—In this section:

1 (1) CONTROLLED SUBSTANCE.—The term
2 “controlled substance” has the meaning given the
3 term in section 102 of the Controlled Substances
4 Act (21 U.S.C. 802).

5 (2) DRUG-RELATED CRIME.—The term “drug-
6 related crime” means the illegal manufacture, sale,
7 distribution, use, or possession with intent to manu-
8 facture, sell, distribute, or use a controlled sub-
9 stance.

10 (3) RECIPIENT.—The term “recipient”—

11 (A) has the meaning given the term in sec-
12 tion 4 of the Native American Housing Assist-
13 ance and Self-Determination Act of 1996 (25
14 U.S.C. 4103); and

15 (B) includes a recipient of funds under
16 title VIII of that Act (25 U.S.C. 4221 et seq.).

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Housing and Urban Development.

19 (b) ESTABLISHMENT.—The Secretary may make
20 grants under this section to recipients of assistance under
21 the Native American Housing Assistance and Self-Deter-
22 mination Act of 1996 (25 U.S.C. 4101 et seq.) for use
23 in eliminating drug-related and violent crime.

24 (c) ELIGIBLE ACTIVITIES.—Grants under this sec-
25 tion may be used for—

- 1 (1) the employment of security personnel;
- 2 (2) reimbursement of State, local, Tribal, or
3 Bureau of Indian Affairs law enforcement agencies
4 for additional security and protective services;
- 5 (3) physical improvements which are specifically
6 designed to enhance security;
- 7 (4) the employment of 1 or more individuals—
 - 8 (A) to investigate drug-related or violent
9 crime in and around the real property com-
10 prising housing assisted under the Native
11 American Housing Assistance and Self-Deter-
12 mination Act of 1996 (25 U.S.C. 4101 et seq.);
13 and
 - 14 (B) to provide evidence relating to such
15 crime in any administrative or judicial pro-
16 ceeding;
- 17 (5) the provision of training, communications
18 equipment, and other related equipment for use by
19 voluntary tenant patrols acting in cooperation with
20 law enforcement officials;
- 21 (6) programs designed to reduce use of drugs
22 in and around housing communities funded under
23 the Native American Housing Assistance and Self-
24 Determination Act of 1996 (25 U.S.C. 4101 et

1 seq.), including drug-abuse prevention, intervention,
2 referral, and treatment programs;

3 (7) providing funding to nonprofit resident
4 management corporations and resident councils to
5 develop security and drug abuse prevention pro-
6 grams involving site residents;

7 (8) sports programs and sports activities that
8 serve primarily youths from housing communities
9 funded through and are operated in conjunction
10 with, or in furtherance of, an organized program or
11 plan designed to reduce or eliminate drugs and
12 drug-related problems in and around those commu-
13 nities; and

14 (9) other programs for youth in school settings
15 that address drug prevention and positive alter-
16 natives for youth, including education and activities
17 related to science, technology, engineering, and
18 math.

19 (d) APPLICATIONS.—

20 (1) IN GENERAL.—To receive a grant under
21 this subsection, an eligible applicant shall submit an
22 application to the Secretary, at such time, in such
23 manner, and accompanied by—

24 (A) a plan for addressing the problem of
25 drug-related or violent crime in and around of

1 the housing administered or owned by the appli-
2 cant for which the application is being sub-
3 mitted; and

4 (B) such additional information as the Sec-
5 retary may reasonably require.

6 (2) CRITERIA.—The Secretary shall approve ap-
7 plications submitted under paragraph (1) on the
8 basis of thresholds or criteria such as—

9 (A) the extent of the drug-related or vio-
10 lent crime problem in and around the housing
11 or projects proposed for assistance;

12 (B) the quality of the plan to address the
13 crime problem in the housing or projects pro-
14 posed for assistance, including the extent to
15 which the plan includes initiatives that can be
16 sustained over a period of several years;

17 (C) the capability of the applicant to carry
18 out the plan; and

19 (D) the extent to which tenants, the Tribal
20 government, and the Tribal community support
21 and participate in the design and implementa-
22 tion of the activities proposed to be funded
23 under the application.

24 (e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—
25 In evaluating the extent of the drug-related crime problem

1 pursuant to subsection (d)(2), the Secretary may consider
2 whether housing or projects proposed for assistance are
3 located in a high intensity drug trafficking area designated
4 pursuant to section 707(b) of the Office of National Drug
5 Control Policy Reauthorization Act of 1998 (21 U.S.C.
6 1706(b)).

7 (f) REPORTS.—

8 (1) GRANTEE REPORTS.—The Secretary shall
9 require grantees under this section to provide peri-
10 odic reports that include the obligation and expendi-
11 ture of grant funds, the progress made by the grant-
12 ee in implementing the plan described in subsection
13 (d)(1)(A), and any change in the incidence of drug-
14 related crime in projects assisted under section.

15 (2) HUD REPORTS.—Not later than 1 year
16 after the date of enactment of this Act, the Sec-
17 retary shall submit to Congress a report describing
18 the system used to distribute funding to grantees
19 under this section, which shall include descriptions
20 of—

21 (A) the methodology used to distribute
22 amounts made available under this section; and

23 (B) actions taken by the Secretary to en-
24 sure that amounts made available under section

1 are not used to fund baseline local government
2 services, as described in subsection (h)(2).

3 (g) NOTICE OF FUNDING AWARDS.—The Secretary
4 shall publish on the website of the Department a notice
5 of all grant awards made pursuant to section, which shall
6 identify the grantees and the amount of the grants.

7 (h) MONITORING.—

8 (1) IN GENERAL.—The Secretary shall audit
9 and monitor the program funded under this sub-
10 section to ensure that assistance provided under this
11 subsection is administered in accordance with the
12 provisions of section.

13 (2) PROHIBITION OF FUNDING BASELINE SERV-
14 ICES.—

15 (A) IN GENERAL.—Amounts provided
16 under this section may not be used to reim-
17 burse or support any local law enforcement
18 agency or unit of general local government for
19 the provision of services that are included in the
20 baseline of services required to be provided by
21 any such entity pursuant to a local cooperative
22 agreement pursuant under the Indian Self-De-
23 termination and Education Assistance Act (25
24 U.S.C. 5301 et seq.) or any provision of an an-

1 nual contributions contract for payments in lieu
2 of taxation with the Bureau of Indian Affairs.

3 (B) DESCRIPTION.—Each grantee under
4 this section shall describe, in the report under
5 subsection (f)(1), such baseline of services for
6 the unit of Tribal government in which the ju-
7 risdiction of the grantee is located.

8 (3) ENFORCEMENT.—The Secretary shall pro-
9 vide for the effective enforcement of this section, as
10 specified in the program requirements published in
11 a notice by the Secretary, which may include—

12 (A) the use of on-site monitoring, inde-
13 pendent public audit requirements, certification
14 by Tribal or Federal law enforcement or Tribal
15 government officials regarding the performance
16 of baseline services referred to in paragraph
17 (2);

18 (B) entering into agreements with the At-
19 torney General to achieve compliance, and
20 verification of compliance, with the provisions of
21 this section; and

22 (C) adopting enforcement authority that is
23 substantially similar to the authority provided
24 to the Secretary under the Native American

1 “(BB) in or near any
2 other Indian area.

3 “(II) ELIGIBLE RECIPIENT.—
4 The term ‘eligible recipient’ means a
5 recipient eligible to receive a grant
6 under section 101 of the Native
7 American Housing Assistance and
8 Self-Determination Act of 1996 (25
9 U.S.C. 4111).

10 “(III) INDIAN; INDIAN AREA.—
11 The terms ‘Indian’ and ‘Indian area’
12 have the meanings given those terms
13 in section 4 of the Native American
14 Housing Assistance and Self-Deter-
15 mination Act of 1996 (25 U.S.C.
16 4103).

17 “(IV) INDIAN VETERAN.—The
18 term ‘Indian veteran’ means an In-
19 dian who is a veteran.

20 “(V) PROGRAM.—The term ‘Pro-
21 gram’ means the Tribal HUD–VASH
22 program carried out under clause (ii).

23 “(VI) TRIBAL ORGANIZATION.—
24 The term ‘tribal organization’ has the
25 meaning given the term in section 4

1 of the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C.
3 5304).

4 “(ii) PROGRAM SPECIFICATIONS.—

5 The Secretary shall use not less than 5
6 percent of the amounts made available for
7 rental assistance under this paragraph to
8 carry out a rental assistance and sup-
9 ported housing program, to be known as
10 the ‘Tribal HUD–VASH program’, in con-
11 junction with the Secretary of Veterans Af-
12 fairs, by awarding grants for the benefit of
13 eligible Indian veterans.

14 “(iii) MODEL.—

15 “(I) IN GENERAL.—Except as
16 provided in subclause (II), the Sec-
17 retary shall model the Program on the
18 rental assistance and supported hous-
19 ing program authorized under sub-
20 paragraph (A) and applicable appro-
21 priations Acts, including administra-
22 tion in conjunction with the Secretary
23 of Veterans Affairs.

24 “(II) EXCEPTIONS.—

1 “(aa) SECRETARY OF HOUS-
2 ING AND URBAN DEVELOP-
3 MENT.—After consultation with
4 Indian tribes, eligible recipients,
5 and any other appropriate tribal
6 organizations, the Secretary may
7 make necessary and appropriate
8 modifications to facilitate the use
9 of the Program by eligible recipi-
10 ents to serve eligible Indian vet-
11 erans.

12 “(bb) SECRETARY OF VET-
13 ERANS AFFAIRS.—After consulta-
14 tion with Indian tribes, eligible
15 recipients, and any other appro-
16 priate tribal organizations, the
17 Secretary of Veterans Affairs
18 may make necessary and appro-
19 priate modifications to facilitate
20 the use of the Program by eligi-
21 ble recipients to serve eligible In-
22 dian veterans.

23 “(iv) ELIGIBLE RECIPIENTS.—The
24 Secretary shall make amounts for rental
25 assistance and associated administrative

1 costs under the Program available in the
2 form of grants to eligible recipients.

3 “(v) FUNDING CRITERIA.—The Sec-
4 retary shall award grants under the Pro-
5 gram based on—

6 “(I) need;

7 “(II) administrative capacity; and

8 “(III) any other funding criteria
9 established by the Secretary in a no-
10 tice published in the Federal Register
11 after consulting with the Secretary of
12 Veterans Affairs.

13 “(vi) ADMINISTRATION.—Grants
14 awarded under the Program shall be ad-
15 ministered in accordance with the Native
16 American Housing Assistance and Self-De-
17 termination Act of 1996 (25 U.S.C. 4101
18 et seq.), except that recipients shall—

19 “(I) submit to the Secretary, in a
20 manner prescribed by the Secretary,
21 reports on the utilization of rental as-
22 sistance provided under the Program;
23 and

24 “(II) provide to the Secretary in-
25 formation specified by the Secretary

1 to assess the effectiveness of the Pro-
2 gram in serving eligible Indian vet-
3 erans.

4 “(vii) CONSULTATION.—

5 “(I) GRANT RECIPIENTS; TRIBAL
6 ORGANIZATIONS.—The Secretary, in
7 coordination with the Secretary of
8 Veterans Affairs, shall consult with el-
9 igible recipients and any other appro-
10 priate tribal organization on the de-
11 sign of the Program to ensure the ef-
12 fective delivery of rental assistance
13 and supportive services to eligible In-
14 dian veterans under the Program.

15 “(II) INDIAN HEALTH SERV-
16 ICE.—The Director of the Indian
17 Health Service shall provide any as-
18 sistance requested by the Secretary or
19 the Secretary of Veterans Affairs in
20 carrying out the Program.

21 “(viii) WAIVER.—

22 “(I) IN GENERAL.—Except as
23 provided in subclause (II), the Sec-
24 retary may waive or specify alter-
25 native requirements for any provision

1 of law (including regulations) that the
2 Secretary administers in connection
3 with the use of rental assistance made
4 available under the Program if the
5 Secretary finds that the waiver or al-
6 ternative requirement is necessary for
7 the effective delivery and administra-
8 tion of rental assistance under the
9 Program to eligible Indian veterans.

10 “(II) EXCEPTION.—The Sec-
11 retary may not waive or specify alter-
12 native requirements under subclause
13 (I) for any provision of law (including
14 regulations) relating to labor stand-
15 ards or the environment.

16 “(ix) RENEWAL GRANTS.—The Sec-
17 retary may—

18 “(I) set aside, from amounts
19 made available for tenant-based rental
20 assistance under this subsection and
21 without regard to the amounts used
22 for new grants under clause (ii), such
23 amounts as may be necessary to
24 award renewal grants to eligible re-

1 recipients that received a grant under
2 the Program in a previous year; and

3 “(II) specify criteria that an eli-
4 gible recipient must satisfy to receive
5 a renewal grant under subclause (I),
6 including providing data on how the
7 eligible recipient used the amounts of
8 any grant previously received under
9 the Program.

10 “(x) REPORTING.—

11 “(I) IN GENERAL.—Not later
12 than 1 year after the date of enact-
13 ment of this subparagraph, and every
14 5 years thereafter, the Secretary, in
15 coordination with the Secretary of
16 Veterans Affairs and the Director of
17 the Indian Health Service, shall—

18 “(aa) conduct a review of
19 the implementation of the Pro-
20 gram, including any factors that
21 may have limited its success; and

22 “(bb) submit a report de-
23 scribing the results of the review
24 under item (aa) to—

1 “(AA) the Committee
2 on Indian Affairs, the Com-
3 mittee on Banking, Housing,
4 and Urban Affairs, the
5 Committee on Veterans’ Af-
6 fairs, and the Committee on
7 Appropriations of the Sen-
8 ate; and

9 “(BB) the Sub-
10 committee on Indian, Insu-
11 lar and Alaska Native Af-
12 fairs of the Committee on
13 Natural Resources, the
14 Committee on Financial
15 Services, the Committee on
16 Veterans’ Affairs, and the
17 Committee on Appropria-
18 tions of the House of Rep-
19 resentatives.

20 “(II) ANALYSIS OF HOUSING
21 STOCK LIMITATION.—The Secretary
22 shall include in the initial report sub-
23 mitted under subclause (I) a descrip-
24 tion of—

1 “(aa) any regulations gov-
2 erning the use of formula current
3 assisted stock (as defined in sec-
4 tion 1000.314 of title 24, Code of
5 Federal Regulations (or any suc-
6 cessor regulation)) within the
7 Program;

8 “(bb) the number of recipi-
9 ents of grants under the Pro-
10 gram that have reported the reg-
11 ulations described in item (aa) as
12 a barrier to implementation of
13 the Program; and

14 “(cc) proposed alternative
15 legislation or regulations devel-
16 oped by the Secretary in con-
17 sultation with recipients of
18 grants under the Program to
19 allow the use of formula current
20 assisted stock within the Pro-
21 gram.”.

22 LEVERAGING

23 SEC. 624. All funds provided under a grant made
24 pursuant to this division or the amendments made by this
25 division may be used for purposes of meeting matching

1 or cost participation requirements under any other Fed-
2 eral or non-Federal program, provided that such grants
3 made pursuant to the Native American Housing Assist-
4 ance and Self-Determination Act of 1996 (25 U.S.C. 4101
5 et seq.) are spent in accordance with that Act.

6 This Act may be cited as the “Transportation, Hous-
7 ing and Urban Development, and Related Agencies Appro-
8 priations Act, 2023”.

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