

Calendar No. 440

112TH CONGRESS
2^D SESSION**H. R. 5972**

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2012

Received; read twice and placed on the calendar

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, 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, 2013, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF TRANSPORTATION
3 OFFICE OF THE SECRETARY
4 SALARIES AND EXPENSES
5 For necessary expenses of the Office of the Secretary,
6 \$108,277,000, of which not to exceed \$2,635,000 shall be
7 available for the immediate Office of the Secretary; not
8 to exceed \$992,000 shall be available for the Immediate
9 Office of the Deputy Secretary; not to exceed \$19,615,000
10 shall be available for the Office of the General Counsel;
11 not to exceed \$11,248,000 shall be available for the Office
12 of the Under Secretary of Transportation for Policy; not
13 to exceed \$12,825,000 shall be available for the Office of
14 the Assistant Secretary for Budget and Programs; not to
15 exceed \$2,601,000 shall be available for the Office of the
16 Assistant Secretary for Governmental Affairs; not to ex-
17 ceed \$27,095,000 shall be available for the Office of the
18 Assistant Secretary for Administration; not to exceed
19 \$2,034,000 shall be available for the Office of Public Af-
20 fairs; not to exceed \$1,701,000 shall be available for the
21 Office of the Executive Secretariat; \$1,539,000 shall be
22 available for the Office of Small and Disadvantaged Busi-
23 ness Utilization; not to exceed \$10,875,000 for the Office
24 of Intelligence, Security, and Emergency Response; and
25 not to exceed \$15,117,000 shall be available for the Office

1 of the Chief Information Officer: *Provided*, That the Sec-
2 retary of Transportation is authorized to transfer funds
3 appropriated for any office of the Office of the Secretary
4 (except for the Office of Small and Disadvantaged Busi-
5 ness Utilization) to any other office of the Office of the
6 Secretary: *Provided further*, That no appropriation for any
7 office shall be increased or decreased by more than 5 per-
8 cent by all such transfers: *Provided further*, That notice
9 of any change in funding greater than 5 percent shall be
10 submitted for approval to the House and Senate Commit-
11 tees on Appropriations: *Provided further*, That not to ex-
12 ceed \$60,000 shall be for allocation within the Department
13 for official reception and representation expenses as the
14 Secretary may determine: *Provided further*, That notwith-
15 standing any other provision of law, excluding fees author-
16 ized in Public Law 107–71, there may be credited to this
17 appropriation up to \$2,500,000 in funds received in user
18 fees: *Provided further*, That none of the funds provided
19 in this Act shall be available for the position of Assistant
20 Secretary for Public Affairs.

21 FINANCIAL MANAGEMENT CAPITAL

22 For necessary expenses for upgrading and enhancing
23 the Department of Transportation’s financial systems and
24 re-engineering business processes, \$10,000,000, to remain
25 available through September 30, 2014.

1 CYBER SECURITY INITIATIVES

2 For necessary expenses for cyber security initiatives,
3 including necessary upgrades to wide area network and
4 information technology infrastructure, improvement of
5 network perimeter controls and identity management,
6 testing and assessment of information technology against
7 business, security, and other requirements, implementa-
8 tion of Federal cyber security initiatives and information
9 infrastructure enhancements, implementation of enhanced
10 security controls on network devices, and enhancement of
11 cyber security workforce training tools, \$6,000,000, to re-
12 main available through September 30, 2014.

13 OFFICE OF CIVIL RIGHTS

14 For necessary expenses of the Office of Civil Rights,
15 \$9,773,000.

16 TRANSPORTATION PLANNING, RESEARCH, AND
17 DEVELOPMENT

18 For necessary expenses for conducting transportation
19 planning, research, systems development, development ac-
20 tivities, and making grants, to remain available until ex-
21 pended, \$8,000,000.

22 WORKING CAPITAL FUND

23 For necessary expenses for operating costs and cap-
24 ital outlays of the Working Capital Fund, not to exceed
25 \$174,128,000 shall be paid from appropriations made

1 available to the Department of Transportation: *Provided*,
2 That such services shall be provided on a competitive basis
3 to entities within the Department of Transportation: *Pro-*
4 *vided further*, That the above limitation on operating ex-
5 penses shall not apply to non-DOT entities: *Provided fur-*
6 *ther*, That no funds appropriated in this Act to an agency
7 of the Department shall be transferred to the Working
8 Capital Fund without majority approval of the Working
9 Capital Fund Steering Committee and approval of the
10 Secretary: *Provided further*, That no assessments may be
11 levied against any program, budget activity, subactivity or
12 project funded by this Act unless notice of such assess-
13 ments and the basis therefor are presented to the House
14 and Senate Committees on Appropriations and are ap-
15 proved by such Committees.

16 MINORITY BUSINESS RESOURCE CENTER PROGRAM

17 For the cost of guaranteed loans, \$418,000, as au-
18 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
19 cluding the cost of modifying such loans, shall be as de-
20 fined in section 502 of the Congressional Budget Act of
21 1974: *Provided further*, That these funds are available to
22 subsidize total loan principal, any part of which is to be
23 guaranteed, not to exceed \$21,955,000.

24 In addition, for administrative expenses to carry out
25 the guaranteed loan program, \$867,388.

1 MINORITY BUSINESS OUTREACH

2 For necessary expenses of Minority Business Re-
3 source Center outreach activities, \$3,234,000, to remain
4 available until September 30, 2014: *Provided*, That not-
5 withstanding 49 U.S.C. 332, these funds may be used for
6 business opportunities related to any mode of transpor-
7 tation.

8 PAYMENTS TO AIR CARRIERS

9 (AIRPORT AND AIRWAY TRUST FUND)

10 (INCLUDING TRANSFER OF FUNDS)

11 In addition to funds made available from any other
12 source to carry out the essential air service program under
13 49 U.S.C. 41731 through 41742, \$114,000,000, to be de-
14 rived from the Airport and Airway Trust Fund, to remain
15 available until expended: *Provided*, That in determining
16 between or among carriers competing to provide service
17 to a community, the Secretary may consider the relative
18 subsidy requirements of the carriers: *Provided further*,
19 That no funds made available under section 41742 of title
20 49, United States Code, and no funds made available in
21 this Act or any other Act in any fiscal year, shall be avail-
22 able to carry out the essential air service program under
23 sections 41731 through 41742 of such title 49 in commu-
24 nities in the 48 contiguous States unless the community
25 received subsidized essential air service or received a 90-

1 day notice of intent to terminate service and the Secretary
2 required the air carrier to continue to provide service to
3 the community at any time between September 30, 2010,
4 and September 30, 2011, inclusive: *Provided further*, That
5 basic essential air service minimum requirements shall not
6 include the 15-passenger capacity requirement under sub-
7 section 41732(b)(3) of title 49, United States Code: *Pro-*
8 *vided further*, That if the funds under this heading are
9 insufficient to meet the costs of the essential air service
10 program in the current fiscal year, the Secretary shall
11 transfer such sums as may be necessary to carry out the
12 essential air service program from any available amounts
13 appropriated to or directly administered by the Office of
14 the Secretary for such fiscal year.

15 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
16 SECRETARY OF TRANSPORTATION

17 SEC. 101. None of the funds made available in this
18 Act to the Department of Transportation may be obligated
19 for the Office of the Secretary of Transportation to ap-
20 prove assessments or reimbursable agreements pertaining
21 to funds appropriated to the modal administrations in this
22 Act, except for activities underway on the date of enact-
23 ment of this Act, unless such assessments or agreements
24 have completed the normal reprogramming process for
25 Congressional notification.

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

4 SEC. 103. Notwithstanding section 3324 of title 31,
5 United States Code, in addition to authority provided by
6 section 327 of title 49, United States Code, the Depart-
7 ment's Working Capital Fund is hereby authorized to pro-
8 vide payments in advance to vendors that are necessary
9 to carry out the Federal transit pass transportation fringe
10 benefit program under Executive Order No. 13150 and
11 section 3049 of Public Law 109-59: *Provided*, That the
12 Department shall include adequate safeguards in the con-
13 tract with the vendors to ensure timely and high-quality
14 performance under the contract.

15 SEC. 104. The Secretary shall post on the Web site
16 of the Department of Transportation a schedule of all
17 meetings of the Credit Council, including the agenda for
18 each meeting, and require the Credit Council to record the
19 decisions and actions of each meeting.

20 FEDERAL AVIATION ADMINISTRATION

21 OPERATIONS

22 (AIRPORT AND AIRWAY TRUST FUND)

23 For necessary expenses of the Federal Aviation Ad-
24 ministration, not otherwise provided for, including oper-
25 ations and research activities related to commercial space

1 transportation, administrative expenses for research and
2 development, establishment of air navigation facilities, the
3 operation (including leasing) and maintenance of aircraft,
4 subsidizing the cost of aeronautical charts and maps sold
5 to the public, lease or purchase of passenger motor vehi-
6 cles for replacement only, in addition to amounts made
7 available by Public Law 108–176, \$9,718,000,000, of
8 which \$4,682,500,000 shall be derived from the Airport
9 and Airway Trust Fund, of which not to exceed
10 \$7,513,850,000 shall be available for air traffic organiza-
11 tion activities; not to exceed \$1,255,000,000 shall be avail-
12 able for aviation safety activities; not to exceed
13 \$16,700,000 shall be available for commercial space trans-
14 portation activities; not to exceed \$573,591,000 shall be
15 available for finance and management activities; not to ex-
16 ceed \$60,064,000 shall be available for NextGen and oper-
17 ations planning activities; and not to exceed \$298,795,000
18 shall be available for staff offices: *Provided*, That not to
19 exceed 2 percent of any budget activity, except for aviation
20 safety budget activity, may be transferred to any budget
21 activity under this heading: *Provided further*, That no
22 transfer may increase or decrease any appropriation by
23 more than 2 percent: *Provided further*, That any transfer
24 in excess of 2 percent shall be treated as a reprogramming
25 of funds under section 405 of this Act and shall not be

1 available for obligation or expenditure except in compli-
2 ance with the procedures set forth in that section: *Pro-*
3 *vided further*, That not later than March 31 of each fiscal
4 year hereafter, the Administrator of the Federal Aviation
5 Administration shall transmit to Congress an annual up-
6 date to the report submitted to Congress in December
7 2004 pursuant to section 221 of Public Law 108–176:
8 *Provided further*, That the amount herein appropriated
9 shall be reduced by \$100,000 for each day after March
10 31 that such report has not been submitted to the Con-
11 gress: *Provided further*, That not later than March 31 of
12 each fiscal year hereafter, the Administrator shall trans-
13 mit to Congress a companion report that describes a com-
14 prehensive strategy for staffing, hiring, and training flight
15 standards and aircraft certification staff in a format simi-
16 lar to the one utilized for the controller staffing plan, in-
17 cluding stated attrition estimates and numerical hiring
18 goals by fiscal year: *Provided further*, That the amount
19 herein appropriated shall be reduced by \$100,000 per day
20 for each day after March 31 that such report has not been
21 submitted to Congress: *Provided further*, That funds may
22 be used to enter into a grant agreement with a nonprofit
23 standard-setting organization to assist in the development
24 of aviation safety standards: *Provided further*, That none
25 of the funds in this Act shall be available for new appli-

1 cants for the second career training program: *Provided*
2 *further*, That none of the funds in this Act shall be avail-
3 able for the Federal Aviation Administration to finalize
4 or implement any regulation that would promulgate new
5 aviation user fees not specifically authorized by law after
6 the date of the enactment of this Act: *Provided further*,
7 That there may be credited to this appropriation as offset-
8 ting collections funds received from States, counties, mu-
9 nicipalities, foreign authorities, other public authorities,
10 and private sources, for expenses incurred in the provision
11 of agency services, including receipts for the maintenance
12 and operation of air navigation facilities, and for issuance,
13 renewal or modification of certificates, including airman,
14 aircraft, and repair station certificates, or for tests related
15 thereto, or for processing major repair or alteration forms:
16 *Provided further*, That of the funds appropriated under
17 this heading, not less than \$10,350,000 shall be for the
18 contract tower cost-sharing program: *Provided further*,
19 That none of the funds in this Act for aeronautical chart-
20 ing and cartography are available for activities conducted
21 by, or coordinated through, the Working Capital Fund.

22 FACILITIES AND EQUIPMENT

23 (AIRPORT AND AIRWAY TRUST FUND)

24 For necessary expenses, not otherwise provided for,
25 for acquisition, establishment, technical support services,

1 improvement by contract or purchase, and hire of national
2 airspace systems and experimental facilities and equip-
3 ment, as authorized under part A of subtitle VII of title
4 49, United States Code, including initial acquisition of
5 necessary sites by lease or grant; engineering and service
6 testing, including construction of test facilities and acqui-
7 sition of necessary sites by lease or grant; construction
8 and furnishing of quarters and related accommodations
9 for officers and employees of the Federal Aviation Admin-
10 istration stationed at remote localities where such accom-
11 modations are not available; and the purchase, lease, or
12 transfer of aircraft from funds available under this head-
13 ing, including aircraft for aviation regulation and certifi-
14 cation; to be derived from the Airport and Airway Trust
15 Fund, \$2,749,596,000 of which \$480,000,000 shall re-
16 main available until September 30, 2013, and of which
17 \$2,269,596,000 shall remain available until September 30,
18 2015: *Provided*, That there may be credited to this appro-
19 priation funds received from States, counties, municipali-
20 ties, other public authorities, and private sources, for ex-
21 penses incurred in the establishment, improvement, and
22 modernization of national airspace systems: *Provided fur-*
23 *ther*, That upon initial submission to the Congress of the
24 fiscal year 2014 President's budget, the Secretary of
25 Transportation shall transmit to the Congress a com-

1 prehensive capital investment plan for the Federal Avia-
2 tion Administration which includes funding for each budg-
3 et line item for fiscal years 2014 through 2018, with total
4 funding for each year of the plan constrained to the fund-
5 ing targets for those years as estimated and approved by
6 the Office of Management and Budget.

7 RESEARCH, ENGINEERING, AND DEVELOPMENT

8 (INCLUDING RESCISSION OF FUNDS)

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for research, engineering, and development, as authorized
12 under part A of subtitle VII of title 49, United States
13 Code, including construction of experimental facilities and
14 acquisition of necessary sites by lease or grant,
15 \$175,000,000, to be derived from the Airport and Airway
16 Trust Fund and to remain available until September 30,
17 2015: *Provided*, That there may be credited to this appro-
18 priation as offsetting collections, funds received from
19 States, counties, municipalities, other public authorities,
20 and private sources, which shall be available for expenses
21 incurred for research, engineering, and development: *Pro-*
22 *vided further*, That, of the unobligated balances from prior
23 year appropriations available under this heading,
24 \$26,183,998 are rescinded.

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

5 For liquidation of obligations incurred for grants-in-
6 aid for airport planning and development, and noise com-
7 patibility planning and programs as authorized under sub-
8 chapter I of chapter 471 and subchapter I of chapter 475
9 of title 49, United States Code, and under other law au-
10 thorizing such obligations; for procurement, installation,
11 and commissioning of runway incursion prevention devices
12 and systems at airports of such title; for grants authorized
13 under section 41743 of title 49, United States Code; and
14 for inspection activities and administration of airport safe-
15 ty programs, including those related to airport operating
16 certificates under section 44706 of title 49, United States
17 Code, \$3,400,000,000 to be derived from the Airport and
18 Airway Trust Fund and to remain available until ex-
19 pended: *Provided*, That none of the funds under this head-
20 ing shall be available for the planning or execution of pro-
21 grams the obligations for which are in excess of
22 \$3,350,000,000 in fiscal year 2013, notwithstanding sec-
23 tion 47117(g) of title 49, United States Code: *Provided*
24 *further*, That none of the funds under this heading shall
25 be available for the replacement of baggage conveyor sys-

1 tems, reconfiguration of terminal baggage areas, or other
2 airport improvements that are necessary to install bulk ex-
3 plosive detection systems: *Provided further*, That notwith-
4 standing section 47109(a) of title 49, United States Code,
5 the Government's share of allowable project costs under
6 paragraph (2) for subgrants or paragraph (3) of that sec-
7 tion shall be 95 percent for a project that the Adminis-
8 trator determines is a successive phase of a multi-phased
9 construction project for which the project sponsor received
10 a grant in Fiscal Year 2011 for the construction project:
11 *Provided further*, That notwithstanding any other provi-
12 sion of law, of funds limited under this heading, not more
13 than \$105,000,000 shall be obligated for administration,
14 not less than \$15,000,000 shall be available for the airport
15 cooperative research program, and not less than
16 \$29,300,000 shall be available for Airport Technology Re-
17 search.

18 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

19 ADMINISTRATION

20 SEC. 110. None of the funds in this Act may be used
21 to compensate in excess of 600 technical staff-years under
22 the federally funded research and development center con-
23 tract between the Federal Aviation Administration and the
24 Center for Advanced Aviation Systems Development dur-
25 ing fiscal year 2013.

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

14 SEC. 112. The Administrator of the Federal Aviation
15 Administration may reimburse amounts made available to
16 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
17 49 U.S.C. 45303: *Provided*, That during fiscal year 2013,
18 any amount remaining in such account at the close of that
19 fiscal year may be made available to satisfy section
20 41742(a)(1) for the subsequent fiscal year.

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

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

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

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

20 SEC. 117. The Secretary shall apportion to the spon-
21 sor of an airport that received scheduled or unscheduled
22 air service from a large certified air carrier (as defined
23 in part 241 of title 14 Code of Federal Regulations, or
24 such other regulations as may be issued by the Secretary
25 under the authority of section 41709) an amount equal

1 to the minimum apportionment specified in 49 U.S.C.
2 47114(c), if the Secretary determines that airport had
3 more than 10,000 passenger boardings in the preceding
4 calendar year, based on data submitted to the Secretary
5 under part 241 of title 14, Code of Federal Regulations.

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

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

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

1 available to a Government agency, for the noncommercial
2 flights of that owner or operator.

3 SEC. 119B. None of the funds appropriated or lim-
4 ited by this Act may be used to change weight restrictions
5 or prior permission rules at Teterboro airport in
6 Teterboro, New Jersey.

7 FEDERAL HIGHWAY ADMINISTRATION

8 LIMITATION ON ADMINISTRATIVE EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 Contingent upon reauthorization, not to exceed
11 \$392,855,251, together with advances and reimburse-
12 ments received by the Federal Highway Administration,
13 shall be paid in accordance with law from appropriations
14 made available by this Act to the Federal Highway Admin-
15 istration for necessary expenses for administration and op-
16 eration. In addition, not to exceed \$3,220,000 shall be
17 paid from appropriations made available by this Act and
18 transferred to the Appalachian Regional Commission in
19 accordance with section 104 of title 23, United States
20 Code.

21 FEDERAL-AID HIGHWAYS

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 Contingent upon reauthorization, none of the funds
25 in this Act shall be available for the implementation or

1 execution of programs, the obligations for which are in ex-
2 cess of \$39,143,582,670 for Federal-aid highways and
3 highway safety construction programs for fiscal year
4 2013: *Provided*, That within the \$39,143,582,670 obliga-
5 tion limitation on Federal-aid highways and highway safe-
6 ty construction programs, not more than \$429,800,000
7 shall be available for the implementation or execution of
8 programs for transportation research (chapter 5 of title
9 23, United States Code; sections 111, 5505, and 5506 of
10 title 49, United States Code; and title 5 of Public Law
11 109–59) for fiscal year 2013: *Provided further*, That this
12 limitation on transportation research programs shall not
13 apply to any authority previously made available for obli-
14 gation: *Provided further*, That the Secretary may, as au-
15 thorized by section 605(b) of title 23, United States Code,
16 collect and spend fees, to cover the costs of services of
17 expert firms, including counsel, in the field of municipal
18 and project finance to assist in the underwriting and serv-
19 icing of Federal credit instruments and all or a portion
20 of the costs to the Federal Government of servicing such
21 credit instruments: *Provided further*, That such fees are
22 available until expended to pay for such costs: *Provided*
23 *further*, That such amounts are in addition to administra-
24 tive expenses that are also available for such purpose, and
25 are not subject to any obligation limitation or the limita-

1 tion on administrative expenses under section 608 of title
2 23, United States Code.

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (HIGHWAY TRUST FUND)

5 Contingent upon reauthorization, for carrying out the
6 provisions of title 23, United States Code, that are attrib-
7 utable to Federal-aid highways, not otherwise provided, in-
8 cluding reimbursement for sums expended pursuant to the
9 provisions of 23 U.S.C. 308, \$39,882,583,000 or so much
10 thereof as may be available in and derived from the High-
11 way Trust Fund (other than the Mass Transit Account),
12 to remain available until expended.

13 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

14 ADMINISTRATION

15 SEC. 120. Contingent upon reauthorization, the fol-
16 lowing authorities shall apply for fiscal year 2013:

17 (a) The Secretary of Transportation shall—

18 (1) not distribute from the obligation limitation
19 for Federal-aid highways amounts authorized for ad-
20 ministrative expenses and programs by section
21 104(a) of title 23, United States Code; programs
22 funded from the administrative takedown authorized
23 by section 104(a)(1) of title 23, United States Code
24 (as in effect on the date before the date of enact-
25 ment of the Safe, Accountable, Flexible, Efficient

1 Transportation Equity Act: A Legacy for Users); the
2 highway use tax evasion program; and the Bureau of
3 Transportation Statistics;

4 (2) not distribute an amount from the obliga-
5 tion limitation for Federal-aid highways that is equal
6 to the unobligated balance of amounts made avail-
7 able from the Highway Trust Fund (other than the
8 Mass Transit Account) for Federal-aid highways and
9 highway safety programs for previous fiscal years
10 the funds for which are allocated by the Secretary;

11 (3) determine the ratio that—

12 (A) the obligation limitation for Federal-
13 aid highways, less the aggregate of amounts not
14 distributed under paragraphs (1) and (2), bears
15 to

16 (B) the total of the sums authorized to be
17 appropriated for Federal-aid highways and
18 highway safety construction programs (other
19 than sums authorized to be appropriated for
20 provisions of law described in paragraphs (1)
21 through (9) of subsection (b) and sums au-
22 thorized to be appropriated for section 105 of
23 title 23, United States Code, equal to the
24 amount referred to in subsection (b)(10) for
25 such fiscal year), less the aggregate of the

1 amounts not distributed under paragraphs (1)
2 and (2) of this subsection;

3 (4)(A) distribute the obligation limitation for
4 Federal-aid highways, less the aggregate amounts
5 not distributed under paragraphs (1) and (2), for
6 sections 1301, 1302, and 1934 of the Safe, Account-
7 able, Flexible, Efficient Transportation Equity Act:
8 A Legacy for Users; section 117 and section 144(g)
9 of title 23, United States Code; and section 14501
10 of title 40, United States Code, so that the amount
11 of obligation authority available for each of such sec-
12 tions is equal to the amount determined by multi-
13 plying the ratio determined under paragraph (3) by
14 the sums authorized to be appropriated for that sec-
15 tion for the fiscal year; and

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

18 (5) distribute the obligation limitation provided
19 for Federal-aid highways, less the aggregate
20 amounts not distributed under paragraphs (1) and
21 (2) and amounts distributed under paragraph (4),
22 for each of the programs that are allocated by the
23 Secretary under the Safe, Accountable, Flexible, Ef-
24 ficient Transportation Equity Act: A Legacy for
25 Users and title 23, United States Code, (other than

1 to programs to which paragraphs (1) and (4) apply),
2 by multiplying the ratio determined under paragraph
3 (3) by the amounts authorized to be appropriated
4 for each such program for such fiscal year; and

5 (6) distribute the obligation limitation provided
6 for Federal-aid highways, less the aggregate
7 amounts not distributed under paragraphs (1) and
8 (2) and amounts distributed under paragraphs (4)
9 and (5), for Federal-aid highways and highway safe-
10 ty construction programs (other than the amounts
11 apportioned for the equity bonus program, but only
12 to the extent that the amounts apportioned for the
13 equity bonus program for the fiscal year are greater
14 than \$2,639,000,000, and the Appalachian develop-
15 ment highway system program) that are apportioned
16 by the Secretary under the Safe, Accountable, Flexi-
17 ble, Efficient Transportation Equity Act: A Legacy
18 for Users and title 23, United States Code, in the
19 ratio that—

20 (A) amounts authorized to be appropriated
21 for such programs that are apportioned to each
22 State for such fiscal year, bear to

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

1 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

2 The obligation limitation for Federal-aid highways shall
3 not apply to obligations:

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

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

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

10 (4) under subsections (b) and (j) of section 131
11 of the Surface Transportation Assistance Act of
12 1982;

13 (5) under subsections (b) and (c) of section 149
14 of the Surface Transportation and Uniform Reloca-
15 tion Assistance Act of 1987;

16 (6) under sections 1103 through 1108 of the
17 Intermodal Surface Transportation Efficiency Act of
18 1991;

19 (7) under section 157 of title 23, United States
20 Code, as in effect on the day before the date of the
21 enactment of the Transportation Equity Act for the
22 21st Century;

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

1 2004, but only in an amount equal to \$639,000,000
2 for each of those fiscal years;

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

9 (10) under section 105 of title 23, United
10 States Code, but only in an amount equal to
11 \$639,000,000 for each of fiscal years 2005 through
12 2013; and

13 (11) under section 1603 of the Safe, Account-
14 able, Flexible, Efficient Transportation Equity Act:
15 A Legacy for Users, to the extent that funds obli-
16 gated in accordance with that section were not sub-
17 ject to a limitation on obligations at the time at
18 which the funds were initially made available for ob-
19 ligation.

20 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
21 THORITY.—Notwithstanding subsection (a), the Secretary
22 shall, after August 1 of such fiscal year, revise a distribu-
23 tion of the obligation limitation made available under sub-
24 section (a) if the amount distributed cannot be obligated
25 during that fiscal year, and redistribute sufficient amounts

1 to those States able to obligate amounts in addition to
2 those previously distributed during that fiscal year, giving
3 priority to those States having large unobligated balances
4 of funds apportioned under sections 104 and 144 of title
5 23, United States Code.

6 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
7 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
8 tion limitation shall apply to transportation research pro-
9 grams carried out under chapter 5 of title 23, United
10 States Code, and title V (research title) of the Safe, Ac-
11 countable, Flexible, Efficient Transportation Equity Act:
12 A Legacy for Users, except that obligation authority made
13 available for such programs under such limitation shall re-
14 main available for a period of 3 fiscal years and shall be
15 in addition to the amount of any limitation imposed on
16 obligations for Federal-aid highway and highway safety
17 construction programs for future fiscal years.

18 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
19 FUNDS.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date of the distribution of obligation limitation
22 under subsection (a), the Secretary shall distribute
23 to the States any funds that—

1 (A) are authorized to be appropriated for
2 such fiscal year for Federal-aid highways pro-
3 grams; and

4 (B) the Secretary determines will not be
5 allocated to the States, and will not be available
6 for obligation, in such fiscal year due to the im-
7 position of any obligation limitation for such
8 fiscal year.

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

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

16 (f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obli-
17 gation limitation distributed for a fiscal year under sub-
18 section (a)(4) for the provision specified in subsection
19 (a)(4) shall—

20 (1) remain available until used for obligation of
21 funds for that provision; and

22 (2) be in addition to the amount of any limita-
23 tion imposed on obligations for Federal-aid highway
24 and highway safety construction programs for future
25 fiscal years.

1 (g) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Nothing in this section shall be construed to limit the dis-
3 tribution of obligation authority under subsection
4 (a)(4)(A) for each of the individual projects numbered
5 greater than 3676 listed in the table contained in section
6 1702 of the Safe, Accountable, Flexible, Efficient Trans-
7 portation Equity Act: A Legacy for Users.

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

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

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

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

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

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

13 (b) EXCEPTIONS.—

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

20 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
21 high-occupancy vehicle lane that is converted to a
22 toll lane shall not be subject to this section, and
23 shall not be considered to be a nontoll lane for pur-
24 poses of determining whether a highway will have

1 fewer nontoll lanes than prior to the date of imposi-
2 tion of the toll, if—

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

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

16 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

17 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (HIGHWAY TRUST FUND)

21 Contingent upon reauthorization, for payment of obli-
22 gations incurred in the implementation, execution and ad-
23 ministration of motor carrier safety operations and pro-
24 grams pursuant to section 31104(i) of title 49, United
25 States Code, and sections 4127 and 4134 of Public Law

1 109–59, \$244,144,000, to be derived from the Highway
2 Trust Fund (other than the Mass Transit Account), to-
3 gether with advances and reimbursements received by the
4 Federal Motor Carrier Safety Administration: *Provided*,
5 That none of the funds derived from the Highway Trust
6 Fund in this Act shall be available for the implementation,
7 execution or administration of programs, the obligations
8 for which are in excess of \$244,144,000, for “Motor Car-
9 rier Safety Operations and Programs” of which
10 \$8,543,000, to remain available for obligation until Sep-
11 tember 30, 2015, is for the research and technology pro-
12 gram and \$1,000,000 shall be available for commercial
13 motor vehicle operator’s grants to carry out section 4134
14 of Public Law 109–59: *Provided further*, That notwith-
15 standing any other provision of law, none of the funds
16 under this heading for outreach and education shall be
17 available for transfer: *Provided further*, That the Federal
18 Motor Carrier Safety Administration shall transmit to
19 Congress a report on March 29, 2013 on the agency’s abil-
20 ity to meet its requirement to conduct compliance reviews
21 on mandatory carriers.

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

5 Contingent upon reauthorization, for payment of obli-
6 gations incurred in carrying out sections 31102, 31104(a),
7 31106, 31107, 31109, 31309, 31313 of title 49, United
8 States Code, and sections 4126 and 4128 of Public Law
9 109–59, \$307,000,000, to be derived from the Highway
10 Trust Fund (other than the Mass Transit Account) and
11 to remain available until expended: *Provided*, That none
12 of the funds in this Act shall be available for the imple-
13 mentation or execution of programs, the obligations for
14 which are in excess of \$307,000,000, for “Motor Carrier
15 Safety Grants”; of which \$212,000,000 shall be available
16 for the motor carrier safety assistance program to carry
17 out sections 31102 and 31104(a) of title 49, United States
18 Code; \$30,000,000 shall be available for the commercial
19 driver’s license improvements program to carry out section
20 31313 of title 49, United States Code; \$32,000,000 shall
21 be available for the border enforcement grants program
22 to carry out section 31107 of title 49, United States Code;
23 \$5,000,000 shall be available for the performance and reg-
24 istration information system management program to
25 carry out sections 31106(b) and 31109 of title 49, United

1 States Code; \$25,000,000 shall be available for the com-
2 mercial vehicle information systems and networks deploy-
3 ment program to carry out section 4126 of Public Law
4 109–59; and \$3,000,000 shall be available for the safety
5 data improvement program to carry out section 4128 of
6 Public Law 109–59: *Provided further*, That of the funds
7 made available for the motor carrier safety assistance pro-
8 gram, \$29,000,000 shall be available for audits of new en-
9 trant motor carriers.

10 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
11 SAFETY ADMINISTRATION

12 SEC. 130. Funds appropriated or limited in this Act
13 shall be subject to the terms and conditions stipulated in
14 section 350 of Public Law 107–87 and section 6901 of
15 Public Law 110–28.

16 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
17 OPERATIONS AND RESEARCH

18 For expenses necessary to discharge the functions of
19 the Secretary, with respect to traffic and highway safety
20 under subtitle C of title X of Public Law 109–59 and
21 chapter 301 and part C of subtitle VI of title 49, United
22 States Code, \$152,000,000, of which \$20,000,000 shall
23 remain available through September 30, 2014.

1 OPERATIONS AND RESEARCH
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)
5 Contingent upon reauthorization, for payment of obli-
6 gations incurred in carrying out the provisions of 23
7 U.S.C. 403, and chapter 303 of title 49, United States
8 Code, \$122,360,000 (reduced by \$10,000,000) (increased
9 by \$10,000,000), to be derived from the Highway Trust
10 Fund (other than the Mass Transit Account) and to re-
11 main available until expended: *Provided*, That none of the
12 funds in this Act shall be available for the planning or
13 execution of programs the total obligations for which, in
14 fiscal year 2013, are in excess of \$122,360,000 (reduced
15 by \$10,000,000) (increased by \$10,000,000), of which
16 \$118,244,000 (reduced by \$10,000,000) (increased by
17 \$10,000,000) shall be for programs authorized under 23
18 U.S.C. 403, and of which \$4,166,000 shall be for the Na-
19 tional Driver Register authorized under chapter 303 of
20 title 49, United States Code: *Provided further*, That within
21 the \$122,360,000 obligation limitation for operations and
22 research, \$20,000,000 shall remain available until Sep-
23 tember 30, 2014 and shall be in addition to the amount
24 of any limitation imposed on obligations for future years:
25 *Provided further*, That \$10,000,000 of the total obligation

1 limitation for operations and research in fiscal year 2013
2 shall be applied toward unobligated balances of contract
3 authority provided in prior Acts for carrying out the provi-
4 sions of 23 U.S.C. 403, and chapter 303 of title 49,
5 United States Code.

6 HIGHWAY TRAFFIC SAFETY GRANTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (HIGHWAY TRUST FUND)

10 Contingent upon reauthorization, for payment of obli-
11 gations incurred in carrying out the provisions of 23
12 U.S.C. 402, 405, 406, 408, and 410 and sections
13 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–
14 59, to remain available until expended, \$501,828,000 to
15 be derived from the Highway Trust Fund (other than the
16 Mass Transit Account): *Provided*, That none of the funds
17 in this Act shall be available for the planning or execution
18 of programs the total obligations for which, in fiscal year
19 2013, are in excess of \$501,828,000 for programs author-
20 ized under 23 U.S.C. 402, 405, 406, 408, and 410 and
21 sections 2001(a)(11), 2009, 2010, and 2011 of Public
22 Law 109–59, of which \$235,000,000 shall be for “High-
23 way Safety Programs” under 23 U.S.C. 402; \$25,000,000
24 shall be for “Occupant Protection Incentive Grants”
25 under 23 U.S.C. 405; \$34,500,000 shall be for “State

1 Traffic Safety Information System Improvements” under
2 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Im-
3 paired Driving Countermeasures Incentive Grant Pro-
4 gram” under 23 U.S.C. 410; \$25,328,000 shall be for
5 “Administrative Expenses” under section 2001(a)(11) of
6 Public Law 109–59; \$29,000,000 shall be for “High Visi-
7 bility Enforcement Program” under section 2009 of Pub-
8 lic Law 109–59; \$7,000,000 shall be for “Motorcyclist
9 Safety” under section 2010 of Public Law 109–59; and
10 \$7,000,000 shall be for “Child Safety and Child Booster
11 Seat Safety Incentive Grants” under section 2011 of Pub-
12 lic Law 109–59: *Provided further*, That none of these
13 funds shall be used for construction, rehabilitation, or re-
14 modeling costs, or for office furnishings and fixtures for
15 State, local or private buildings or structures: *Provided*
16 *further*, That not to exceed \$500,000 of the funds made
17 available for section 410 “Alcohol-Impaired Driving Coun-
18 termeasures Grants” shall be available for technical assist-
19 ance to the States: *Provided further*, That not to exceed
20 \$750,000 of the funds made available for the “High Visi-
21 bility Enforcement Program” shall be available for the
22 evaluation required under section 2009(f) of Public Law
23 109–59.

1 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

2 TRAFFIC SAFETY ADMINISTRATION

3 SEC. 140. Contingent upon reauthorization, notwith-
4 standing section 402(g) of title 23, United States Code,
5 an additional \$130,000 shall be made available to the Na-
6 tional Highway Traffic Safety Administration, out of the
7 amount limited for section 402 of title 23, United States
8 Code, to pay for travel and related expenses for State
9 management reviews and to pay for core competency de-
10 velopment training and related expenses for highway safe-
11 ty staff.

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

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

20 FEDERAL RAILROAD ADMINISTRATION

21 SAFETY AND OPERATIONS

22 For necessary expenses of the Federal Railroad Ad-
23 ministration, not otherwise provided for, \$184,000,000, of
24 which \$20,360,000 shall remain available until expended.

1 RAILROAD RESEARCH AND DEVELOPMENT

2 For necessary expenses for railroad research and de-
3 velopment, \$35,500,000, to remain available until ex-
4 pended.

5 RAILROAD REHABILITATION AND IMPROVEMENT

6 FINANCING PROGRAM

7 The Secretary of Transportation is authorized to
8 issue direct loans and loan guarantees pursuant to sec-
9 tions 502 through 504 of the Railroad Revitalization and
10 Regulatory Reform Act of 1976 (Public Law 94–210), as
11 amended, such authority to exist as long as any such di-
12 rect loan or loan guarantee is outstanding: *Provided*, That,
13 pursuant to section 502 of such Act, as amended, no new
14 direct loans or loan guarantee commitments shall be made
15 using Federal funds for the credit risk premium during
16 fiscal year 2013.

17 OPERATING SUBSIDY GRANTS TO THE NATIONAL

18 RAILROAD PASSENGER CORPORATION

19 To enable the Secretary of Transportation to make
20 quarterly grants to the National Railroad Passenger Cor-
21 poration for the operation of intercity passenger rail, as
22 authorized by section 101 of the Passenger Rail Invest-
23 ment and Improvement Act of 2008 (division B of Public
24 Law 110–432), \$350,000,000, to remain available until
25 expended: *Provided*, That the amounts available under this

1 paragraph shall be available for the Secretary to approve
2 funding to cover operating losses for the Corporation only
3 after receiving and reviewing a grant request for each spe-
4 cific train route: *Provided further*, That each such grant
5 request shall be accompanied by a detailed financial anal-
6 ysis, revenue projection, and capital expenditure projection
7 justifying the Federal support to the Secretary's satisfac-
8 tion: *Provided further*, That not later than 60 days after
9 enactment of this Act, the Corporation shall transmit, in
10 electronic format, to the Secretary, the House and Senate
11 Committees on Appropriations, the House Committee on
12 Transportation and Infrastructure and the Senate Com-
13 mittee on Commerce, Science, and Transportation the an-
14 nual budget and business plan and the 5-Year Financial
15 Plan for fiscal year 2013 required under section 204 of
16 the Passenger Rail Investment and Improvement Act of
17 2008: *Provided further*, That the budget, business plan,
18 and the 5-Year Financial Plan shall also include a sepa-
19 rate accounting of ridership, revenues, and capital and op-
20 erating expenses for the Northeast Corridor; commuter
21 service; long-distance Amtrak service; State-supported
22 service; each intercity train route, including Autotrain;
23 and commercial activities including contract operations:
24 *Provided further*, That the budget, business plan and the
25 5-Year Financial Plan shall include a description of work

1 to be funded, along with cost estimates and an estimated
2 timetable for completion of the projects covered by these
3 plans: *Provided further*, That the budget, business plan
4 and the 5-Year Financial Plan shall include annual infor-
5 mation on the maintenance, refurbishment, replacement,
6 and expansion for all Amtrak rolling stock consistent with
7 the comprehensive fleet plan: *Provided further*, That the
8 Corporation shall provide semiannual reports in electronic
9 format regarding the pending business plan, which shall
10 describe the work completed to date, any changes to the
11 business plan, and the reasons for such changes, and shall
12 identify all sole-source contract awards which shall be ac-
13 companied by a justification as to why said contract was
14 awarded on a sole-source basis, as well as progress against
15 the milestones and target dates of the 2012 performance
16 improvement plan: *Provided further*, That the Corpora-
17 tion's budget, business plan, 5-Year Financial Plan, semi-
18 annual reports, and all subsequent supplemental plans
19 shall be displayed on the Corporation's Web site within
20 a reasonable timeframe following their submission to the
21 appropriate entities: *Provided further*, That these plans
22 shall be accompanied by a comprehensive fleet plan for
23 all Amtrak rolling stock which shall address the Corpora-
24 tion's detailed plans and timeframes for the maintenance,
25 refurbishment, replacement, and expansion of the Amtrak

1 fleet: *Provided further*, That said fleet plan shall establish
2 year-specific goals and milestones and discuss potential,
3 current, and preferred financing options for all such activi-
4 ties: *Provided further*, That none of the funds under this
5 heading may be obligated or expended until the Corpora-
6 tion agrees to continue abiding by the provisions of para-
7 graphs 1, 2, 5, 9, and 11 of the summary of conditions
8 for the direct loan agreement of June 28, 2002, in the
9 same manner as in effect on the date of enactment of this
10 Act: *Provided further*, That none of the funds provided in
11 this Act may be used to support any route on which Am-
12 trak offers a discounted fare of more than 50 percent off
13 the normal peak fare: *Provided further*, That the preceding
14 proviso does not apply to routes where the operating loss
15 as a result of the discount is covered by a State and the
16 State participates in the setting of fares: *Provided further*,
17 That the Corporation shall submit to the House and Sen-
18 ate Committees on Appropriations a budget request for
19 fiscal year 2014 in similar format and substance to those
20 submitted by executive agencies of the Federal Govern-
21 ment.

22 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
23 RAILROAD PASSENGER CORPORATION

24 To enable the Secretary of Transportation to make
25 grants to the National Railroad Passenger Corporation for

1 capital investments as authorized by section 101(c) and
2 219(b) of the Passenger Rail Investment and Improve-
3 ment Act of 2008 (division B of Public Law 110–432),
4 \$1,452,000,000, to remain available until expended, of
5 which not to exceed \$271,000,000 shall be for debt service
6 obligations as authorized by section 102 of such Act: *Pro-*
7 *vided*, That of the amounts made available under this
8 heading, not less than \$50,000,000 shall be made avail-
9 able to bring Amtrak served facilities and stations into
10 compliance with the Americans with Disabilities Act: *Pro-*
11 *vided further*, That after an initial distribution of up to
12 \$200,000,000, which shall be used by the Corporation as
13 a working capital account, all remaining funds shall be
14 provided to the Corporation only on a reimbursable basis:
15 *Provided further*, That of the amounts made available
16 under this heading, not less than \$500,000,000 shall be
17 made available to fund high priority state-of-good-repair
18 intercity infrastructure projects on infrastructure owned
19 by the Corporation or States for the benefit of existing
20 intercity passenger rail services: *Provided further*, That of
21 the amount provided under the preceding proviso,
22 \$80,000,000 may be used to subsidize operating losses of
23 the Corporation only after receiving and reviewing a grant
24 request justifying the Federal support to the Secretary’s
25 satisfaction; *Provided further*, That such projects shall

1 only include capital projects within the meaning of Section
2 24401(2)(A) of Title 49, United States Code: *Provided*
3 *further*, That the Secretary shall approve funding for these
4 projects only after receiving and reviewing a grant request
5 for each project developed by Amtrak in conjunction with
6 any state partners: *Provided further*, That the Federal
7 share payable of the costs for such a project shall not ex-
8 ceed 80 percent: *Provided further*, That at least 30 days
9 prior to the obligation of funds for such a project, the Sec-
10 retary shall provide to the House and Senate Committees
11 on Appropriations written notification of the approval of
12 the project: *Provided further*, That the Secretary may re-
13 tain up to one-half of 1 percent of the funds provided
14 under this heading to fund the costs of project manage-
15 ment oversight of capital projects funded by grants pro-
16 vided under this heading, as authorized by subsection
17 101(d) of division B of Public Law 110–432: *Provided fur-*
18 *ther*, That the Secretary shall approve funding for capital
19 expenditures, including advance purchase orders of mate-
20 rials, for the Corporation only after receiving and review-
21 ing a grant request for each specific capital project justi-
22 fying the Federal support to the Secretary’s satisfaction:
23 *Provided further*, Except as otherwise provided herein,
24 none of the funds under this heading may be used to sub-
25 sidize operating losses of the Corporation: *Provided fur-*

1 *ther*, That except as otherwise provided herein, none of
2 the funds under this heading may be used for capital
3 projects not approved by the Secretary of Transportation
4 or on the Corporation's fiscal year 2013 business plan:
5 *Provided further*, That in addition to the project manage-
6 ment oversight funds authorized under section 101(d) of
7 division B of Public Law 110-432, the Secretary may re-
8 tain up to an additional \$3,000,000 of the funds provided
9 under this heading to fund expenses associated with imple-
10 menting section 212 of division B of Public Law 110-432,
11 including the amendments made by section 212 to section
12 24905 of title 49, United States Code.

13 NEXT GENERATION HIGH-SPEED RAIL

14 (RESCISSION)

15 Of the funds made available for Next Generation
16 High Speed Rail, as authorized by sections 1103 and 7201
17 of Public Law 105-178, \$1,973,000 are hereby perma-
18 nently rescinded: *Provided*, That no amounts may be can-
19 celled from amounts that were designated by the Congress
20 as an emergency requirement pursuant to the Concurrent
21 Resolution on the Budget or the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended.

1 NORTHWEST CORRIDOR IMPROVEMENT PROGRAM

2 (RESCISSION)

3 Of the funds made available for the Northeast Cor-
4 ridor Improvement Program, as authorized by Public Law
5 94-210, \$4,419,000 are hereby permanently rescinded:
6 *Provided*, That no amounts may be cancelled from
7 amounts that were designated by the Congress as an
8 emergency requirement pursuant to the Concurrent Reso-
9 lution on the Budget or the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985, as amended.

11 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

12 ADMINISTRATION

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

23 SEC. 151. The Secretary of Transportation may re-
24 ceive and expend cash, or receive and utilize spare parts
25 and similar items, from non-United States Government

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

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

17 SEC. 153. None of the funds provided to the National
18 Railroad Passenger Corporation may be used to fund any
19 overtime costs in excess of \$35,000 for any individual em-
20 ployee: *Provided*, That the president of Amtrak may waive
21 the cap set in the previous proviso for specific employees
22 when the president of Amtrak determines such a cap poses
23 a risk to the safety and operational efficiency of the sys-
24 tem: *Provided further*, That Amtrak shall notify House
25 and Senate Committees on Appropriations within 30 days

1 of waiving such cap and delineate the reasons for such
2 waiver.

3 SEC. 154. The unobligated balance of funds provided
4 under sections 1101(a)(18) and 1307 of Public Law 109–
5 59 shall be used for the elimination of hazards at railway-
6 highway crossings described in section 104(d)(2) of title
7 23, United States Code, to remain available until ex-
8 pended.

9 FEDERAL TRANSIT ADMINISTRATION

10 ADMINISTRATIVE EXPENSES

11 For necessary administrative expenses of the Federal
12 Transit Administration's programs authorized by chapter
13 53 of title 49, United States Code, \$100,000,000: *Pro-*
14 *vided*, That none of the funds provided or limited in this
15 Act may be used to create a permanent office of transit
16 security under this heading: *Provided further*, That upon
17 submission to the Congress of the fiscal year 2014 Presi-
18 dent's budget, the Secretary of Transportation shall trans-
19 mit to Congress the annual report on New Starts, includ-
20 ing proposed allocations of funds for fiscal year 2014.

21 FORMULA AND BUS GRANTS

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 Contingent upon enactment of surface transportation
25 authorization legislation, funds available in fiscal year

1 2013 for the implementation or execution of transit for-
2 mula and bus grant programs authorized under title 49,
3 United States Code, as amended by such authorization,
4 shall not exceed total obligations of \$8,360,565,000 from
5 the Mass Transit Account of the Highway Trust Fund.

6 (LIQUIDATION OF CONTRACT AUTHORITY)

7 (HIGHWAY TRUST FUND)

8 Contingent upon enactment of surface transportation
9 authorization legislation, \$9,400,000,000, to remain avail-
10 able until expended and to be derived from the Mass Tran-
11 sit Account of the Highway Trust Fund, for payment of
12 obligations incurred in carrying out mass transit programs
13 authorized under title 49, United States Code, as amended
14 by such authorization.

15 RESEARCH AND UNIVERSITY RESEARCH CENTERS

16 For necessary expenses to carry out 49 U.S.C. 5306,
17 5312–5315, 5322, and 5506, \$44,000,000, to remain
18 available until expended: *Provided*, That \$6,500,000 is
19 available to carry out the transit cooperative research pro-
20 gram under section 5313 of title 49, United States Code,
21 \$3,000,000 is available for the National Transit Institute
22 under section 5315 of title 49, United States Code, and
23 \$4,000,000 is available for the university transportation
24 centers program under section 5506 of title 49, United
25 States Code: *Provided further*, That \$20,000,000 is avail-

1 able to carry out innovative research and demonstrations
2 of national significance under section 5312 of title 49,
3 United States Code.

4 CAPITAL INVESTMENT GRANTS

5 For necessary expenses to carry out section 5309 of
6 title 49, United States Code, \$1,816,993,000, to remain
7 available until expended, of which \$127,566,794 shall be
8 available to carry out section 5309(e) of such title.

9 GRANTS TO THE WASHINGTON METROPOLITAN AREA

10 TRANSIT AUTHORITY

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

1 of section 601(e)(1) of title VI of Public Law 110–432
2 (112 Stat. 4968) for fiscal year 2013.

3 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

4 ADMINISTRATION

5 (INCLUDING RESCISSION OF FUNDS)

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

11 SEC. 161. Notwithstanding any other provision of
12 law, funds appropriated or limited by this Act under the
13 Federal Transit Administration’s discretionary program
14 appropriations headings for projects specified in this Act
15 or identified in reports accompanying this Act not obli-
16 gated by September 30, 2015, and other recoveries, shall
17 be directed to projects eligible to use the funds for the
18 purposes for which they were originally provided.

19 SEC. 162. Notwithstanding any other provision of
20 law, any funds appropriated before October 1, 2012, under
21 any section of chapter 53 of title 49, United States Code,
22 that remain available for expenditure, may be transferred
23 to and administered under the most recent appropriation
24 heading for any such section.

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

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

13 SEC. 165. In addition to the amounts made available
14 under section 5327(c)(1) of title 49, United States Code,
15 the Secretary may use, for program management activities
16 described in section 5327(c)(2), 1.5 percent of the amount
17 made available to carry out section 5316 of title 49,
18 United States Code: *Provided*, That funds made available
19 for program management oversight shall be used to over-
20 see the compliance of a recipient or subrecipient of Fed-
21 eral transit assistance consistent with activities identified
22 under section 5327(c)(2) and for purposes of enforcement.

23 SEC. 166. Notwithstanding any other provision of
24 law, none of the funds made available in this Act shall

1 be available to carry out 49 U.S.C. 5309(m)(6)(B) and
2 (C).

3 SEC. 167. Notwithstanding any other provision of
4 law, none of the funds made available in this Act shall
5 be used to enter into a full funding grant agreement for
6 a project with a New Starts share greater than 60 percent.

7 SEC. 168. The Secretary shall conduct a formal adju-
8 dication in accordance with section 554 of title 5, United
9 States Code, requiring any transit agency that during fis-
10 cal year 2008 was both initially granted a 60-day period
11 to come into compliance with part 604, and then granted
12 an exception from such part in this fiscal year to present
13 evidence why it cannot come into compliance with such
14 part: *Provided*, That any determination arising from the
15 adjudication shall be sent to the House and Senate Com-
16 mittees on Appropriations for consideration: *Provided fur-*
17 *ther*, That this section shall be obviated if there is an ar-
18 rangement between such transit agency and charter bus
19 providers that the Secretary considers appropriate in ac-
20 cordance with section 5323(d) of title 49, United States
21 Code.

22 SEC. 169. For purposes of applying the project jus-
23 tification and local financial commitment criteria of 49
24 U.S.C. 5309(d) to a New Starts project, the Secretary
25 may consider the costs and ridership of any connected

1 project in an instance in which private parties are making
2 significant financial contributions to the construction of
3 the connected project; additionally, the Secretary may con-
4 sider the significant financial contributions of private par-
5 ties to the connected project in calculating the non-Federal
6 share of net capital project costs for the New Starts
7 project.

8 SEC. 169A. Of the funds made available for the For-
9 mula Grants program, as authorized by Public Law 97-
10 424, as amended, \$70,867,394 are hereby permanently re-
11 scinded: *Provided*, That of the funds made available for
12 the Formula Grants program, as authorized by Public
13 Law 91-43, as amended, \$699,307 are hereby perma-
14 nently rescinded: *Provided further*, That of the funds made
15 available for the Formula Grants program as authorized
16 by Public Law 95-599, as amended, \$928,838 are hereby
17 permanently rescinded: *Provided further*, That of the
18 funds made available for the University Transportation
19 Research program, as authorized by Public Law 91-453,
20 as amended, and by Public Law 102-240, as amended,
21 \$292,554 are hereby permanently rescinded: *Provided fur-*
22 *ther*, That of the funds made available for the Job Access
23 and Reverse Commute program, as authorized by Public
24 Law 105-178, as amended, \$14,661,719 are hereby per-
25 manently rescinded: *Provided further*, That of the funds

1 made available for the Capital Investment Grants pro-
2 gram, as authorized by Public Law 105–178, as amended,
3 \$11,429,055 are hereby permanently rescinded: *Provided*
4 *further*, That of the funds made available for the Research,
5 Training, and Human Resources program, as authorized
6 by Public Law 95–599, as amended, \$247,579 are hereby
7 permanently rescinded: *Provided further*, That of the
8 funds made available for the Interstate Transfer Grants
9 program, as authorized by 23 U.S.C. 103(e)(4),
10 \$2,661,568 are hereby permanently rescinded: *Provided*
11 *further*, That of the funds made available for the Wash-
12 ington Metropolitan Area Transit Authority, as authorized
13 by section 14 of Public Law 96–184, as amended, and
14 by Public Law 101–551, as amended, \$523,000 are here-
15 by permanently rescinded: *Provided further*, That of the
16 funds made available for the Urban Discretionary Grants
17 program, as authorized by Public Law 88–365, as amend-
18 ed, \$578,353 are hereby permanently rescinded: *Provided*
19 *further*, That no amounts may be rescinded from amounts
20 that were designated by the Congress as an emergency re-
21 quirement pursuant to a concurrent resolution on the
22 budget or the Balanced Budget and Emergency Deficit
23 Control Act of 1985, as amended.

24 SEC. 169B. None of the funds in this Act may be
25 available to advance a new fixed guideway capital project

1 to final design or a full funding grant agreement as de-
2 fined by 49 U.S.C. 5309 for the Metropolitan Transit Au-
3 thority of Harris County, Texas if the proposed capital
4 project is constructed on or planned to be constructed on
5 Richmond Avenue west of Montrose Boulevard or on Post
6 Oak Boulevard north of Richmond Avenue in Houston,
7 Texas.

8 SAINT LAWRENCE SEAWAY DEVELOPMENT

9 CORPORATION

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

19 OPERATIONS AND MAINTENANCE

20 (HARBOR MAINTENANCE TRUST FUND)

21 For necessary expenses for operations, maintenance,
22 and capital asset renewal of those portions of the St. Law-
23 rence Seaway owned, operated, and maintained by the
24 Saint Lawrence Seaway Development Corporation,

1 \$33,000,000, to be derived from the Harbor Maintenance
2 Trust Fund, pursuant to Public Law 99-662.

3 MARITIME ADMINISTRATION

4 MARITIME SECURITY PROGRAM

5 For necessary expenses to maintain and preserve a
6 U.S.-flag merchant fleet to serve the national security
7 needs of the United States, \$184,000,000, to remain avail-
8 able until expended.

9 OPERATIONS AND TRAINING

10 For necessary expenses of operations and training ac-
11 tivities authorized by law, \$145,753,000, of which
12 \$11,500,000 shall remain available until expended for
13 maintenance and repair of training ships at State Mari-
14 time Academies, and of which \$2,400,000 shall remain
15 available through September 30, 2014 for Student Incen-
16 tive Program payments at State Maritime Academies, and
17 of which not less than \$14,000,000 shall remain available
18 until expended for capital improvements at the United
19 States Merchant Marine Academy: *Provided*, That
20 amounts apportioned for the United States Merchant Ma-
21 rine Academy shall be available only upon allotments made
22 personally by the Secretary of Transportation or the As-
23 sistant Secretary for Budget and Programs: *Provided fur-*
24 *ther*, That the Superintendent, Deputy Superintendent
25 and the Director of the Office of Resource Management

1 of the United State Merchant Marine Academy may not
2 be allotment holders for the United States Merchant Ma-
3 rine Academy, and the Administrator of the Maritime Ad-
4 ministration shall hold all allotments made by the Sec-
5 retary of Transportation or the Assistant Secretary for
6 Budget and Programs under the previous proviso: *Pro-*
7 *vided further*, That 50 percent of the funding made avail-
8 able for the United States Merchant Marine Academy
9 under this heading shall be available only after the Sec-
10 retary, in consultation with the Superintendent and the
11 Maritime Administrator, completes a plan detailing by
12 program or activity how such funding will be expended at
13 the Academy, and this plan is submitted to the House and
14 Senate Committees on Appropriations.

15 SHIP DISPOSAL

16 For necessary expenses related to the disposal of ob-
17 solete vessels in the National Defense Reserve Fleet of the
18 Maritime Administration, \$4,000,000, to remain available
19 until expended.

20 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

21 ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the necessary administrative expenses of the
24 maritime guaranteed loan program, \$3,750,000 (reduced

1 by \$10,000) shall be paid to the appropriation for “Oper-
2 ations and Training”, Maritime Administration.

3 ADMINISTRATIVE PROVISIONS—MARITIME

4 ADMINISTRATION

5 SEC. 170. Notwithstanding any other provision of
6 this Act, the Maritime Administration is authorized to fur-
7 nish utilities and services and make necessary repairs in
8 connection with any lease, contract, or occupancy involving
9 Government property under control of the Maritime Ad-
10 ministration: *Provided*, That payments received therefor
11 shall be credited to the appropriation charged with the
12 cost thereof and shall be available until expended: *Pro-*
13 *vided further*, That rental payments under any such lease,
14 contract, or occupancy for items other than such utilities,
15 services, or repairs shall be covered into the Treasury as
16 miscellaneous receipts.

17 SEC. 171. None of the funds available or appro-
18 priated in this Act shall be used by the United States De-
19 partment of Transportation or the United States Maritime
20 Administration to negotiate or otherwise execute, enter
21 into, facilitate or perform fee-for-service contracts for ves-
22 sel disposal, scrapping or recycling, unless there is no
23 qualified domestic ship recycler that will pay any sum of
24 money to purchase and scrap or recycle a vessel owned,
25 operated or managed by the Maritime Administration or

1 that is part of the National Defense Reserve Fleet. Such
2 sales offers must be consistent with the solicitation and
3 provide that the work will be performed in a timely man-
4 ner at a facility qualified within the meaning of section
5 3502 of Public Law 106–398. Nothing contained herein
6 shall affect the Maritime Administration’s authority to
7 award contracts at least cost to the Federal Government
8 and consistent with the requirements of 16 U.S.C.
9 5405(c), section 3502, or otherwise authorized under the
10 Federal Acquisition Regulation.

11 PIPELINE AND HAZARDOUS MATERIALS SAFETY

12 ADMINISTRATION

13 OPERATIONAL EXPENSES

14 (PIPELINE SAFETY FUND)

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary operational expenses of the Pipeline
17 and Hazardous Materials Safety Administration,
18 \$23,030,000, of which \$639,000 shall be derived from the
19 Pipeline Safety Fund: *Provided*, That \$1,500,000 shall be
20 transferred to “Pipeline Safety” in order to fund “Pipeline
21 Safety Information Grants to Communities” as authorized
22 under section 60130 of title 49, United States Code.

23 HAZARDOUS MATERIALS SAFETY

24 For expenses necessary to discharge the hazardous
25 materials safety functions of the Pipeline and Hazardous

1 Materials Safety Administration, \$42,546,000, of which
2 \$1,725,000 shall remain available until September 30,
3 2015: *Provided*, That up to \$800,000 in fees collected
4 under 49 U.S.C. 5108(g) shall be deposited in the general
5 fund of the Treasury as offsetting receipts: *Provided fur-*
6 *ther*, That there may be credited to this appropriation, to
7 be available until expended, funds received from States,
8 counties, municipalities, other public authorities, and pri-
9 vate sources for expenses incurred for training, for reports
10 publication and dissemination, and for travel expenses in-
11 curred in performance of hazardous materials exemptions
12 and approval functions.

13 PIPELINE SAFETY

14 (PIPELINE SAFETY FUND)

15 (OIL SPILL LIABILITY TRUST FUND)

16 (PIPELINE SAFETY DESIGN REVIEW FUND)

17 For expenses necessary to conduct the functions of
18 the pipeline safety program, for grants-in-aid to carry out
19 a pipeline safety program, as authorized by 49 U.S.C.
20 60107, and to discharge the pipeline program responsibil-
21 ities of the Oil Pollution Act of 1990, \$111,252,000, of
22 which \$18,573,000 shall be derived from the Oil Spill Li-
23 ability Trust Fund and shall remain available until Sep-
24 tember 30, 2015; and of which \$90,679,000 shall be de-
25 rived from the Pipeline Safety Fund, of which

1 \$48,191,000 shall remain available until September 30,
2 2015; and of which \$2,000,000, to remain available until
3 expended, shall be derived as provided in this Act from
4 the Pipeline Safety Design Review Fund, as authorized
5 in 49 U.S.C. 60117(n): *Provided*, That not less than
6 \$1,058,000 of the funds provided under this heading shall
7 be for the one-call State grant program.

8 EMERGENCY PREPAREDNESS GRANTS

9 (EMERGENCY PREPAREDNESS FUND)

10 For necessary expenses to carry out 49 U.S.C.
11 5128(b), \$188,000, to be derived from the Emergency
12 Preparedness Fund, to remain available until September
13 30, 2014: *Provided*, That not more than \$28,318,000 shall
14 be made available for obligation in fiscal year 2013 from
15 amounts made available by 49 U.S.C. 5116(i) and
16 5128(b)–(c): *Provided further*, That none of the funds
17 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
18 shall be made available for obligation by individuals other
19 than the Secretary of Transportation, or his designee.

20 RESEARCH AND INNOVATIVE TECHNOLOGY

21 ADMINISTRATION

22 RESEARCH AND DEVELOPMENT

23 For necessary expenses of the Research and Innova-
24 tive Technology Administration, \$13,500,000: *Provided*,
25 That there may be credited to this appropriation, to be

1 available until expended, funds received from States, coun-
2 ties, municipalities, other public authorities, and private
3 sources for expenses incurred for training.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of the Inspector
7 General to carry out the provisions of the Inspector Gen-
8 eral Act of 1978, as amended, \$84,499,000: *Provided*,
9 That the Inspector General shall have all necessary au-
10 thority, in carrying out the duties specified in the Inspec-
11 tor General Act, as amended (5 U.S.C. App. 3), to inves-
12 tigate allegations of fraud, including false statements to
13 the government (18 U.S.C. 1001), by any person or entity
14 that is subject to regulation by the Department: *Provided*
15 *further*, That the funds made available under this heading
16 may be used to investigate, pursuant to section 41712 of
17 title 49, United States Code: (1) unfair or deceptive prac-
18 tices and unfair methods of competition by domestic and
19 foreign air carriers and ticket agents; and (2) the compli-
20 ance of domestic and foreign air carriers with respect to
21 item (1) of this proviso: *Provided further*, That no funding
22 through expenditure transfers shall be made between ei-
23 ther the Federal Highway Administration, the Federal
24 Aviation Administration, the Federal Transit Administra-
25 tion, or the National Transportation Safety Board, and

1 the Office of Inspector General: *Provided further*, That:
2 (1) the Inspector General shall have the authority to audit
3 and investigate the Metropolitan Washington Airports Au-
4 thority (MWAA); (2) in carrying out these audits and in-
5 vestigations the Inspector General shall have all the au-
6 thorities described under section 6 of the Inspector Gen-
7 eral Act (5 U.S.C. App.); (3) MWAA Board Members, em-
8 ployees, contractors, and subcontractors shall cooperate
9 and comply with requests from the Inspector General, in-
10 cluding providing testimony and other information; (4)
11 The Inspector General shall be permitted to observe closed
12 executive sessions of the MWAA Board of Directors; (5)
13 MWAA shall pay the expenses of the Inspector General,
14 including staff salaries and benefits and associated oper-
15 ating costs, which shall be credited to this appropriation
16 and remain available until expended; and (6) if MWAA
17 fails to make funds available to the Inspector General
18 within 30 days after a request for such funds is received,
19 then the Inspector General shall notify the Secretary of
20 Transportation who shall not approve a grant for MWAA
21 under section 47107(b) of title 49, United States Code,
22 until such funding is made available for the Inspector
23 General.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Surface Transpor-
4 tation Board, including services authorized by 5 U.S.C.
5 3109, \$31,250,000 (reduced by \$1,940,000): *Provided*,
6 That notwithstanding any other provision of law, not to
7 exceed \$1,250,000 from fees established by the Chairman
8 of the Surface Transportation Board shall be credited to
9 this appropriation as offsetting collections and used for
10 necessary and authorized expenses under this heading:
11 *Provided further*, That the sum herein appropriated from
12 the general fund shall be reduced on a dollar-for-dollar
13 basis as such offsetting collections are received during fis-
14 cal year 2013, to result in a final appropriation from the
15 general fund estimated at no more than \$30,000,000.

16 GENERAL PROVISIONS—DEPARTMENT OF
17 TRANSPORTATION

18 SEC. 180. During the current fiscal year, applicable
19 appropriations to the Department of Transportation shall
20 be available for maintenance and operation of aircraft;
21 hire of passenger motor vehicles and aircraft; purchase of
22 liability insurance for motor vehicles operating in foreign
23 countries on official department business; and uniforms or
24 allowances therefor, as authorized by law (5 U.S.C. 5901–
25 5902).

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

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

12 SEC. 183. (a) No recipient of funds made available
13 in this Act shall disseminate personal information (as de-
14 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
15 ment of motor vehicles in connection with a motor vehicle
16 record as defined in 18 U.S.C. 2725(1), except as provided
17 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
18 2721.

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

22 SEC. 184. Funds received by the Federal Highway
23 Administration, Federal Transit Administration, and Fed-
24 eral Railroad Administration from States, counties, mu-
25 nicipalities, other public authorities, and private sources

1 for expenses incurred for training may be credited respec-
2 tively to the Federal Highway Administration’s “Federal-
3 Aid Highways” account, the Federal Transit Administra-
4 tion’s “Research and University Research Centers” ac-
5 count, and to the Federal Railroad Administration’s
6 “Safety and Operations” account, except for State rail
7 safety inspectors participating in training pursuant to 49
8 U.S.C. 20105.

9 SEC. 185. None of the funds in this Act to the De-
10 partment of Transportation may be used to make a grant
11 unless the Secretary of Transportation notifies the House
12 and Senate Committees on Appropriations not less than
13 3 full business days before any project competitively se-
14 lected to receive a discretionary grant award, any discre-
15 tionary grant award, letter of intent, or full funding grant
16 agreement totaling \$1,000,000 or more is announced by
17 the department or its modal administrations from:

18 (1) any discretionary grant program of the Fed-
19 eral Highway Administration including the emer-
20 gency relief program;

21 (2) the airport improvement program of the
22 Federal Aviation Administration;

23 (3) any program of the Federal Railroad Ad-
24 ministration;

1 (4) any program of the Federal Transit Admin-
2 istration other than the formula grants and fixed
3 guideway modernization programs; or

4 (5) any funding provided under the headings
5 “National Infrastructure Investments” in this Act:
6 *Provided*, That the Secretary gives concurrent notifi-
7 cation to the House and Senate Committees on Ap-
8 propriations for any “quick release” of funds from
9 the emergency relief program: *Provided further*, That
10 no notification shall involve funds that are not avail-
11 able for obligation.

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

21 SEC. 187. Amounts made available in this or any
22 other Act that the Secretary determines represent im-
23 proper payments by the Department of Transportation to
24 a third-party contractor under a financial assistance

1 award, which are recovered pursuant to law, shall be avail-
2 able—

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

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

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

16 (B) if no such appropriation remains avail-
17 able, shall be deposited in the Treasury as mis-
18 cellaneous receipts: *Provided further*, That prior
19 to the transfer of any such recovery to an ap-
20 propriations account, the Secretary shall notify
21 to the House and Senate Committees on Appro-
22 priations of the amount and reasons for such
23 transfer: *Provided further*, That for purposes of
24 this section, the term “improper payments”,

1 has the same meaning as that provided in sec-
2 tion 2(d)(2) of Public Law 107–300.

3 SEC. 188. Notwithstanding any other provision of
4 law, if any funds provided in or limited by this Act are
5 subject to a reprogramming action that requires notice to
6 be provided to the House and Senate Committees on Ap-
7 propriations, said reprogramming action shall be approved
8 or denied solely by the Committees on Appropriations:
9 *Provided*, That the Secretary may provide notice to other
10 congressional committees of the action of the Committees
11 on Appropriations on such reprogramming but not sooner
12 than 30 days following the date on which the reprogram-
13 ming action has been approved or denied by the House
14 and Senate Committees on Appropriations.

15 SEC. 189. None of the funds appropriated or other-
16 wise made available under this Act may be used by the
17 Surface Transportation Board of the Department of
18 Transportation to charge or collect any filing fee for rate
19 complaints filed with the Board in an amount in excess
20 of the amount authorized for district court civil suit filing
21 fees under section 1914 of title 28, United States Code.

22 SEC. 190. Funds appropriated in this Act to the
23 modal administrations may be obligated for the Office of
24 the Secretary for the costs related to assessments or reim-
25 bursable agreements only when such amounts are for the

1 costs of goods and services that are purchased to provide
2 a direct benefit to the applicable modal administration or
3 administrations.

4 This title may be cited as the “Department of Trans-
5 portation Appropriations Act, 2013”.

6

TITLE II

7

DEPARTMENT OF HOUSING AND URBAN

8

DEVELOPMENT

9

MANAGEMENT AND ADMINISTRATION

10

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

11

For necessary salaries and expenses for administra-
12 tion, management and operations of the Department of
13 Housing and Urban Development, \$518,068,000 (reduced
14 by \$2,000,000), of which not to exceed \$3,572,000 shall
15 be available for the immediate Office of the Secretary; not
16 to exceed \$1,206,000 shall be for the Office of the Deputy
17 Secretary and the Chief Operating Officer; not to exceed
18 \$1,711,000 shall be available for the Office of Hearings
19 and Appeals; not to exceed \$705,000 shall be available for
20 the Office of Small and Disadvantaged Business Utiliza-
21 tion; not to exceed \$47,627,000 shall be available for the
22 Office of the Chief Financial Officer; not to exceed
23 \$95,102,000 shall be available for the Office of the Gen-
24 eral Counsel; not to exceed \$2,400,000 shall be available
25 to the Office of Congressional and Intergovernmental Re-

1 lations; not to exceed \$3,502,000 shall be available for the
2 Office of Public Affairs; not to exceed \$247,535,000 shall
3 be available for the Office of the Chief Human Capital
4 Officer; not to exceed \$47,500,000 shall be available for
5 the Office of Field Policy and Management; not to exceed
6 \$16,563,000 shall be available for the Office of the Chief
7 Procurement Officer; not to exceed \$3,127,000 shall be
8 available for the Office of Departmental Equal Employ-
9 ment Opportunity; not to exceed \$1,404,000 shall be avail-
10 able for the Center for Faith-Based and Community Ini-
11 tiatives; not to exceed \$2,360,000 shall be available for
12 the Office of Sustainable Housing and Communities; not
13 to exceed \$4,884,000 shall be available for the Office of
14 Strategic Planning and Management; and not to exceed
15 \$38,870,000 (reduced by \$2,000,000) shall be available
16 for the Office of the Chief Information Officer: *Provided*,
17 That funds provided under this heading may be used for
18 necessary administrative and non-administrative expenses
19 of the Department of Housing and Urban Development,
20 not otherwise provided for, including purchase of uni-
21 forms, or allowances therefore, as authorized by 5 U.S.C.
22 5901–5902; hire of passenger motor vehicles; services as
23 authorized by 5 U.S.C. 3109: *Provided further*, That not-
24 withstanding any other provision of law, funds appro-
25 priated under this heading may be used for advertising

1 and promotional activities that support the housing mis-
2 sion area: *Provided further*, That the Secretary shall trans-
3 mit to the House and Senate Committees on Appropria-
4 tions a detailed budget justification for each office within
5 the Department, including an organizational chart for
6 each operating area within the Department: *Provided fur-*
7 *ther*, That the budget justification shall include funding
8 levels for the past 3 fiscal years for all offices: *Provided*
9 *further*, that the budget submitted by the Department
10 must also include a detailed justification for the incre-
11 mental funding increases, decreases and FTE fluctuations
12 being requested by program, activity, or program element:
13 *Provided further*, That the Secretary shall provide the
14 Committees on Appropriations quarterly written notifica-
15 tion regarding the status of pending congressional reports:
16 *Provided further*, That the Secretary shall provide all
17 signed reports required by Congress electronically: *Pro-*
18 *vided further*, That not to exceed \$25,000 of the amount
19 made available under this paragraph for the immediate
20 Office of the Secretary shall be available for official recep-
21 tion and representation expenses as the Secretary may de-
22 termine.

1 PROGRAM OFFICE SALARIES AND EXPENSES

2 PUBLIC AND INDIAN HOUSING

3 For necessary salaries and expenses of the Office of
4 Public and Indian Housing, \$206,500,000.

5 COMMUNITY PLANNING AND DEVELOPMENT

6 For necessary salaries and expenses of the Office of
7 Community Planning and Development, \$103,500,000.

8 HOUSING

9 For necessary salaries and expenses of the Office of
10 Housing, \$396,500,000, of which at least \$8,200,000 shall
11 be for the Office of Risk and Regulatory Affairs.

12 POLICY DEVELOPMENT AND RESEARCH

13 For necessary salaries and expenses of the Office of
14 Policy Development and Research, \$22,326,000.

15 FAIR HOUSING AND EQUAL OPPORTUNITY

16 For necessary salaries and expenses of the Office of
17 Fair Housing and Equal Opportunity, \$72,904,000.

18 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

19 CONTROL

20 For necessary salaries and expenses of the Office of
21 Healthy Homes and Lead Hazard Control, \$6,816,000.

22 PUBLIC AND INDIAN HOUSING

23 TENANT-BASED RENTAL ASSISTANCE

24 For activities and assistance for the provision of ten-
25 ant-based rental assistance authorized under the United

1 States Housing Act of 1937, as amended (42 U.S.C. 1437
2 et seq.) (“the Act” herein), not otherwise provided for,
3 \$15,134,283,000, to remain available until expended, shall
4 be available on October 1, 2012 (in addition to the
5 \$4,000,000,000 previously appropriated under this head-
6 ing that became available on October 1, 2012), and
7 \$4,000,000,000, to remain available until expended, shall
8 be available on October 1, 2013: *Provided*, That amounts
9 made available under this heading are provided as follows:

10 (1) \$17,237,948,000 shall be available for re-
11 newals of expiring section 8 tenant-based annual
12 contributions contracts (including renewals of en-
13 hanced vouchers under any provision of law author-
14 izing such assistance under section 8(t) of the Act)
15 and including renewal of other special purpose incre-
16 mental vouchers: *Provided*, That notwithstanding
17 any other provision of law, from amounts provided
18 under this paragraph and any carryover, the Sec-
19 retary for the calendar year 2013 funding cycle shall
20 provide renewal funding for each public housing
21 agency based on validated voucher management sys-
22 tem (VMS) leasing and cost data for the prior cal-
23 endar year and by applying an inflation factor as es-
24 tablished by the Secretary, by notice published in
25 the Federal Register, and by making any necessary

1 adjustments for the costs associated with the first-
2 time renewal of vouchers under this paragraph in-
3 cluding tenant protection and HOPE VI vouchers:
4 *Provided further*, That none of the funds provided
5 under this paragraph may be used to fund a total
6 number of unit months under lease which exceeds a
7 public housing agency's authorized level of units
8 under contract, except for public housing agencies
9 participating in the Moving to Work (MTW) dem-
10 onstration, which are instead governed by the terms
11 and conditions of their MTW agreements: *Provided*
12 *further*, That the Secretary shall, to the extent nec-
13 essary to stay within the amount specified under this
14 paragraph, pro rate each public housing agency's al-
15 location otherwise established pursuant to this para-
16 graph: *Provided further*, That except as provided in
17 the following provisos, the entire amount specified
18 under this paragraph (except as otherwise modified
19 under this Act) shall be obligated to the public hous-
20 ing agencies based on the allocation and pro rata
21 method described above, and the Secretary shall no-
22 tify public housing agencies of their annual budget
23 not later than 60 days after enactment of this Act:
24 *Provided further*, That the Secretary may extend the
25 60-day notification period, with the prior written ap-

1 proval of the House and Senate Committees on Ap-
2 propriations: *Provided further*, That up to
3 \$75,000,000 shall be available only: (1) for adjust-
4 ments in the allocations for public housing agencies,
5 after application for an adjustment by a public hous-
6 ing agency, that experienced a significant increase,
7 as determined by the Secretary, in renewal costs of
8 vouchers resulting from unforeseen circumstances or
9 from portability under section 8(r) of the Act; (2)
10 for vouchers that were not in use during the 12-
11 month period in order to be available to meet a com-
12 mitment pursuant to section 8(o)(13) of the Act; (3)
13 for adjustments for costs associated with HUD-Vet-
14 erans Affairs Supportive Housing (HUD-VASH)
15 vouchers; and (4) for adjustments in the allocations
16 for public housing agencies that experienced a sig-
17 nificant increase, as determined by the Secretary, in
18 renewal costs as a result of participation in the
19 Small Area Fair Market Rent demonstration: *Pro-*
20 *vided further*, That the Secretary shall allocate
21 amounts under the previous proviso based on need
22 as determined by the Secretary;

23 (2) \$75,000,000 shall be for section 8 rental as-
24 sistance for relocation and replacement of housing
25 units that are demolished or disposed of pursuant to

1 section 18 of the Act, conversion of section 23
2 projects to assistance under section 8, the family
3 unification program under section 8(x) of the Act,
4 relocation of witnesses in connection with efforts to
5 combat crime in public and assisted housing pursu-
6 ant to a request from a law enforcement or prosecu-
7 tion agency, enhanced vouchers under any provision
8 of law authorizing such assistance under section 8(t)
9 of the Act, HOPE VI 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 only provide replacement vouchers for units that
24 were occupied within the previous 24 months that
25 cease to be available as assisted housing, subject

1 only to the availability of funds: *Provided further,*
2 That of the amounts made available under this para-
3 graph, \$10,000,000 may be available to provide ten-
4 ant protection assistance, not otherwise provided
5 under this paragraph, to residents residing in low-
6 vacancy areas and who may have to pay rents great-
7 er than 30 percent of household income, as the re-
8 sult of (1) the maturity of a HUD-insured, HUD-
9 held or section 202 loan that requires the permission
10 of the Secretary prior to loan prepayment; (2) the
11 expiration of a rental assistance contract for which
12 the tenants are not eligible for enhanced voucher or
13 tenant protection assistance under existing law; or
14 (3) the expiration of affordability restrictions accom-
15 panying a mortgage or preservation program admin-
16 istered by the Secretary: *Provided further,* That such
17 tenant protection assistance made available under
18 the previous proviso may be provided under the au-
19 thority of section 8(t) or section 8(o)(13) of the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437f(t)): *Provided further,* That the Secretary shall
22 issue guidance to implement the previous provisos,
23 including, but not limited to, requirements for defin-
24 ing eligible at-risk households within 120 days of the
25 enactment of this Act;

1 (3) \$1,575,000,000 shall be for administrative
2 and other expenses of public housing agencies in ad-
3 ministering the section 8 tenant-based rental assist-
4 ance program, of which up to \$50,000,000 shall be
5 available to the Secretary to allocate to public hous-
6 ing agencies that need additional funds to admin-
7 ister their section 8 programs, including fees associ-
8 ated with section 8 tenant protection rental assist-
9 ance, the administration of disaster-related vouchers,
10 Veterans Affairs Supportive Housing vouchers, and
11 other special purpose incremental vouchers: *Pro-*
12 *vided*, That no less than \$1,525,000,000 of the
13 amount provided in this paragraph shall be allocated
14 to public housing agencies for the calendar year
15 2013 funding cycle based on section 8(q) of the Act
16 (and related Appropriation Act provisions) as in ef-
17 fect immediately before the enactment of the Quality
18 Housing and Work Responsibility Act of 1998 (Pub-
19 lic Law 105–276): *Provided further*, That if the
20 amounts made available under this paragraph are
21 insufficient to pay the amounts determined under
22 the previous proviso, the Secretary may decrease the
23 amounts allocated to agencies by a uniform percent-
24 age applicable to all agencies receiving funding
25 under this paragraph or may, to the extent nec-

1 essary to provide full payment of amounts deter-
2 mined under the previous proviso, utilize unobligated
3 balances, including recaptures and carryovers, re-
4 maining from funds appropriated to the Department
5 of Housing and Urban Development under this
6 heading from prior fiscal years, notwithstanding the
7 purposes for which such amounts were appropriated:
8 *Provided further*, That all public housing agencies
9 participating in the MTW demonstration shall be
10 funded pursuant to their MTW agreements, and
11 shall be subject to the same uniform percentage de-
12 crease as under the previous proviso: *Provided fur-*
13 *ther*, That amounts provided under this paragraph
14 shall be only for activities related to the provision of
15 tenant-based rental assistance authorized under sec-
16 tion 8, including related development activities;

17 (4) \$60,000,000 shall be available for family
18 self-sufficiency coordinators under section 23 of the
19 Act;

20 (5) \$111,335,000 for the renewal of tenant-
21 based assistance contracts under section 811 of the
22 Cranston-Gonzalez National Affordable Housing Act
23 (42 U.S.C. 8013), including necessary administra-
24 tive expenses;

1 (6) \$75,000,000 for incremental rental voucher
2 assistance for use through a supported housing pro-
3 gram administered in conjunction with the Depart-
4 ment of Veterans Affairs as authorized under section
5 8(o)(19) of the United States Housing Act of 1937:
6 *Provided*, That the Secretary of Housing and Urban
7 Development shall make such funding available, not-
8 withstanding section 204 (competition provision) of
9 this title, to public housing agencies that partner
10 with eligible VA Medical Centers or other entities as
11 designated by the Secretary of the Department of
12 Veterans Affairs, based on geographical need for
13 such assistance as identified by the Secretary of the
14 Department of Veterans Affairs, public housing
15 agency administrative performance, and other fac-
16 tors as specified by the Secretary of Housing and
17 Urban Development in consultation with the Sec-
18 retary of the Department of Veterans Affairs: *Pro-*
19 *vided further*, That the Secretary of Housing and
20 Urban Development may waive, or specify alter-
21 native requirements for (in consultation with the
22 Secretary of the Department of Veterans Affairs),
23 any provision of any statute or regulation that the
24 Secretary of Housing and Urban Development ad-
25 ministers in connection with the use of funds made

1 available under this paragraph (except for require-
2 ments related to fair housing, nondiscrimination,
3 labor standards, and the environment), upon a find-
4 ing by the Secretary that any such waivers or alter-
5 native requirements are necessary for the effective
6 delivery and administration of such voucher assist-
7 ance: *Provided further*, That assistance made avail-
8 able under this paragraph shall continue to remain
9 available for homeless veterans upon turn-over; and
10 (7) The Secretary shall separately track all spe-
11 cial purpose vouchers funded under this heading.

12 HOUSING CERTIFICATE FUND

13 (RESCISSION)

14 Unobligated balances, including recaptures and car-
15 ryover, remaining from funds appropriated to the Depart-
16 ment of Housing and Urban Development under this
17 heading, the heading, “Annual Contributions for Assisted
18 Housing”, and the heading “Project-Based Rental Assist-
19 ance”, for fiscal year 2013 and prior years may be used
20 for renewal of or amendments to section 8 project-based
21 contracts and for performance-based contract administra-
22 tors, notwithstanding the purposes for which such funds
23 were appropriated: *Provided*, That any obligated balances
24 of contract authority from fiscal year 1974 and prior that
25 have been terminated shall be rescinded: *Provided further*,

1 That amounts previously recaptured, or recaptured during
2 the current fiscal year, from section 8 project-based con-
3 tracts from source years fiscal year 1975 through fiscal
4 year 1987 are hereby rescinded, and an amount of addi-
5 tional new budget authority, equivalent to the amount per-
6 manently cancelled is hereby appropriated, to remain
7 available until expended, for the purposes set forth under
8 this heading, in addition to amounts otherwise available.

9 PUBLIC HOUSING CAPITAL FUND

10 For the Public Housing Capital Fund Program to
11 carry out capital and management activities for public
12 housing agencies, as authorized under section 9 of the
13 United States Housing Act of 1937 (42 U.S.C. 1437g)
14 (the “Act”) \$1,985,000,000, to remain available until
15 September 30, 2016: *Provided*, That notwithstanding any
16 other provision of law or regulation, during fiscal year
17 2013 the Secretary of Housing and Urban Development
18 may not delegate to any Department official other than
19 the Deputy Secretary and the Assistant Secretary for
20 Public and Indian Housing any authority under paragraph
21 (2) of section 9(j) regarding the extension of the time peri-
22 ods under such section: *Provided further*, That for pur-
23 poses of such section 9(j), the term “obligate” means, with
24 respect to amounts, that the amounts are subject to a
25 binding agreement that will result in outlays, immediately

1 or in the future: *Provided further*, That up to \$15,345,000
2 shall be to support the ongoing Public Housing Financial
3 and Physical Assessment activities of the Real Estate As-
4 sessment Center (REAC): *Provided further*, That of the
5 total amount provided under this heading, not to exceed
6 \$20,000,000 shall be available for the Secretary to make
7 grants, notwithstanding section 204 of this Act, to public
8 housing agencies for emergency capital needs including
9 safety and security measures necessary to address crime
10 and drug-related activity as well as needs resulting from
11 unforeseen or unpreventable emergencies and natural dis-
12 asters excluding Presidentially declared emergencies and
13 natural disasters under the Robert T. Stafford Disaster
14 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
15 ring in fiscal year 2013: *Provided further*, That of the total
16 amount provided under this heading \$50,000,000 shall be
17 for supportive services, service coordinator and congregate
18 services as authorized by section 34 of the Act (42 U.S.C.
19 1437z-6) and the Native American Housing Assistance
20 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
21 seq.): *Provided further*, That of the total amount provided
22 under this heading, up to \$5,000,000 is to support the
23 costs of administrative and judicial receiverships: *Provided*
24 *further*, That from the funds made available under this
25 heading, the Secretary shall provide bonus awards in fiscal

1 year 2013 to public housing agencies that are designated
2 high performers.

3 PUBLIC HOUSING OPERATING FUND

4 For 2013 payments to public housing agencies for the
5 operation and management of public housing, as author-
6 ized by section 9(e) of the United States Housing Act of
7 1937 (42 U.S.C. 1437g(e)), \$4,524,000,000: *Provided*,
8 That in determining public housing agencies', including
9 Moving to Work agencies', calendar year 2013 funding al-
10 locations under this heading, the Secretary may, contin-
11 gent on authorization, take into account the impact of
12 changes in minimum rents, flat rents, and medical expense
13 thresholds on public housing agencies' formula income lev-
14 els.

15 NATIVE AMERICAN HOUSING BLOCK GRANTS

16 For the Native American Housing Block Grants pro-
17 gram, as authorized under title I of the Native American
18 Housing Assistance and Self-Determination Act of 1996
19 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to
20 remain available until September 30, 2017: *Provided*,
21 That, notwithstanding the Native American Housing As-
22 sistance and Self-Determination Act of 1996, to determine
23 the amount of the allocation under title I of such Act for
24 each Indian tribe, the Secretary shall apply the formula
25 under section 302 of such Act with the need component

1 based on single-race census data and with the need compo-
2 nent based on multi-race census data, and the amount of
3 the allocation for each Indian tribe shall be the greater
4 of the two resulting allocation amounts: *Provided further*,
5 That of the amounts made available under this heading,
6 \$2,000,000 shall be contracted for assistance for national
7 or regional organizations representing Native American
8 housing interests for providing training and technical as-
9 sistance to Indian housing authorities and tribally des-
10 ignated housing entities: *Provided further*, That of the
11 amount provided under this heading, \$2,000,000 shall be
12 made available for the cost of guaranteed notes and other
13 obligations, as authorized by title VI of NAHASDA: *Pro-*
14 *vided further*, That such costs, including the costs of modi-
15 fying such notes and other obligations, shall be as defined
16 in section 502 of the Congressional Budget Act of 1974,
17 as amended: *Provided further*, That these funds are avail-
18 able to subsidize the total principal amount of any notes
19 and other obligations, any part of which is to be guaran-
20 teed, not to exceed \$20,000,000: *Provided further*, That
21 the Department will notify grantees of their formula allo-
22 cation within 60 days of enactment of this Act.

1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
2 ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184 of the Housing and Community Development
5 Act of 1992 (12 U.S.C. 1715z–13a), \$6,000,000, to re-
6 main available until expended: *Provided*, That such costs,
7 including the costs of modifying such loans, shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974: *Provided further*, That these funds are available
10 to subsidize total loan principal, any part of which is to
11 be guaranteed, up to \$633,000,000: *Provided further*,
12 That up to \$750,000 of this amount may be used for ad-
13 ministrative contract expenses including management
14 processes and systems to carry out the loan guarantee pro-
15 gram.

16 COMMUNITY PLANNING AND DEVELOPMENT

17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

18 For carrying out the Housing Opportunities for Per-
19 sons with AIDS program, as authorized by the AIDS
20 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
21 \$330,000,000 (increased by \$2,000,000), to remain avail-
22 able until September 30, 2014, except that amounts allo-
23 cated pursuant to section 854(c)(3) of such Act shall re-
24 main available until September 30, 2015: *Provided*, That
25 the Secretary shall renew all expiring contracts for perma-

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

7 COMMUNITY DEVELOPMENT FUND

8 For assistance to units of State and local govern-
9 ment, and to other entities, for economic and community
10 development activities, and for other purposes,
11 \$3,404,000,000, to remain available until September 30,
12 2015, unless otherwise specified: *Provided*, That of the
13 total amount provided, \$3,344,000,000 is for carrying out
14 the community development block grant program under
15 title I of the Housing and Community Development Act
16 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
17 et seq.): *Provided further*, That unless explicitly provided
18 for under this heading, not to exceed 20 percent of any
19 grant made with funds appropriated under this heading
20 shall be expended for planning and management develop-
21 ment and administration: *Provided further*, That
22 \$60,000,000 shall be for grants to Indian tribes notwith-
23 standing section 106(a)(1) of such Act, of which, notwith-
24 standing any other provision of law (including section 204
25 of this Act), up to \$3,960,000 may be used for emer-

1 gencies that constitute imminent threats to health and
2 safety: *Provided further*, That none of the funds made
3 available under this heading may be used for grants for
4 the Economic Development Initiative (“EDI”) or Neigh-
5 borhood Initiatives activities, Rural Innovation Fund, or
6 for grants pursuant to section 107 of the Housing and
7 Community Development Act of 1974 (42 U.S.C. 5307):
8 *Provided further*, That the Department shall notify grant-
9 ees of their formula allocation within 60 days of enactment
10 of this Act.

11 COMMUNITY DEVELOPMENT LOAN GUARANTEES

12 PROGRAM ACCOUNT

13 For the cost of guaranteed loans, \$6,000,000, to re-
14 main available until September 30, 2014, as authorized
15 by section 108 of the Housing and Community Develop-
16 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
17 costs, including the cost of modifying such loans, shall be
18 as defined in section 502 of the Congressional Budget Act
19 of 1974: *Provided further*, That these funds are available
20 to subsidize total loan principal, any part of which is to
21 be guaranteed, not to exceed \$244,000,000, notwith-
22 standing any aggregate limitation on outstanding obliga-
23 tions guaranteed in section 108(k) of the Housing and
24 Community Development Act of 1974, as amended.

1 HOME INVESTMENT PARTNERSHIPS PROGRAM

2 For the HOME investment partnerships program, as
3 authorized under title II of the Cranston-Gonzalez Na-
4 tional Affordable Housing Act, as amended,
5 \$1,200,000,000, to remain available until September 30,
6 2015: *Provided*, That notwithstanding the amount made
7 available under this heading, the threshold reduction re-
8 quirements in sections 216(10) and 217(b)(4) of such Act
9 shall not apply to allocation of such amount: *Provided fur-*
10 *ther*, That funds made available under this heading used
11 for projects not completed within 4 years of the commit-
12 ment date, as determined by a signature of each party
13 to the agreement, shall be repaid: *Provided further*, That
14 the Secretary may extend the deadline for 1 year if the
15 Secretary determines that the failure to complete the
16 project is beyond the control of the participating jurisdic-
17 tion: *Provided further*, That no funds provided under this
18 heading may be committed to any project included as part
19 of a participating jurisdiction's plan under section 105(b),
20 unless each participating jurisdiction certifies that it has
21 conducted an underwriting review, assessed developer ca-
22 pacity and fiscal soundness, and examined neighborhood
23 market conditions to ensure adequate need for each
24 project: *Provided further*, That any homeownership units
25 funded under this heading which cannot be sold to an eli-

1 gible homeowner within 6 months of project completion
2 shall be rented to an eligible tenant: *Provided further,*
3 That no funds provided under this heading may be award-
4 ed for development activities to a community housing de-
5 velopment organization that cannot demonstrate that it
6 has staff with demonstrated development experience: *Pro-*
7 *vided further,* That funds provided in prior appropriations
8 Acts for technical assistance, that were made available for
9 Community Housing Development Organizations technical
10 assistance, and that still remain available, may be used
11 for HOME technical assistance notwithstanding the pur-
12 poses for which such amounts were appropriated: *Provided*
13 *further,* That the Department shall notify grantees of their
14 formula allocation within 60 days of enactment of this Act.

15 SELF-HELP AND ASSISTED HOMEOWNERSHIP

16 OPPORTUNITY PROGRAM

17 For the Self-Help and Assisted Homeownership Op-
18 portunity Program, as authorized under section 11 of the
19 Housing Opportunity Program Extension Act of 1996, as
20 amended, \$60,000,000, to remain available until Sep-
21 tember 30, 2015: *Provided,* That of the total amount pro-
22 vided under this heading, \$20,000,000 shall be made
23 available to the Self-Help and Assisted Homeownership
24 Opportunity Program as authorized under section 11 of
25 the Housing Opportunity Program Extension Act of 1996,

1 as amended: *Provided further*, That \$35,000,000 shall be
2 made available for the second, third and fourth capacity
3 building activities authorized under section 4(a) of the
4 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
5 of which not less than \$5,000,000 may be made available
6 for rural capacity-building activities: *Provided further*,
7 That \$5,000,000 shall be made available for capacity-
8 building activities for national organizations with expertise
9 in rural housing, including experience working with rural
10 housing organizations, local governments, and Indian
11 tribes: *Provided further*, That no funds made available for
12 capacity building activities under this heading in this Act
13 or any prior Act may be set-aside, reserved, or awarded
14 in connection with the Department's demand-response ini-
15 tiative, described in section V(A)(3)(d) of the Notices of
16 Funding Availability for fiscal years 2010, 2011, and
17 2012: *Provided further*, That notwithstanding any require-
18 ment in any Notice of Funding Availability, grant applica-
19 tion, grant agreement, or work plan, any unexpended
20 amounts provided under this heading for capacity building
21 activities in fiscal years 2010, 2011, 2012, and 2013 may
22 not be used in connection with such demand-response ini-
23 tiative or any similar initiative, unless a grantee, in its
24 sole discretion, decides to undertake or continue such a
25 project: *Provided further*, That prior to undertaking, or

1 asking others to undertake, any further demand-response
2 or similar place-based initiatives, the Department shall
3 submit for Congressional approval in its operating plan
4 and budget proposal a detailed justification of such initia-
5 tive, including how it fits within the Department's overall
6 capacity building efforts, why it is consistent with author-
7 izing legislation, and how the Department plans to imple-
8 ment it effectively.

9 HOMELESS ASSISTANCE GRANTS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the emergency solutions grants program as au-
12 thorized under subtitle B of title IV of the McKinney-
13 Vento Homeless Assistance Act, as amended; the con-
14 tinuum of care program as authorized under subtitle C
15 of title IV of such Act; and the rural housing stability as-
16 sistance program as authorized under subtitle D of title
17 IV of such Act, \$2,000,000,000 (increased by
18 \$5,000,000), of which \$1,995,000,000 (increased by
19 \$5,000,000) shall remain available until September 30,
20 2015, and of which \$5,000,000 shall remain available
21 until expended for project-based rental assistance with re-
22 habilitation projects with 10-year grant terms and any
23 rental assistance amounts that are recaptured under such
24 continuum of care program shall remain available until ex-
25 pended: *Provided*, That not less than \$286,000,000 of the

1 funds appropriated under this heading shall be available
2 for such emergency solutions grants program: *Provided*
3 *further*, That not less than \$1,650,000,000 (increased by
4 \$5,000,000) of the funds appropriated under this heading
5 shall be available for such continuum of care and rural
6 housing stability assistance programs: *Provided further*,
7 That up to \$6,000,000 of the funds appropriated under
8 this heading shall be available for the national homeless
9 data analysis project: *Provided further*, That all funds
10 awarded for supportive services under the continuum of
11 care program and the rural housing stability assistance
12 program shall be matched by not less than 25 percent in
13 cash or in kind by each grantee: *Provided further*, That
14 for all match requirements applicable to funds made avail-
15 able under this heading for this fiscal year and prior years,
16 a grantee may use (or could have used) as a source of
17 match funds other funds administered by the Secretary
18 and other Federal agencies unless there is (or was) a spe-
19 cific statutory prohibition on any such use of any such
20 funds: *Provided further*, That all awards of assistance
21 under this heading shall be required to coordinate and in-
22 tegrate homeless programs with other mainstream health,
23 social services, and employment programs for which home-
24 less populations may be eligible, including Medicaid, State
25 Children's Health Insurance Program, Temporary Assist-

1 ance for Needy Families, Food Stamps, and services fund-
2 ing through the Mental Health and Substance Abuse
3 Block Grant, Workforce Investment Act, and the Welfare-
4 to-Work grant program: *Provided further*, That all bal-
5 ances for Shelter Plus Care renewals previously funded
6 from the Shelter Plus Care Renewal account and trans-
7 ferred to this account shall be available, if recaptured, for
8 continuum of care renewals in fiscal year 2013: *Provided*
9 *further*, That the Department shall notify grantees of their
10 formula allocation from amounts allocated (which may
11 represent initial or final amounts allocated) for the emer-
12 gency solutions grant program within 60 days of enact-
13 ment of this Act.

14 HOUSING PROGRAMS

15 PROJECT-BASED RENTAL ASSISTANCE

16 For activities and assistance for the provision of
17 project-based subsidy contracts under the United States
18 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
19 Act”), not otherwise provided for, \$8,300,400,000, to re-
20 main available until expended, shall be available on Octo-
21 ber 1, 2012 (in addition to the \$400,000,000 previously
22 appropriated under this heading that became available Oc-
23 tober 1, 2012), and \$400,000,000, to remain available
24 until expended, shall be available on October 1, 2013: *Pro-*
25 *vided*, That the amounts made available under this head-

1 ing shall be available for expiring or terminating section
2 8 project-based subsidy contracts (including section 8
3 moderate rehabilitation contracts), for amendments to sec-
4 tion 8 project-based subsidy contracts (including section
5 8 moderate rehabilitation contracts), for contracts entered
6 into pursuant to section 441 of the McKinney-Vento
7 Homeless Assistance Act (42 U.S.C. 11401), for renewal
8 of section 8 contracts for units in projects that are subject
9 to approved plans of action under the Emergency Low In-
10 come Housing Preservation Act of 1987 or the Low-In-
11 come Housing Preservation and Resident Homeownership
12 Act of 1990, and for administrative and other expenses
13 associated with project-based activities and assistance
14 funded under this paragraph: *Provided further*, That of
15 the total amounts provided under this heading, not to ex-
16 ceed \$260,000,000 shall be available for performance-
17 based contract administrators for section 8 project-based
18 assistance: *Provided further*, That the Secretary of Hous-
19 ing and Urban Development may also use such amounts
20 in the previous proviso for performance-based contract ad-
21 ministrators for the administration of: interest reduction
22 payments pursuant to section 236(a) of the National
23 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
24 payments pursuant to section 101 of the Housing and
25 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-

1 tion 236(f)(2) rental assistance payments (12 U.S.C.
2 1715z-1(f)(2)); project rental assistance contracts for the
3 elderly under section 202(c)(2) of the Housing Act of
4 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance
5 contracts for supportive housing for persons with disabili-
6 ties under section 811(d)(2) of the Cranston-Gonzalez
7 National Affordable Housing Act (42 U.S.C. 8013(d)(2));
8 project assistance contracts pursuant to section 202(h) of
9 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
10 667); and loans under section 202 of the Housing Act of
11 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*
12 *ther*, That amounts recaptured under this heading, the
13 heading “Annual Contributions for Assisted Housing”, or
14 the heading “Housing Certificate Fund” may be used for
15 renewals of or amendments to section 8 project-based con-
16 tracts or for performance-based contract administrators,
17 notwithstanding the purposes for which such amounts
18 were appropriated: *Provided further*, That, notwith-
19 standing any other provision of law, upon the request of
20 the Secretary of Housing and Urban Development, project
21 funds that are held in residual receipts accounts for any
22 project subject to a section 8 project-based Housing As-
23 sistance Payments contract that authorizes HUD to re-
24 quire that surplus project funds be deposited in an inter-
25 est-bearing residual receipts account and that are in ex-

1 cess of an amount to be determined by the Secretary, shall
2 be remitted to the Department and deposited in this ac-
3 count, to be available until expended: *Provided further*,
4 That amounts deposited pursuant to the previous proviso
5 shall be available in addition to the amount otherwise pro-
6 vided by this heading for uses authorized under this head-
7 ing.

8 HOUSING FOR THE ELDERLY

9 For capital advances, including amendments to cap-
10 ital advance contracts for housing for the elderly, as au-
11 thorized by section 202 of the Housing Act of 1959, as
12 amended, and for project rental assistance for the elderly
13 under section 202(c)(2) of such Act, including amend-
14 ments to contracts for such assistance and renewal of ex-
15 piring contracts for such assistance for up to a 1-year
16 term, and for senior preservation rental assistance con-
17 tracts, as authorized by section 811(e) of the American
18 Housing and Economic Opportunity Act of 2000, as
19 amended, and for supportive services associated with the
20 housing, \$425,000,000 to remain available until Sep-
21 tember 30, 2016: *Provided*, That of the amount provided
22 under this heading, up to \$90,000,000 shall be for service
23 coordinators and the continuation of existing congregate
24 service grants for residents of assisted housing projects:
25 *Provided further*, That amounts under this heading shall

1 be available for Real Estate Assessment Center inspec-
2 tions and inspection-related activities associated with sec-
3 tion 202 projects: *Provided further*, That the Secretary
4 may waive the provisions of section 202 governing the
5 terms and conditions of project rental assistance, except
6 that the initial contract term for such assistance shall not
7 exceed 5 years in duration: *Provided further*, That, not-
8 withstanding any other provision of law, in this fiscal year
9 and hereafter, upon the request of the Secretary of Hous-
10 ing and Urban Development, project funds that are held
11 in residual receipts accounts for any project subject to a
12 section 202 Project Rental Assistance Contract that re-
13 quires surplus project funds to be deposited in an interest-
14 bearing residual receipts account and be remitted to the
15 Secretary upon termination of the contract, shall be remit-
16 ted to the Secretary and deposited in this account upon
17 termination of such contract, to be available until ex-
18 pended for capital advances and other eligible assistance
19 for housing for the elderly, as authorized by section 202
20 of the Housing Act of 1959, as amended: *Provided further*,
21 That amounts deposited in this account pursuant to the
22 previous proviso shall be available in addition to the
23 amounts otherwise provided by this heading for uses au-
24 thorized under this heading.

1 HOUSING FOR PERSONS WITH DISABILITIES

2 For amendments to capital advance contracts for
3 supportive housing for persons with disabilities, as author-
4 ized by section 811 of the Cranston-Gonzalez National Af-
5 fordable Housing Act (42 U.S.C. 8013), for project rental
6 assistance for supportive housing for persons with disabil-
7 ities under section 811(d)(2) of such Act and for project
8 assistance contracts pursuant to section 202(h) of the
9 Housing Act of 1959 (Public Law 86–372; 73 Stat. 667),
10 including amendments to contracts for such assistance
11 and renewal of expiring contracts for such assistance for
12 up to a 1-year term, for project rental assistance to State
13 housing finance agencies and other appropriate entities as
14 authorized under section 811(b)(3) of the Cranston-Gon-
15 zalez National Housing Act, and for supportive services
16 associated with the housing for persons with disabilities
17 as authorized by section 811(b)(1) of such Act,
18 \$165,000,000 to remain available until September 30,
19 2016: *Provided*, That amounts made available under this
20 heading shall be available for Real Estate Assessment
21 Center inspections and inspection-related activities associ-
22 ated with section 811 Projects.

23 HOUSING COUNSELING ASSISTANCE

24 For contracts, grants, and other assistance excluding
25 loans, as authorized under section 106 of the Housing and

1 Urban Development Act of 1968, as amended,
2 \$45,000,000, including up to \$2,500,000 for administra-
3 tive contract services: *Provided*, That grants made avail-
4 able from amounts provided under this heading shall be
5 awarded within 120 days of enactment of this Act: *Pro-*
6 *vided further*, That funds shall be used for providing coun-
7 seling and advice to tenants and homeowners, both current
8 and prospective, with respect to property maintenance, fi-
9 nancial management/literacy, and such other matters as
10 may be appropriate to assist them in improving their hous-
11 ing conditions, meeting their financial needs, and fulfilling
12 the responsibilities of tenancy or homeownership; for pro-
13 gram administration; and for housing counselor training.

14 OTHER ASSISTED HOUSING PROGRAMS

15 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

16 FUND

17 For necessary expenses as authorized by the National
18 Manufactured Housing Construction and Safety Stand-
19 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
20 \$4,000,000, to remain available until expended, which is
21 to be derived from the Manufactured Housing Fees Trust
22 Fund: *Provided*, That not to exceed the total amount ap-
23 propriated under this heading shall be available from the
24 general fund of the Treasury to the extent necessary to
25 incur obligations and make expenditures pending the re-

1 ceipt of collections to the Fund pursuant to section 620
2 of such Act: *Provided further*, That the amount made
3 available under this heading from the general fund shall
4 be reduced as such collections are received during fiscal
5 year 2013 so as to result in no fiscal year 2013 appropria-
6 tion from the general fund estimated and fees pursuant
7 to such section 620 shall be modified as necessary to en-
8 sure such a final fiscal year 2013 appropriation: *Provided*
9 *further*, That for the dispute resolution and installation
10 programs, the Secretary of Housing and Urban Develop-
11 ment may assess and collect fees from any program partic-
12 ipant: *Provided further*, That such collections shall be de-
13 posited into the Fund, and the Secretary, as provided
14 herein, may use such collections, as well as fees collected
15 under section 620, for necessary expenses of such Act:
16 *Provided further*, That, notwithstanding the requirements
17 of section 620 of such Act, the Secretary may carry out
18 responsibilities of the Secretary under such Act through
19 the use of approved service providers that are paid directly
20 by the recipients of their services.

21 FEDERAL HOUSING ADMINISTRATION

22 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

23 (INCLUDING TRANSFERS OF FUNDS)

24 New commitments to guarantee single family loans
25 insured under the Mutual Mortgage Insurance Fund shall

1 not exceed \$400,000,000,000, to remain available until
2 September 30, 2014: *Provided*, That during fiscal year
3 2013, obligations to make direct loans to carry out the
4 purposes of section 204(g) of the National Housing Act,
5 as amended, shall not exceed \$50,000,000: *Provided fur-*
6 *ther*, That the foregoing amount in the previous proviso
7 shall be for loans to nonprofit and governmental entities
8 in connection with sales of single family real properties
9 owned by the Secretary and formerly insured under the
10 Mutual Mortgage Insurance Fund. For administrative
11 contract expenses of the Federal Housing Administration,
12 \$215,000,000, to remain available until September 30,
13 2014, of which up to \$71,500,000 may be transferred to
14 and merged with the Working Capital Fund: *Provided fur-*
15 *ther*, That to the extent guaranteed loan commitments ex-
16 ceed \$200,000,000,000 on or before April 1, 2012, an ad-
17 ditional \$1,400 for administrative contract expenses shall
18 be available for each \$1,000,000 in additional guaranteed
19 loan commitments (including a pro rata amount for any
20 amount below \$1,000,000), but in no case shall funds
21 made available by this proviso exceed \$30,000,000.

22 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

23 New commitments to guarantee loans insured under
24 the General and Special Risk Insurance Funds, as author-
25 ized by sections 238 and 519 of the National Housing Act

1 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
2 \$25,000,000,000 in total loan principal, any part of which
3 is to be guaranteed: *Provided*, That during fiscal year
4 2013, gross obligations for the principal amount of direct
5 loans, as authorized by sections 204(g), 207(l), 238, and
6 519(a) of the National Housing Act, shall not exceed
7 \$20,000,000, which shall be for loans to nonprofit and
8 governmental entities in connection with the sale of single
9 family real properties owned by the Secretary and for-
10 merly insured under such Act.

11 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
12 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
13 GUARANTEE PROGRAM ACCOUNT

14 New commitments to issue guarantees to carry out
15 the purposes of section 306 of the National Housing Act,
16 as amended (12 U.S.C. 1721(g)), shall not exceed
17 \$500,000,000,000, to remain available until September
18 30, 2014: *Provided*, That \$20,500,000 shall be available
19 for necessary salaries and expenses of the Office of Gov-
20 ernment National Mortgage Association: *Provided further*,
21 That to the extent that guaranteed loan commitments will
22 and do exceed \$155,000,000,000 on or before April 1,
23 2013, an additional \$100 for necessary salaries and ex-
24 penses shall be available until expended for each
25 \$1,000,000 in additional guaranteed loan commitments

1 (including a pro rata amount for any amount below
2 \$1,000,000), but in no case shall funds made available by
3 this proviso exceed \$3,000,000: *Provided further*, That re-
4 ceipts from Commitment and Multiclass fees collected pur-
5 suant to title III of the National Housing Act, as amend-
6 ed, shall be credited as offsetting collections to this ac-
7 count.

8 POLICY DEVELOPMENT AND RESEARCH

9 RESEARCH AND TECHNOLOGY

10 For contracts, grants, and necessary expenses of pro-
11 grams of research and studies relating to housing and
12 urban problems, not otherwise provided for, as authorized
13 by title V of the Housing and Urban Development Act
14 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
15 out the functions of the Secretary of Housing and Urban
16 Development under section 1(a)(1)(I) of Reorganization
17 Plan No. 2 of 1968, \$52,000,000, to remain available
18 until September 30, 2014: *Provided*, That with respect to
19 amounts made available under this heading, notwith-
20 standing section 204 of this title, the Secretary may enter
21 into cooperative agreements funded with philanthropic en-
22 tities, other Federal agencies, or State or local govern-
23 ments and their agencies for research projects: *Provided*
24 *further*, That with respect to the previous proviso, such
25 partners to the cooperative agreements must contribute at

1 least a 50 percent match toward the cost of the project:
2 *Provided further*, That for non-competitive agreements en-
3 tered into in accordance with the previous two provisos,
4 the Secretary of Housing and Urban Development shall
5 comply with section 2(b) of the Federal Funding Account-
6 ability and Transparency Act of 2006 (Public Law 109-
7 282, 31 U.S.C. note) in lieu of compliance with section
8 102(a)(4)(C) with respect to documentation of award deci-
9 sions.

10 FAIR HOUSING AND EQUAL OPPORTUNITY

11 FAIR HOUSING ACTIVITIES

12 For contracts, grants, and other assistance, not oth-
13 erwise provided for, as authorized by title VIII of the Civil
14 Rights Act of 1968, as amended by the Fair Housing
15 Amendments Act of 1988, and section 561 of the Housing
16 and Community Development Act of 1987, as amended,
17 \$68,000,000, to remain available until September 30,
18 2014, of which \$42,500,000 shall be to carry out activities
19 pursuant to such section 561: *Provided*, That, notwith-
20 standing 31 U.S.C. 3302, the Secretary may assess and
21 collect fees to cover the costs of the Fair Housing Training
22 Academy, and may use such funds to provide such train-
23 ing: *Provided further*, That no funds made available under
24 this heading shall be used to lobby the executive or legisla-
25 tive branches of the Federal Government in connection

1 with a specific contract, grant or loan: *Provided further*,
2 That, of the funds made available under this heading,
3 \$300,000 shall be available to the Secretary of Housing
4 and Urban Development for the creation and promotion
5 of translated materials and other programs that support
6 the assistance of persons with limited English proficiency
7 in utilizing the services provided by the Department of
8 Housing and Urban Development.

9 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

10 HOMES

11 LEAD HAZARD REDUCTION

12 For the Lead Hazard Reduction Program, as author-
13 ized by section 1011 of the Residential Lead-Based Paint
14 Hazard Reduction Act of 1992, \$120,000,000, to remain
15 available until September 30, 2014: *Provided*, That up to
16 \$10,000,000 of that amount shall be for the Healthy
17 Homes Initiative, pursuant to sections 501 and 502 of the
18 Housing and Urban Development Act of 1970 that shall
19 include research, studies, testing, and demonstration ef-
20 forts, including education and outreach concerning lead-
21 based paint poisoning and other housing-related diseases
22 and hazards: *Provided further*, That for purposes of envi-
23 ronmental review, pursuant to the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
25 other provisions of the law that further the purposes of

1 such Act, a grant under the Healthy Homes Initiative, Op-
2 eration Lead Elimination Action Plan (LEAP), or the
3 Lead Technical Studies program under this heading or
4 under prior appropriations Acts for such purposes under
5 this heading, shall be considered to be funds for a special
6 project for purposes of section 305(c) of the Multifamily
7 Housing Property Disposition Reform Act of 1994: *Pro-*
8 *vided further*, That of the total amount made available
9 under this heading, \$45,000,000 shall be made available
10 on a competitive basis for areas with the highest lead paint
11 abatement needs: *Provided further*, That each recipient of
12 funds provided under the third proviso shall make a
13 matching contribution in an amount not less than 25 per-
14 cent: *Provided further*, That each applicant shall certify
15 adequate capacity that is acceptable to the Secretary to
16 carry out the proposed use of funds pursuant to a notice
17 of funding availability: *Provided further*, That amounts
18 made available under this heading in this or prior appro-
19 priations Acts, and that still remain available, may be used
20 for any purpose under this heading notwithstanding the
21 purpose for which such amounts were appropriated if a
22 program competition is undersubscribed and there are
23 other program competitions under this heading that are
24 oversubscribed.

1 MANAGEMENT AND ADMINISTRATION

2 WORKING CAPITAL FUND

3 For additional capital for the Working Capital Fund
4 (42 U.S.C. 3535) for the development of, modifications
5 to, and infrastructure for Department-wide and program-
6 specific information technology systems, for the continuing
7 operation and maintenance of both Department-wide and
8 program-specific information systems, and for program-re-
9 lated maintenance activities, \$175,000,000 (reduced by
10 \$5,000,000), to remain available until September 30,
11 2014: *Provided*, That any amounts transferred to this
12 Fund under this Act shall remain available until expended:
13 *Provided further*, That any amounts transferred to this
14 Fund from amounts appropriated by previously enacted
15 appropriations Acts may be used for the purposes specified
16 under this Fund, in addition to any other information
17 technology the purposes for which such amounts were ap-
18 propriated: *Provided further*, That not more than 25 per-
19 cent of the funds made available under this heading for
20 Development, Modernization and Enhancement, including
21 development and deployment of a Next Generation of
22 Voucher Management System and development and de-
23 ployment of modernized Federal Housing Administration
24 systems may be obligated until the Secretary submits to
25 the Committees on Appropriations a plan for expenditure

1 that—(A) identifies for each modernization project: (i) the
2 functional and performance capabilities to be delivered
3 and the mission benefits to be realized, (ii) the estimated
4 life-cycle cost, and (iii) key milestones to be met; (B) dem-
5 onstrates that each modernization project is: (i) compliant
6 with the department’s enterprise architecture, (ii) being
7 managed in accordance with applicable life-cycle manage-
8 ment policies and guidance, (iii) subject to the depart-
9 ment’s capital planning and investment control require-
10 ments, and (iv) supported by an adequately staffed project
11 office; and (C) has been reviewed by the Government Ac-
12 countability Office.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary salaries and expenses of the Office of
15 Inspector General in carrying out the Inspector General
16 Act of 1978, as amended, \$125,600,000: *Provided*, That
17 the Inspector General shall have independent authority
18 over all personnel issues within this office.

19 TRANSFORMATION INITIATIVE

20 For necessary expenses of research, evaluation, and
21 program metrics activities; program demonstrations; and
22 technical assistance and capacity building, \$50,000,000 to
23 remain available until September 30, 2015: *Provided*,
24 That with respect to amounts made available under this
25 heading for research, evaluation and program metrics or

1 program demonstrations, notwithstanding section 204 of
2 this title, the Secretary may enter into cooperative agree-
3 ments funded with philanthropic entities, other Federal
4 agencies, or State or local governments and their agencies
5 for research projects: *Provided further*, That with respect
6 to the previous proviso, such partners to the cooperative
7 agreements must contribute at least a 50 percent match
8 toward the cost of the project.

9 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
10 URBAN DEVELOPMENT
11 (INCLUDING TRANSFER OF FUNDS)

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

1 the Secretary may award up to 15 percent of the budget
2 authority or cash recaptured and not rescinded or remitted
3 to the Treasury to provide project owners with incentives
4 to refinance their project at a lower interest rate.

5 SEC. 202. None of the amounts made available under
6 this Act may be used during fiscal year 2013 to investigate
7 or prosecute under the Fair Housing Act any otherwise
8 lawful activity engaged in by one or more persons, includ-
9 ing the filing or maintaining of a nonfrivolous legal action,
10 that is engaged in solely for the purpose of achieving or
11 preventing action by a Government official or entity, or
12 a court of competent jurisdiction.

13 SEC. 203. Sections 203 and 209 of division C of Pub-
14 lic Law 112–55 (125 Stat. 693–694) shall apply during
15 fiscal year 2013 as if such sections were included in this
16 title, except that during such fiscal year such sections shall
17 be applied by substituting “fiscal year 2013” for “fiscal
18 year 2011” and “fiscal year 2012”, each place such terms
19 appear.

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

1 SEC. 205. Funds of the Department of Housing and
2 Urban Development subject to the Government Corpora-
3 tion Control Act or section 402 of the Housing Act of
4 1950 shall be available, without regard to the limitations
5 on administrative expenses, for legal services on a contract
6 or fee basis, and for utilizing and making payment for
7 services and facilities of the Federal National Mortgage
8 Association, Government National Mortgage Association,
9 Federal Home Loan Mortgage Corporation, Federal Fi-
10 nancing Bank, Federal Reserve banks or any member
11 thereof, Federal Home Loan banks, and any insured bank
12 within the meaning of the Federal Deposit Insurance Cor-
13 poration Act, as amended (12 U.S.C. 1811–1).

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

20 SEC. 207. Corporations and agencies of the Depart-
21 ment of Housing and Urban Development which are sub-
22 ject to the Government Corporation Control Act are here-
23 by authorized to make such expenditures, within the limits
24 of funds and borrowing authority available to each such
25 corporation or agency and in accordance with law, and to

1 make such contracts and commitments without regard to
2 fiscal year limitations as provided by section 104 of such
3 Act as may be necessary in carrying out the programs set
4 forth in the budget for 2013 for such corporation or agen-
5 cy except as hereinafter provided: *Provided*, That collec-
6 tions of these corporations and agencies may be used for
7 new loan or mortgage purchase commitments only to the
8 extent expressly provided for in this Act (unless such loans
9 are in support of other forms of assistance provided for
10 in this or prior appropriations Acts), except that this pro-
11 viso shall not apply to the mortgage insurance or guaranty
12 operations of these corporations, or where loans or mort-
13 gage purchases are necessary to protect the financial in-
14 terest of the United States Government.

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

22 SEC. 209. The President's formal budget request for
23 fiscal year 2014, as well as the Department of Housing
24 and Urban Development's congressional budget justifica-
25 tions to be submitted to the Committees on Appropriations

1 of the House of Representatives and the Senate, shall use
2 the identical account and sub-account structure provided
3 under this Act.

4 SEC. 210. A public housing agency or such other enti-
5 ty that administers Federal housing assistance for the
6 Housing Authority of the county of Los Angeles, Cali-
7 fornia, the States of Alaska, Iowa, and Mississippi shall
8 not be required to include a resident of public housing or
9 a recipient of assistance provided under section 8 of the
10 United States Housing Act of 1937 on the board of direc-
11 tors or a similar governing board of such agency or entity
12 as required under section (2)(b) of such Act. Each public
13 housing agency or other entity that administers Federal
14 housing assistance under section 8 for the Housing Au-
15 thority of the county of Los Angeles, California and the
16 States of Alaska, Iowa and Mississippi that chooses not
17 to include a resident of public housing or a recipient of
18 section 8 assistance on the board of directors or a similar
19 governing board shall establish an advisory board of not
20 less than six residents of public housing or recipients of
21 section 8 assistance to provide advice and comment to the
22 public housing agency or other administering entity on
23 issues related to public housing and section 8. Such advi-
24 sory board shall meet not less than quarterly.

1 SEC. 211. (a) Notwithstanding any other provision
2 of law, subject to the conditions listed in subsection (b),
3 for fiscal years 2013 and 2014, the Secretary of Housing
4 and Urban Development may authorize the transfer of
5 some or all project-based assistance, debt and statutorily
6 required low-income and very low-income use restrictions,
7 associated with one or more multifamily housing project
8 to another multifamily housing project or projects.

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

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

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

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

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

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

11 (2) The net dollar amount of Federal assistance
12 provided to the transferring project shall remain the
13 same as the receiving project or projects.

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

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

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

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

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

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

20 (9) If the transferring project meets the re-
21 quirements of subsection (d)(2)(E), the owner or
22 mortgagor of the receiving project or projects shall
23 execute and record either a continuation of the exist-
24 ing use agreement or a new use agreement for the
25 project where, in either case, any use restrictions in

1 such agreement are of no lesser duration than the
2 existing use restrictions.

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

9 (d) For purposes of this section—

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

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

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

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

24 (C) housing that is assisted under section
25 202 of the Housing Act of 1959 as amended by

1 section 801 of the Cranston-Gonzales National
2 Affordable Housing Act;

3 (D) housing that is assisted under section
4 202 of the Housing Act of 1959, as such sec-
5 tion existed before the enactment of the Cran-
6 ston-Gonzales National Affordable Housing Act;

7 (E) housing that is assisted under section
8 811 of the Cranston-Gonzales National Afford-
9 able Housing Act; or

10 (F) housing or vacant land that is subject
11 to a use agreement;

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

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

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

21 (C) rent supplement payments under sec-
22 tion 101 of the Housing and Urban Develop-
23 ment Act of 1965;

24 (D) interest reduction payments under sec-
25 tion 236 and/or additional assistance payments

1 under section 236(f)(2) of the National Hous-
2 ing Act;

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

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

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

12 (5) the term “transferring project” means the
13 multifamily housing project which is transferring
14 some or all of the project-based assistance, debt and
15 the statutorily required low-income and very low-in-
16 come use restrictions to the receiving project or
17 projects; and

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

20 (e) The Secretary shall publish by notice in the Fed-
21 eral Register the terms and conditions, including criteria
22 for HUD approval, of transfers pursuant to this section
23 no later than 30 days before the effective date of such
24 notice.

1 SEC. 212. No funds provided under this title may be
2 used for an audit of the Government National Mortgage
3 Association that makes applicable requirements under the
4 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

5 SEC. 213. (a) No assistance shall be provided under
6 section 8 of the United States Housing Act of 1937 (42
7 U.S.C. 1437f) to any individual who—

8 (1) is enrolled as a student at an institution of
9 higher education (as defined under section 102 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1002));

12 (2) is under 24 years of age;

13 (3) is not a veteran;

14 (4) is unmarried;

15 (5) does not have a dependent child;

16 (6) is not a person with disabilities, as such
17 term is defined in section 3(b)(3)(E) of the United
18 States Housing Act of 1937 (42 U.S.C.
19 1437a(b)(3)(E)) and was not receiving assistance
20 under such section 8 as of November 30, 2005; and

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

1 (b) For purposes of determining the eligibility of a
2 person to receive assistance under section 8 of the United
3 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
4 cial assistance (in excess of amounts received for tuition
5 and any other required fees and charges) that an indi-
6 vidual receives under the Higher Education Act of 1965
7 (20 U.S.C. 1001 et seq.), from private sources, or an insti-
8 tution of higher education (as defined under the Higher
9 Education Act of 1965 (20 U.S.C. 1002)), shall be consid-
10 ered income to that individual, except for a person over
11 the age of 23 with dependent children.

12 SEC. 214. The funds made available for Native Alas-
13 kans under the heading “Native American Housing Block
14 Grants” in title III of this Act shall be allocated to the
15 same Native Alaskan housing block grant recipients that
16 received funds in fiscal year 2005.

17 SEC. 215. Notwithstanding the limitation in the first
18 sentence of section 255(g) of the National Housing Act
19 (12 U.S.C. 1715z–g), the Secretary of Housing and Urban
20 Development may, until September 30, 2013, insure and
21 enter into commitments to insure mortgages under section
22 255(g) of the National Housing Act (12 U.S.C. 1715z–
23 20).

24 SEC. 216. Notwithstanding any other provision of
25 law, in fiscal year 2013, in managing and disposing of any

1 multifamily property that is owned or has a mortgage held
2 by the Secretary of Housing and Urban Development, and
3 during the process of foreclosure on any property with a
4 contract for rental assistance payments under section 8
5 of the United States Housing Act of 1937 or other Fed-
6 eral programs, the Secretary shall maintain any rental as-
7 sistance payments under section 8 of the United States
8 Housing Act of 1937 and other programs that are at-
9 tached to any dwelling units in the property. To the extent
10 the Secretary determines, in consultation with the tenants
11 and the local government, that such a multifamily prop-
12 erty owned or held by the Secretary is not feasible for con-
13 tinued rental assistance payments under such section 8
14 or other programs, based on consideration of (1) the costs
15 of rehabilitating and operating the property and all avail-
16 able Federal, State, and local resources, including rent ad-
17 justments under section 524 of the Multifamily Assisted
18 Housing Reform and Affordability Act of 1997
19 (“MAHRAA”) and (2) environmental conditions that can-
20 not be remedied in a cost-effective fashion, the Secretary
21 may, in consultation with the tenants of that property,
22 contract for project-based rental assistance payments with
23 an owner or owners of other existing housing properties,
24 or provide other rental assistance. The Secretary shall also
25 take appropriate steps to ensure that project-based con-

1 tracts remain in effect prior to foreclosure, subject to the
2 exercise of contractual abatement remedies to assist relo-
3 cation of tenants for imminent major threats to health and
4 safety after written notice to and informed consent of the
5 affected tenants and use of other available remedies, such
6 as partial abatements or receivership. After disposition of
7 any multifamily property described under this section, the
8 contract and allowable rent levels on such properties shall
9 be subject to the requirements under section 524 of
10 MAHRAA.

11 SEC. 217. The Secretary of Housing and Urban De-
12 velopment shall report quarterly to the House of Rep-
13 resentatives and Senate Committees on Appropriations on
14 HUD's use of all sole-source contracts, including terms
15 of the contracts, cost, and a substantive rationale for
16 using a sole-source contract.

17 SEC. 218. During fiscal year 2013, in the provision
18 of rental assistance under section 8(o) of the United
19 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
20 nection with a program to demonstrate the economy and
21 effectiveness of providing such assistance for use in as-
22 sisted living facilities that is carried out in the counties
23 of the State of Michigan notwithstanding paragraphs (3)
24 and (18)(B)(iii) of such section 8(o), a family residing in
25 an assisted living facility in any such county, on behalf

1 of which a public housing agency provides assistance pur-
2 suant to section 8(o)(18) of such Act, may be required,
3 at the time the family initially receives such assistance,
4 to pay rent in an amount exceeding 40 percent of the
5 monthly adjusted income of the family by such a percent-
6 age or amount as the Secretary of Housing and Urban
7 Development determines to be appropriate.

8 SEC. 219. Notwithstanding any other provision of
9 law, the recipient of a grant under section 202b of the
10 Housing Act of 1959 (12 U.S.C. 1701q) after December
11 26, 2000, in accordance with the unnumbered paragraph
12 at the end of section 202(b) of such Act, may, at its op-
13 tion, establish a single-asset nonprofit entity to own the
14 project and may lend the grant funds to such entity, which
15 may be a private nonprofit organization described in sec-
16 tion 831 of the American Homeownership and Economic
17 Opportunity Act of 2000.

18 SEC. 220. The amounts provided under the sub-
19 heading “Program Account” under the heading “Commu-
20 nity Development Loan Guarantees” may be used to guar-
21 antee, or make commitments to guarantee, notes, or other
22 obligations issued by any State on behalf of non-entitle-
23 ment communities in the State in accordance with the re-
24 quirements of section 108 of the Housing and Community
25 Development Act of 1974: *Provided*, That any State re-

1 ceiving such a guarantee or commitment shall distribute
2 all funds subject to such guarantee to the units of general
3 local government in non-entitlement areas that received
4 the commitment.

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

13 SEC. 222. With respect to the use of amounts pro-
14 vided in this Act and in future Acts for the operation, cap-
15 ital improvement and management of public housing as
16 authorized by sections 9(d) and 9(e) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
18 Secretary shall not impose any requirement or guideline
19 relating to asset management that restricts or limits in
20 any way the use of capital funds for central office costs
21 pursuant to section 9(g)(1) or 9(g)(2) of the United States
22 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
23 *vided*, That a public housing agency may not use capital
24 funds authorized under section 9(d) for activities that are
25 eligible under section 9(e) for assistance with amounts

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

3 SEC. 223. No official or employee of the Department
4 of Housing and Urban Development shall be designated
5 as an allotment holder unless the Office of the Chief Fi-
6 nancial Officer has determined that such allotment holder
7 has implemented an adequate system of funds control and
8 has received training in funds control procedures and di-
9 rectives. The Chief Financial Officer shall ensure that, not
10 later than 90 days after the date of enactment of this Act,
11 a trained allotment holder shall be designated for each
12 HUD subaccount under the heading “Administration, Op-
13 erations, and Management” as well as each account receiv-
14 ing appropriations for “Program Office Salaries and Ex-
15 penses” within the Department of Housing and Urban
16 Development.

17 SEC. 224. Payment of attorney fees in program-re-
18 lated litigation must be paid from individual program of-
19 fice personnel benefits and compensation funding. The an-
20 nual budget submission for program office personnel ben-
21 efit and compensation funding must include program-re-
22 lated litigation costs for attorney fees as a separate line
23 item request.

24 SEC. 225. The Secretary of the Department of Hous-
25 ing and Urban Development shall for fiscal year 2013 and

1 subsequent fiscal years, notify the public through the Fed-
2 eral Register and other means, as determined appropriate,
3 of the issuance of a notice of the availability of assistance
4 or notice of funding availability (NOFA) for any program
5 or discretionary fund administered by the Secretary that
6 is to be competitively awarded. Notwithstanding any other
7 provision of law, for fiscal year 2013 and subsequent fiscal
8 years, the Secretary may make the NOFA available only
9 on the Internet at the appropriate Government Web site
10 or through other electronic media, as determined by the
11 Secretary.

12 SEC. 226. The Secretary of the Department of Hous-
13 ing and Urban Development is authorized to transfer up
14 to 5 percent or \$5,000,000, whichever is less, of the funds
15 appropriated for any office funded under the heading “Ad-
16 ministration, Operations, and Management” to any other
17 office funded under such heading: *Provided*, That no ap-
18 propriation for any office funded under the heading “Ad-
19 ministration, Operations, and Management” shall be in-
20 creased or decreased by more than 5 percent or
21 \$5,000,000, whichever is less, without prior written ap-
22 proval of the House and Senate Committees on Appropria-
23 tions: *Provided further*, That the Secretary is authorized
24 to transfer up to 5 percent or \$5,000,000, whichever is
25 less, of the funds appropriated for any account funded

1 under the general heading “Program Office Salaries and
2 Expenses” to any other account funded under such head-
3 ing: *Provided further*, That no appropriation for any ac-
4 count funded under the general heading “Program Office
5 Salaries and Expenses” shall be increased or decreased by
6 more than 5 percent or \$5,000,000, whichever is less,
7 without prior written approval of the House and Senate
8 Committees on Appropriations: *Provided further*, That the
9 Secretary may transfer funds made available for salaries
10 and expenses between any office funded under the heading
11 “Administration, Operations, and Management” and any
12 account funded under the general heading “Program Of-
13 fice Salaries and Expenses”, but only with the prior writ-
14 ten approval of the House and Senate Committees on Ap-
15 propriations.

16 SEC. 227. The Disaster Housing Assistance Pro-
17 grams, administered by the Department of Housing and
18 Urban Development, shall be considered a “program of
19 the Department of Housing and Urban Development”
20 under section 904 of the McKinney Act for the purpose
21 of income verifications and matching.

22 SEC. 228. None of the funds made available by this
23 Act, or any other Act, for purposes authorized under sec-
24 tion 8 (only with respect to the tenant-based rental assist-
25 ance program) and section 9 of the United States Housing

1 Act of 1937 (42 U.S.C. 1437 et seq.) may be used by
2 any public housing agency for any amount of salary, for
3 the chief executive officer of which, or any other official
4 or employee of which, that exceeds the annual rate of basic
5 pay payable for a position at level IV of the Executive
6 Schedule at any time during any public housing agency
7 fiscal year 2013.

8 SEC. 229. Paragraph (1) of section 242(i) of the Na-
9 tional Housing Act (12 U.S.C. 1715z-7(i)(1)) is amended
10 by striking “July 31, 2011” and inserting “July 31,
11 2016”.

12 SEC. 230. Subsection (d) of section 184 of the Hous-
13 ing and Community Development Act of 1992 (12 U.S.C.
14 1715z-13a) is amended to read as follows:

15 “(d) GUARANTEE FEE.—The Secretary shall estab-
16 lish and collect, at the time of issuance of the guarantee,
17 a fee for the guarantee of loans under this section, in an
18 amount not exceeding 3 percent of the principal obligation
19 of the loan. The Secretary may also establish and collect
20 annual premium payments in an amount not exceeding 1
21 percent of the remaining guaranteed balance (excluding
22 the portion of the remaining balance attributable to the
23 fee collected at the time of issuance of the guarantee). The
24 Secretary shall establish the amount of the fees and pre-
25 miums by publishing a notice in the Federal Register. The

1 Secretary shall deposit any fees and premiums collected
2 under this subsection in the Indian Housing Loan Guar-
3 antee Fund established under subsection (i).”.

4 SEC. 231. (a) Subsection (b) of section 225 of the
5 Cranston-Gonzalez National Affordable Housing Act (42
6 U.S.C. 12755) is amended by inserting at the end the fol-
7 lowing sentence: “Such 30 day waiting period is not re-
8 quired if the grounds for the termination or refusal to
9 renew involve a direct threat to the safety of the tenants
10 or employees of the housing, or an imminent and serious
11 threat to the property (and the termination or refusal to
12 renew is in accordance with the requirements of State or
13 local law).”.

14 (b) Section 231 of the Cranston-Gonzalez National
15 Affordable Housing Act (42 U.S.C. 12771) is amended—

16 (1) in subsection (b) by striking “make such
17 funds available by direct reallocation” and all that
18 follows through “were recaptured” and inserting
19 “reallocate the funds by formula in accordance with
20 section 217(d) of this Act (42 U.S.C. 12747(d))”;
21 and

22 (2) by striking subsection (c).

23 SEC. 232. Notwithstanding Section 24(o) of the
24 United States Housing Act of 1937 (42 U.S.C. 1437v(o)),
25 amounts made available in prior appropriations Acts

1 under the heading “Revitalization of Severely Distressed
2 Public Housing (HOPE VI)” or under the heading
3 “Choice Neighborhoods Initiative” may continue to be
4 provided as assistance pursuant to such Section 24.

5 SEC. 233. The proviso under the “Community Devel-
6 opment Fund” heading in Public Laws 109–148, 109–
7 234, 110–252, and 110–329 which requires the Secretary
8 to establish procedures to prevent duplication of benefits
9 and to report to the Committees on Appropriations on all
10 steps to prevent fraud and abuse is amended by striking
11 “quarterly” and inserting “annually”.

12 SEC. 234. Title II of division K of Public Law 110–
13 161 is amended by striking the item related to “Flexible
14 Subsidy Fund”.

15 This title may be cited as the “Department of Hous-
16 ing and Urban Development Appropriations Act, 2013”.

17 TITLE III—RELATED AGENCIES

18 ACCESS BOARD

19 SALARIES AND EXPENSES

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

1 FEDERAL MARITIME COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Maritime
4 Commission as authorized by section 201(d) of the Mer-
5 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
6 cluding services as authorized by 5 U.S.C. 3109; hire of
7 passenger motor vehicles as authorized by 31 U.S.C.
8 1343(b); and uniforms or allowances therefore, as author-
9 ized by 5 U.S.C. 5901–5902, \$25,000,000: *Provided*, That
10 not to exceed \$2,000 shall be available for official recep-
11 tion and representation expenses.

12 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE
13 OF INSPECTOR GENERAL
14 SALARIES AND EXPENSES

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

1 enter into contracts and other arrangements for audits,
2 studies, analyses, and other services with public agencies
3 and with private persons, subject to the applicable laws
4 and regulations that govern the obtaining of such services
5 within the National Railroad Passenger Corporation: *Pro-*
6 *vided further*, That the Inspector General may select, ap-
7 point, and employ such officers and employees as may be
8 necessary for carrying out the functions, powers, and du-
9 ties of the Office of Inspector General, subject to the appli-
10 cable laws and regulations that govern such selections, ap-
11 pointments, and employment within Amtrak: *Provided fur-*
12 *ther*, That concurrent with the President's budget request
13 for fiscal year 2014, the Inspector General shall submit
14 to the House and Senate Committees on Appropriations
15 a budget request for fiscal year 2014 in similar format
16 and substance to those submitted by executive agencies
17 of the Federal Government.

18 NATIONAL TRANSPORTATION SAFETY BOARD

19 SALARIES AND EXPENSES

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

1 5901–5902), \$102,400,000, of which not to exceed \$2,000
2 may be used for official reception and representation ex-
3 penses. The amounts made available to the National
4 Transportation Safety Board in this Act include amounts
5 necessary to make lease payments on an obligation in-
6 curred in fiscal year 2001 for a capital lease.

7 NEIGHBORHOOD REINVESTMENT CORPORATION
8 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
9 CORPORATION

10 For payment to the Neighborhood Reinvestment Cor-
11 poration for use in neighborhood reinvestment activities,
12 as authorized by the Neighborhood Reinvestment Corpora-
13 tion Act (42 U.S.C. 8101–8107), \$145,300,000: *Provided*,
14 That in addition, \$80,000,000 shall be made available
15 until expended to the Neighborhood Reinvestment Cor-
16 poration for mortgage foreclosure mitigation activities,
17 under the following terms and conditions:

18 (1) The Neighborhood Reinvestment Corpora-
19 tion (“NRC”) shall make grants to counseling inter-
20 mediaries approved by the Department of Housing
21 and Urban Development (HUD) (with match to be
22 determined by the NRC based on affordability and
23 the economic conditions of an area; a match also
24 may be waived by the NRC based on the aforemen-
25 tioned conditions) to provide mortgage foreclosure

1 mitigation assistance primarily to States and areas
2 with high rates of defaults and foreclosures to help
3 eliminate the default and foreclosure of mortgages of
4 owner-occupied single-family homes that are at risk
5 of such foreclosure. Other than areas with high rates
6 of defaults and foreclosures, grants may also be pro-
7 vided to approved counseling intermediaries based on
8 a geographic analysis of the Nation by the NRC
9 which determines where there is a prevalence of
10 mortgages that are risky and likely to fail, including
11 any trends for mortgages that are likely to default
12 and face foreclosure. A State Housing Finance
13 Agency may also be eligible where the State Housing
14 Finance Agency meets all the requirements under
15 this paragraph. A HUD-approved counseling inter-
16 mediary shall meet certain mortgage foreclosure
17 mitigation assistance counseling requirements, as de-
18 termined by the NRC, and shall be approved by
19 HUD or the NRC as meeting these requirements.

20 (2) Mortgage foreclosure mitigation assistance
21 shall only be made available to homeowners of
22 owner-occupied homes with mortgages in default or
23 in danger of default. These mortgages shall likely be
24 subject to a foreclosure action and homeowners will
25 be provided such assistance that shall consist of ac-

1 activities that are likely to prevent foreclosures and re-
2 sult in the long-term affordability of the mortgage
3 retained pursuant to such activity or another posi-
4 tive outcome for the homeowner. No funds made
5 available under this paragraph may be provided di-
6 rectly to lenders or homeowners to discharge out-
7 standing mortgage balances or for any other direct
8 debt reduction payments.

9 (3) The use of Mortgage Foreclosure Mitigation
10 Assistance by approved counseling intermediaries
11 and State Housing Finance Agencies shall involve a
12 reasonable analysis of the borrower's financial situa-
13 tion, an evaluation of the current value of the prop-
14 erty that is subject to the mortgage, counseling re-
15 garding the assumption of the mortgage by another
16 non-Federal party, counseling regarding the possible
17 purchase of the mortgage by a non-Federal third
18 party, counseling and advice of all likely restruc-
19 turing and refinancing strategies or the approval of
20 a work-out strategy by all interested parties.

21 (4) NRC may provide up to 15 percent of the
22 total funds under this paragraph to its own charter
23 members with expertise in foreclosure prevention
24 counseling, subject to a certification by the NRC
25 that the procedures for selection do not consist of

1 any procedures or activities that could be construed
2 as an unacceptable conflict of interest or have the
3 appearance of impropriety.

4 (5) HUD-approved counseling entities and
5 State Housing Finance Agencies receiving funds
6 under this paragraph shall have demonstrated expe-
7 rience in successfully working with financial institu-
8 tions as well as borrowers facing default, delin-
9 quency and foreclosure as well as documented coun-
10 seling capacity, outreach capacity, past successful
11 performance and positive outcomes with documented
12 counseling plans (including post mortgage fore-
13 closure mitigation counseling), loan workout agree-
14 ments and loan modification agreements. NRC may
15 use other criteria to demonstrate capacity in under-
16 served areas.

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

TITLE IV

GENERAL PROVISIONS—THIS ACT

1
2 SEC. 401. Such sums as may be necessary for fiscal
3 year 2013 pay raises for programs funded in this Act shall
4 be absorbed within the levels appropriated in this Act or
5 previous appropriations Acts.
6

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

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

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

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

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2013, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that:

8 (1) creates a new program;

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

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

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

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

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

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

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

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

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

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

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

4 SEC. 406. Except as otherwise specifically provided
5 by law, not to exceed 50 percent of unobligated balances
6 remaining available at the end of fiscal year 2013 from
7 appropriations made available for salaries and expenses
8 for fiscal year 2013 in this Act, shall remain available
9 through September 30, 2014, for each such account for
10 the purposes authorized: *Provided*, That a request shall
11 be submitted to the House and Senate Committees on Ap-
12 propriations for approval prior to the expenditure of such
13 funds: *Provided further*, That these requests shall be made
14 in compliance with reprogramming guidelines under sec-
15 tion 405 of this Act.

16 SEC. 407. All Federal agencies and departments that
17 are funded under this Act shall issue a report to the House
18 and Senate Committees on Appropriations on all sole-
19 source contracts by no later than July 30, 2013. Such re-
20 port shall include the contractor, the amount of the con-
21 tract and the rationale for using a sole-source contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SEC. 415. None of the funds made available under
24 this Act or any prior Act may be provided to the Associa-
25 tion of Community Organizations for Reform Now

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

3 SEC. 416. None of the funds made available by this
4 Act may be used to enter into a contract, memorandum
5 of understanding, or cooperative agreement with, make a
6 grant to, or provide a loan or loan guarantee to any cor-
7 poration that was convicted (or had an officer or agent
8 of such corporation acting on behalf of the corporation
9 convicted) of a felony criminal violation under any Federal
10 law within the preceding 24 months, where the awarding
11 agency is aware of the conviction, unless the agency has
12 considered suspension or debarment of the corporation, or
13 such officer or agent, and made a determination that this
14 further action is not necessary to protect the interests of
15 the Government.

16 SEC. 417. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration that any unpaid Federal tax liability that has
21 been assessed, for which all judicial and administrative
22 remedies have been exhausted or have lapsed, and that
23 is not being paid in a timely manner pursuant to an agree-
24 ment with the authority responsible for collecting the tax
25 liability, where the awarding agency is aware of the unpaid

1 tax liability, unless the agency has considered suspension
2 or debarment of the corporation and made a determination
3 that this further action is not necessary to protect the in-
4 terests of the Government.

5 SPENDING REDUCTION ACCOUNT

6 SEC. 418. The amount by which the applicable alloca-
7 tion of new budget authority made by the Committee on
8 Appropriations of the House of Representatives under sec-
9 tion 302(b) of the Congressional Budget Act of 1974 ex-
10 ceeds the amount of proposed new budget authority is \$0
11 (increased by \$10,000) (increased by \$1,940,000).

12 SEC. 419. None of the funds made available by this
13 Act may be used by the Secretary of Transportation to
14 research or implement a distance-based fee system, com-
15 monly referred to as Vehicle Miles Traveled, that would
16 levy a fee on a vehicle user based on the distance traveled.

17 SEC. 420. None of the funds made available by this
18 Act may be used in furtherance of the implementation of
19 the European Union greenhouse gas emissions trading
20 scheme for aviation activities established by European
21 Union Directive 2008/101/EC.

22 SEC. 421. None of the funds made available in this
23 Act may be used for the for the international highway
24 technology scanning program, a program within the inter-

1 national highway transportation outreach program under
2 section 506 of title 23, United States Code.

3 SEC. 422. None of the funds made available in this
4 Act may be used for any new grant under the livable com-
5 munities program of the Department of Transportation or
6 the sustainable communities program of the Department
7 of Housing and Urban Development or to implement any
8 transfer of funds for any such new grant.

9 SEC. 423. None of the funds made available by this
10 Act may be used to enforce section 526 of the Energy
11 Independence and Security Act of 2007 (Public Law 110–
12 140; 42 U.S.C. 17142).

13 SEC. 424. None of the funds made available in this
14 Act may be used to establish, issue, implement, admin-
15 ister, or enforce any prohibition or restriction on the es-
16 tablishment or effectiveness of any occupancy preference
17 for veterans in supportive housing for the elderly that (1)
18 is provided assistance by the Department of Housing and
19 Urban Development, and (2)(A) is or would be located on
20 property of the Department of Veterans Affairs, or (B)
21 is subject to an enhanced use lease with the Department
22 of Veterans Affairs.

23 SEC. 425. None of the funds made available in this
24 Act shall be used to promulgate, issue, establish, imple-
25 ment, administer, finalize, or enforce the proposed rule

1 issued by the Secretary of Housing and Urban Develop-
2 ment and published in the Federal Register on September
3 16, 2011 (76 F.R. 70921; relating to Implementation of
4 the Fair Housing Act’s Discriminatory Effects Standard).

5 SEC. 426. None of the funds made available in this
6 Act may be used by the Secretary of Transportation to
7 make any transfer under the last proviso under the head-
8 ing “Department of Transportation—Office of the Sec-
9 retary—Payments to Air Carriers”.

10 SEC. 427. None of the funds made available by this
11 Act may be used to design, construct, or operate a fixed
12 guideway project located in Cincinnati, Ohio.

13 SEC. 428. None of the funds made available under
14 this Act may be used to implement any rule or regulation
15 that expressly prohibits an owner or landlord of housing
16 from using a criminal conviction to deny housing to an
17 applicant for such housing.

18 SEC. 429. None of the funds made available by this
19 Act may be used to promulgate or implement any regula-
20 tions that would mandate global positioning system (GPS)
21 tracking, electronic on-board recording devices, or event
22 data recorders in passenger or commercial motor vehicles.

23 SEC. 430. None of the funds made available under
24 this Act may be used for the Third Street Light Rail

1 Phase 2 Central Subway project in San Francisco, Cali-
2 fornia.

3 SEC. 431. None of the funds made available by this
4 Act may be used for the salary of any officer or employee
5 of the Federal Highway Administration to implement, ad-
6 minister, or enforce the Migratory Bird Treaty Act (16
7 U.S.C. 703 et seq.) or Executive Order No. 13186 of Jan-
8 uary 10, 2001, with respect to, or to determine any action
9 of the Administration to have a significant impact under
10 section 102(C) of the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4332(C)) based on the effect of such
12 action on, the cliff swallow or barn swallow (as listed in
13 section 10.13(c)(1) of title 50, Code of Federal Regula-
14 tions).

15 SEC. 432. None of the funds made available by this
16 Act may be used for high-speed rail in the State of Cali-
17 fornia or for the California High-Speed Rail Authority.

18 This Act may be cited as the “Transportation, Hous-
19 ing and Urban Development, and Related Agencies Appro-
20 priations Act, 2013”.

Passed the House of Representatives June 29, 2012.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 440

112TH CONGRESS
2^D SESSION

H. R. 5972

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

JUNE 29, 2012

Received; read twice and placed on the calendar