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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:
TITLE I
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $108,277,000, of which not to exceed $2,635,000 shall be available for the immediate Office of the Secretary; not to exceed $992,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,615,000 shall be available for the Office of the General Counsel; not to exceed $11,248,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $12,825,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,601,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $27,095,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,034,000 shall be available for the Office of Public Affairs; not to exceed $1,701,000 shall be available for the Office of the Executive Secretariat; $1,539,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,875,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $15,117,000 shall be available for the Office
of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary (except for the Office of Small and Disadvantaged Business Utilization) to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation’s financial systems and re-engineering business processes, $10,000,000, to remain available through September 30, 2014.
For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $6,000,000, to remain available through September 30, 2014.

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

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,000,000.

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $174,128,000 shall be paid from appropriations made
available to the Department of Transportation: Provided,
That such services shall be provided on a competitive basis
to entities within the Department of Transportation: Pro-
vided further, That the above limitation on operating ex-
penses shall not apply to non-DOT entities: Provided fur-
ther, That no funds appropriated in this Act to an agency
of the Department shall be transferred to the Working
Capital Fund without majority approval of the Working
Capital Fund Steering Committee and approval of the
Secretary: Provided further, That no assessments may be
levied against any program, budget activity, subactivity or
project funded by this Act unless notice of such assess-
ments and the basis therefor are presented to the House
and Senate Committees on Appropriations and are ap-
proved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM
For the cost of guaranteed loans, $418,000, as au-
thorized by 49 U.S.C. 332: Provided, That such costs, in-
cluding the cost of modifying such loans, shall be as de-
fined in section 502 of the Congressional Budget Act of
1974: Provided further, That these funds are available to
subsidize total loan principal, any part of which is to be
guaranteed, not to exceed $21,955,000.
In addition, for administrative expenses to carry out
the guaranteed loan program, $867,388.
MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,234,000, to remain available until September 30, 2014: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $114,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-
day notice of intent to terminate service and the Secretary
required the air carrier to continue to provide service to
the community at any time between September 30, 2010,
and September 30, 2011, inclusive: Provided further, That
basic essential air service minimum requirements shall not
include the 15-passenger capacity requirement under sub-
section 41732(b)(3) of title 49, United States Code: Pro-
vided further, That if the funds under this heading are
insufficient to meet the costs of the essential air service
program in the current fiscal year, the Secretary shall
transfer such sums as may be necessary to carry out the
essential air service program from any available amounts
appropriated to or directly administered by the Office of
the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE
SECRETARY OF TRANSPORTATION

Sec. 101. None of the funds made available in this
Act to the Department of Transportation may be obligated
for the Office of the Secretary of Transportation to ap-
prove assessments or reimbursable agreements pertaining
to funds appropriated to the modal administrations in this
Act, except for activities underway on the date of enact-
ment of this Act, unless such assessments or agreements
have completed the normal reprogramming process for
Congressional notification.
SEC. 102. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 103. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department’s Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109–59: Provided, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

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

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space
transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,718,000,000, of which $4,682,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,513,850,000 shall be available for air traffic organization activities; not to exceed $1,255,000,000 shall be available for aviation safety activities; not to exceed $16,700,000 shall be available for commercial space transportation activities; not to exceed $573,591,000 shall be available for finance and management activities; not to exceed $60,064,000 shall be available for NextGen and operations planning activities; and not to exceed $298,795,000 shall be available for staff offices: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be
available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new appli-
cants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $10,350,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services,
improvement by contract or purchase, and hire of national
airspace systems and experimental facilities and equip-
ment, as authorized under part A of subtitle VII of title
49, United States Code, including initial acquisition of
necessary sites by lease or grant; engineering and service
testing, including construction of test facilities and acqui-
sition of necessary sites by lease or grant; construction
and furnishing of quarters and related accommodations
for officers and employees of the Federal Aviation Admin-
istration stationed at remote localities where such accom-
modations are not available; and the purchase, lease, or
transfer of aircraft from funds available under this head-
ing, including aircraft for aviation regulation and certifi-
cation; to be derived from the Airport and Airway Trust
Fund, $2,749,596,000 of which $480,000,000 shall re-
main available until September 30, 2013, and of which
$2,269,596,000 shall remain available until September 30,
2015: Provided, That there may be credited to this appro-
priation funds received from States, counties, municipali-
ties, other public authorities, and private sources, for ex-
penses incurred in the establishment, improvement, and
modernization of national airspace systems: Provided fur-
ther, That upon initial submission to the Congress of the
fiscal year 2014 President’s budget, the Secretary of
Transportation shall transmit to the Congress a com-
prehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2014 through 2018, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2015: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: Provided further, That, of the unobligated balances from prior year appropriations available under this heading, $26,183,998 are rescinded.
GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2013, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor sys-
tems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding section 47109(a) of title 49, United States Code, the Government’s share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project that the Administrator determines is a successive phase of a multi-phased construction project for which the project sponsor received a grant in Fiscal Year 2011 for the construction project: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $105,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, and not less than $29,300,000 shall be available for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2013.
SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

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

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.
SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal
to the minimum apportionment specified in 49 U.S.C. 47114(e), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

Sec. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

Sec. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking “benefit.” and inserting “benefit, with the maximum allowable local cost share capped at “20 percent.”.

Sec. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner’s or operator’s aircraft registration number from any display of the Federal Aviation Administration’s Aircraft Situational Display to Industry data that is made available to the public, except data made
available to a Government agency, for the noncommercial flights of that owner or operator.

Sec. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

Federal Highway Administration

Limitation on Administrative Expenses

(Including Transfer of Funds)

Contingent upon reauthorization, not to exceed $392,855,251, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

Federal-Aid Highways

(Limitation on Obligations)

(Highway Trust Fund)

Contingent upon reauthorization, none of the funds in this Act shall be available for the implementation or
execution of programs, the obligations for which are in ex-
cess of $39,143,582,670 for Federal-aid highways and
highway safety construction programs for fiscal year
2013: Provided, That within the $39,143,582,670 obliga-
tion limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000
shall be available for the implementation or execution of
programs for transportation research (chapter 5 of title
23, United States Code; sections 111, 5505, and 5506 of
title 49, United States Code; and title 5 of Public Law
109–59) for fiscal year 2013: Provided further, That this
limitation on transportation research programs shall not
apply to any authority previously made available for obli-
gation: Provided further, That the Secretary may, as au-
thorized by section 605(b) of title 23, United States Code,
collect and spend fees, to cover the costs of services of
expert firms, including counsel, in the field of municipal
and project finance to assist in the underwriting and serv-
ic ing of Federal credit instruments and all or a portion
of the costs to the Federal Government of servicing such
credit instruments: Provided further, That such fees are
available until expended to pay for such costs: Provided
further, That such amounts are in addition to administra-
tive expenses that are also available for such purpose, and
are not subject to any obligation limitation or the limita-
tion on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $39,882,583,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Sec. 120. Contingent upon reauthorization, the following authorities shall apply for fiscal year 2013:

(a) The Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient
Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

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

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

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; section 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

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

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

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

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

(B) the total of the amounts authorized to
be appropriated for such programs that are ap-
portioned to all States for such fiscal year.
(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

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

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

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

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

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

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

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

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

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

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

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts
to those States able to obligate amounts in addition to
those previously distributed during that fiscal year, giving
priority to those States having large unobligated balances
of funds apportioned under sections 104 and 144 of title
23, United States Code.

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

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED**
**FUNDS.**—

(1) **IN GENERAL.**—Not later than 30 days after
the date of the distribution of obligation limitation
under subsection (a), the Secretary shall distribute
to the States any funds that—
(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

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

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

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

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
(g) LIMITATION ON STATUTORY CONSTRUCTION.—

Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.
SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

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

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

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

(b) EXCEPTIONS.—

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

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

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

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

Federal Motor Carrier Safety Administration

Motor Carrier Safety Operations and Programs

(Liquidation of Contract Authorization)

(Limitation on Obligations)

(Highway Trust Fund)

Contingent upon reauthorization, for payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law
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1. 109–59, $244,144,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided,

2. That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $244,144,000, for “Motor Carrier Safety Operations and Programs” of which $8,543,000, to remain available for obligation until September 30, 2015, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 29, 2013 on the agency’s ability to meet its requirement to conduct compliance reviews on mandatory carriers.
MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for “Motor Carrier Safety Grants”; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code.
States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers.

Administrative Provision—Federal Motor Carrier Safety Administration

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

National Highway Traffic Safety Administration

Operations and Research

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $152,000,000, of which $20,000,000 shall remain available through September 30, 2014.
Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $122,360,000 (reduced by $10,000,000) (increased by $10,000,000), to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $122,360,000 (reduced by $10,000,000) (increased by $10,000,000), of which $118,244,000 (reduced by $10,000,000) (increased by $10,000,000) shall be for programs authorized under 23 U.S.C. 403, and of which $4,166,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: Provided further, That within the $122,360,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2014 and shall be in addition to the amount of any limitation imposed on obligations for future years: Provided further, That $10,000,000 of the total obligation
limitation for operations and research in fiscal year 2013 shall be applied toward unobligated balances of contract authority provided in prior Acts for carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $501,828,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $501,828,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; $25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; $34,500,000 shall be for “State
Traffic Safety Information System Improvements” under 23 U.S.C. 408; $139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410; $25,328,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109–59; $7,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109–59; and $7,000,000 shall be for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the “High Visibility Enforcement Program” shall be available for the evaluation required under section 2009(f) of Public Law 109–59.
ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Sec. 140. Contingent upon reauthorization, notwithstanding section 402(g) of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

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

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

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $184,000,000, of which $20,360,000 shall remain available until expended.
RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,500,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority to exist as long as any such direct loan or loan guarantee is outstanding: Provided, That, pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2013.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $350,000,000, to remain available until expended: Provided, That the amounts available under this...
paragraph shall be available for the Secretary to approve
funding to cover operating losses for the Corporation only
after receiving and reviewing a grant request for each spe-
cific train route: *Provided further*, That each such grant
request shall be accompanied by a detailed financial anal-
ysis, revenue projection, and capital expenditure projection
justifying the Federal support to the Secretary’s satisfac-
tion: *Provided further*, That not later than 60 days after
enactment of this Act, the Corporation shall transmit, in
electronic format, to the Secretary, the House and Senate
Committees on Appropriations, the House Committee on
Transportation and Infrastructure and the Senate Com-
mittee on Commerce, Science, and Transportation the an-
nual budget and business plan and the 5-Year Financial
Plan for fiscal year 2013 required under section 204 of
the Passenger Rail Investment and Improvement Act of
2008: *Provided further*, That the budget, business plan,
and the 5-Year Financial Plan shall also include a sepa-
rate accounting of ridership, revenues, and capital and op-
erating expenses for the Northeast Corridor; commuter
service; long-distance Amtrak service; State-supported
service; each intercity train route, including Autotrain;
and commercial activities including contract operations:
*Provided further*, That the budget, business plan and the
5-Year Financial Plan shall include a description of work
to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2012 performance improvement plan: Provided further, That the Corporation’s budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation’s Web site within a reasonable timeframe following their submission to the appropriate entities: Provided further, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation’s detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak
fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: Provided further, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for
capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,452,000,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That of the amounts made available under this heading, not less than $500,000,000 shall be made available to fund high priority state-of-good-repair intercity infrastructure projects on infrastructure owned by the Corporation or States for the benefit of existing intercity passenger rail services: Provided further, That of the amount provided under the preceding proviso, $80,000,000 may be used to subsidize operating losses of the Corporation only after receiving and reviewing a grant request justifying the Federal support to the Secretary’s satisfaction; Provided further, That such projects shall
only include capital projects within the meaning of Section 24401(2)(A) of Title 49, United States Code: Provided further, That the Secretary shall approve funding for these projects only after receiving and reviewing a grant request for each project developed by Amtrak in conjunction with any state partners: Provided further, That the Federal share payable of the costs for such a project shall not exceed 80 percent: Provided further, That at least 30 days prior to the obligation of funds for such a project, the Secretary shall provide to the House and Senate Committees on Appropriations written notification of the approval of the project: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary’s satisfaction: Provided further, Except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further,
ther, That except as otherwise provided herein, none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation’s fiscal year 2013 business plan:

Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional $3,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

NEXT GENERATION HIGH-SPEED RAIL

(RESCISSION)

Of the funds made available for Next Generation High Speed Rail, as authorized by sections 1103 and 7201 of Public Law 105–178, $1,973,000 are hereby permanently rescinded: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.
NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the funds made available for the Northeast Corridor Improvement Program, as authorized by Public Law 94–210, $4,419,000 are hereby permanently rescinded:

Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

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

Sec. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government
sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: Provided, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days
of waiving such cap and delineate the reasons for such waiver.

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

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, $100,000,000: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2014 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2014.

FORMULA AND BUS GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, funds available in fiscal year
2013 for the implementation or execution of transit formula and bus grant programs authorized under title 49, United States Code, as amended by such authorization, shall not exceed total obligations of $8,360,565,000 from the Mass Transit Account of the Highway Trust Fund.

(LIQUIDATION OF CONTRACT AUTHORITY)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, $9,400,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund, for payment of obligations incurred in carrying out mass transit programs authorized under title 49, United States Code, as amended by such authorization.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $44,000,000, to remain available until expended: Provided, That $6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $3,000,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $20,000,000 is avail-
able to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

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

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system: Provided further, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements
of section 601(e)(1) of title VI of Public Law 110–432
(112 Stat. 4968) for fiscal year 2013.

**ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION**

(INCLUDING RESCISSION OF FUNDS)

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

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

**SEC. 162.** Notwithstanding any other provision of law, any funds appropriated before October 1, 2012, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.
SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading “Federal Transit Administration, Capital Investment Grants” in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

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

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1.5 percent of the amount made available to carry out section 5316 of title 49, United States Code: Provided, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Notwithstanding any other provision of law, none of the funds made available in this Act shall
be available to carry out 49 U.S.C. 5309(m)(6)(B) and (C).

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

SEC. 168. The Secretary shall conduct a formal adjudication in accordance with section 554 of title 5, United States Code, requiring any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then granted an exception from such part in this fiscal year to present evidence why it cannot come into compliance with such part: Provided, That any determination arising from the adjudication shall be sent to the House and Senate Committees on Appropriations for consideration: Provided further, That this section shall be obviated if there is an arrangement between such transit agency and charter bus providers that the Secretary considers appropriate in accordance with section 5323(d) of title 49, United States Code.

SEC. 169. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected
project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169A. Of the funds made available for the Formula Grants program, as authorized by Public Law 97–424, as amended, $70,867,394 are hereby permanently rescinded: Provided, That of the funds made available for the Formula Grants program, as authorized by Public Law 91–43, as amended, $699,307 are hereby permanently rescinded: Provided further, That of the funds made available for the Formula Grants program as authorized by Public Law 95–599, as amended, $928,838 are hereby permanently rescinded: Provided further, That of the funds made available for the University Transportation Research program, as authorized by Public Law 91–453, as amended, and by Public Law 102–240, as amended, $292,554 are hereby permanently rescinded: Provided further, That of the funds made available for the Job Access and Reverse Commute program, as authorized by Public Law 105–178, as amended, $14,661,719 are hereby permanently rescinded: Provided further, That of the funds
made available for the Capital Investment Grants pro-
gram, as authorized by Public Law 105–178, as amended, $11,429,055 are hereby permanently rescinded: Provided
further, That of the funds made available for the Research, Training, and Human Resources program, as authorized
by Public Law 95–599, as amended, $247,579 are hereby
permanently rescinded: Provided further, That of the
funds made available for the Interstate Transfer Grants
program, as authorized by 23 U.S.C. 103(e)(4), $2,661,568 are hereby permanently rescinded: Provided
further, That of the funds made available for the Wash-
ington Metropolitan Area Transit Authority, as authorized
by section 14 of Public Law 96–184, as amended, and
by Public Law 101–551, as amended, $523,000 are here-
by permanently rescinded: Provided further, That of the
funds made available for the Urban Discretionary Grants
program, as authorized by Public Law 88–365, as amend-
ed, $578,353 are hereby permanently rescinded: Provided
further, That no amounts may be rescinded from amounts
that were designated by the Congress as an emergency re-
quirement pursuant to a concurrent resolution on the
budget or the Balanced Budget and Emergency Deficit
Control Act of 1985, as amended.

Sec. 169B. None of the funds in this Act may be
available to advance a new fixed guideway capital project
to final design or a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of Montrose Boulevard or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation,
$33,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $184,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $145,753,000, of which $11,500,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2014 for Student Incentive Program payments at State Maritime Academies, and of which not less than $14,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management...
of the United States Merchant Marine Academy may not
be allotment holders for the United States Merchant Ma-
rine Academy, and the Administrator of the Maritime Ad-
ministration shall hold all allotments made by the Sec-
retary of Transportation or the Assistant Secretary for
Budget and Programs under the previous proviso: Pro-
vided further, That 50 percent of the funding made avail-
able for the United States Merchant Marine Academy
under this heading shall be available only after the Sec-
retary, in consultation with the Superintendent and the
Maritime Administrator, completes a plan detailing by
program or activity how such funding will be expended at
the Academy, and this plan is submitted to the House and
Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of ob-
solate vessels in the National Defense Reserve Fleet of the
Maritime Administration, $4,000,000, to remain available
until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the necessary administrative expenses of the
maritime guaranteed loan program, $3,750,000 (reduced
by $10,000) shall be paid to the appropriation for “Operations and Training”, Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or
that is part of the National Defense Reserve Fleet. Such
sales offers must be consistent with the solicitation and
provide that the work will be performed in a timely man-
ner at a facility qualified within the meaning of section
3502 of Public Law 106–398. Nothing contained herein
shall affect the Maritime Administration’s authority to
award contracts at least cost to the Federal Government
and consistent with the requirements of 16 U.S.C.
5405(c), section 3502, or otherwise authorized under the
Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY

ADMINISTRATION

OPERATIONAL EXPENSES

(Pipeline Safety Fund)

(Including Transfer of Funds)

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

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous
materials safety functions of the Pipeline and Hazardous
Materials Safety Administration, $42,546,000, of which $1,725,000 shall remain available until September 30, 2015: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approval functions.

PIPELINE SAFETY

(Pipeline Safety Fund)

(Oil Spill Liability Trust Fund)

(Pipeline Safety Design Review Fund)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,252,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2015; and of which $90,679,000 shall be derived from the Pipeline Safety Fund, of which
$48,191,000 shall remain available until September 30, 2015; and of which $2,000,000, to remain available until expended, shall be derived as provided in this Act from the Pipeline Safety Design Review Fund, as authorized in 49 U.S.C. 60117(n): Provided, That not less than $1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,500,000: Provided, That there may be credited to this appropriation, to be
available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $84,499,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: Provided further, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and
the Office of Inspector General: Provided further, That:

1. (1) the Inspector General shall have the authority to audit and investigate the Metropolitan Washington Airports Authority (MWAA); (2) in carrying out these audits and investigations the Inspector General shall have all the authorities described under section 6 of the Inspector General Act (5 U.S.C. App.); (3) MWAA Board Members, employees, contractors, and subcontractors shall cooperate and comply with requests from the Inspector General, including providing testimony and other information; (4) The Inspector General shall be permitted to observe closed executive sessions of the MWAA Board of Directors; (5) MWAA shall pay the expenses of the Inspector General, including staff salaries and benefits and associated operating costs, which shall be credited to this appropriation and remain available until expended; and (6) if MWAA fails to make funds available to the Inspector General within 30 days after a request for such funds is received, then the Inspector General shall notify the Secretary of Transportation who shall not approve a grant for MWAA under section 47107(b) of title 49, United States Code, until such funding is made available for the Inspector General.
For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,250,000 (reduced by $1,940,000): Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013, to result in a final appropriation from the general fund estimated at no more than $30,000,000.

General Provisions—Department of Transportation

Sec. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).
Sec. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

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

Sec. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

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

Sec. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources
for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Research and University Research Centers” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

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

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

(5) any funding provided under the headings
“National Infrastructure Investments” in this Act:

Provided, That the Secretary gives concurrent notifi-
cation to the House and Senate Committees on Ap-
propriations for any “quick release” of funds from
the emergency relief program: Provided further, That
no notification shall involve funds that are not avail-
able for obligation.

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

SEC. 187. Amounts made available in this or any
other Act that the Secretary determines represent im-
proper payments by the Department of Transportation to
a third-party contractor under a financial assistance
award, which are recovered pursuant to law, shall be avail-
able—

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

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

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

(B) if no such appropriation remains avail-
able, shall be deposited in the Treasury as mis-
cellaneous receipts: Provided further, That prior to the transfer of any such recovery to an ap-
propriations account, the Secretary shall notify to the House and Senate Committees on Approp-
riations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payments”,

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

**SEC. 188.** Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

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

**SEC. 190.** Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the
costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

This title may be cited as the “Department of Transportation Appropriations Act, 2013”.

TITLE II
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MANAGEMENT AND ADMINISTRATION

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $518,068,000 (reduced by $2,000,000), of which not to exceed $3,572,000 shall be available for the immediate Office of the Secretary; not to exceed $1,206,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed $1,711,000 shall be available for the Office of Hearings and Appeals; not to exceed $705,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,627,000 shall be available for the Office of the Chief Financial Officer; not to exceed $95,102,000 shall be available for the Office of the General Counsel; not to exceed $2,400,000 shall be available to the Office of Congressional and Intergovernmental Re-
lations; not to exceed $3,502,000 shall be available for the
Office of Public Affairs; not to exceed $247,535,000 shall
be available for the Office of the Chief Human Capital
Officer; not to exceed $47,500,000 shall be available for
the Office of Field Policy and Management; not to exceed
$16,563,000 shall be available for the Office of the Chief
Procurement Officer; not to exceed $3,127,000 shall be
available for the Office of Departmental Equal Employ-
ment Opportunity; not to exceed $1,404,000 shall be avail-
able for the Center for Faith-Based and Community Ini-
tiatives; not to exceed $2,360,000 shall be available for
the Office of Sustainable Housing and Communities; not
to exceed $4,884,000 shall be available for the Office of
Strategic Planning and Management; and not to exceed
$38,870,000 (reduced by $2,000,000) shall be available
for the Office of the Chief Information Officer: Provided,
That funds provided under this heading may be used for
necessary administrative and non-administrative expenses
of the Department of Housing and Urban Development,
not otherwise provided for, including purchase of uni-
forms, or allowances therefore, as authorized by 5 U.S.C.
5901–5902; hire of passenger motor vehicles; services as
authorized by 5 U.S.C. 3109: Provided further, That not-
withstanding any other provision of law, funds appro-
priated under this heading may be used for advertising
and promotional activities that support the housing mission area: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: Provided further, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: Provided further, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.
For necessary salaries and expenses of the Office of Public and Indian Housing, $206,500,000.

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

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

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

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

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

For activities and assistance for the provision of tenant-based rental assistance authorized under the United
States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, $15,134,283,000, to remain available until expended, shall be available on October 1, 2012 (in addition to the $4,000,000,000 previously appropriated under this heading that became available on October 1, 2012), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2013: Provided, That amounts made available under this heading are provided as follows:

(1) $17,237,948,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2013 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary
adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: 

_Provided further_, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: 

_Provided further_, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency’s allocation otherwise established pursuant to this paragraph: 

_Provided further_, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: 

_Provided further_, That the Secretary may extend the 60-day notification period, with the prior written ap-
proval of the House and Senate Committees on Appropriations: Provided further, That up to $75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency, that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for adjustments in the allocations for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs as a result of participation in the Small Area Fair Market Rent demonstration: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary;

(2) $75,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to
section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject
only to the availability of funds: Provided further,
That of the amounts made available under this para-
graph, $10,000,000 may be available to provide ten-
ant protection assistance, not otherwise provided
under this paragraph, to residents residing in low-
vacancy areas and who may have to pay rents great-
er than 30 percent of household income, as the re-
sult of (1) the maturity of a HUD-insured, HUD-
held or section 202 loan that requires the permission
of the Secretary prior to loan prepayment; (2) the
expiration of a rental assistance contract for which
the tenants are not eligible for enhanced voucher or
tenant protection assistance under existing law; or
(3) the expiration of affordability restrictions accom-
panying a mortgage or preservation program admin-
istered by the Secretary: Provided further, That such
tenant protection assistance made available under
the previous proviso may be provided under the au-
thority of section 8(t) or section 8(o)(13) of the
United States Housing Act of 1937 (42 U.S.C.
1437f(t)): Provided further, That the Secretary shall
issue guidance to implement the previous provisos,
including, but not limited to, requirements for defin-
ing eligible at-risk households within 120 days of the
enactment of this Act;
(3) $1,575,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster-related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: Provided, That no less than $1,525,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2013 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent nec-
essary to provide full payment of amounts deter-
mined under the previous proviso, utilize unobligated
balances, including recaptures and carryovers, re-
maining from funds appropriated to the Department
of Housing and Urban Development under this
heading from prior fiscal years, notwithstanding the
purposes for which such amounts were appropriated:

Provided further, That all public housing agencies
participating in the MTW demonstration shall be
funded pursuant to their MTW agreements, and
shall be subject to the same uniform percentage de-
crease as under the previous proviso: Provided fur-
ther, That amounts provided under this paragraph
shall be only for activities related to the provision of
tenant-based rental assistance authorized under sec-
tion 8, including related development activities;

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

(5) $111,335,000 for the renewal of tenant-
based assistance contracts under section 811 of the
Cranston-Gonzalez National Affordable Housing Act
(42 U.S.C. 8013), including necessary administra-
tive expenses;
(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937:

Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made
available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: 

Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(RESCISSION)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading, “Annual Contributions for Assisted Housing”, and the heading “Project-Based Rental Assistance”, for fiscal year 2013 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: Provided further,
That amounts previously recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount permanently cancelled is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) $1,985,000,000, to remain available until September 30, 2016: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2013 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately
or in the future: *Provided further,* That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further,* That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2013: *Provided further,* That of the total amount provided under this heading $50,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further,* That of the total amount provided under this heading, up to $5,000,000 is to support the costs of administrative and judicial receiverships: *Provided further,* That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal
year 2013 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2013 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,524,000,000: Provided, That in determining public housing agencies’, including Moving to Work agencies’, calendar year 2013 funding allocations under this heading, the Secretary may, contingent on authorization, take into account the impact of changes in minimum rents, flat rents, and medical expense thresholds on public housing agencies’ formula income levels.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $650,000,000, to remain available until September 30, 2017: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component
based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $2,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000: Provided further, That the Department will notify grantees of their formula allocation within 60 days of enactment of this Act.
For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $633,000,000: Provided further, That up to $750,000 of this amount may be used for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $330,000,000 (increased by $2,000,000), to remain available until September 30, 2014, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2015: Provided, That the Secretary shall renew all expiring contracts for perma-
nent supportive housing that were funded under section 854(e)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,404,000,000, to remain available until September 30, 2015, unless otherwise specified: Provided, That of the total amount provided, $3,344,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emer-
gencies that constitute imminent threats to health and safety: Provided further, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative ("EDI") or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES

PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2014, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $244,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.
HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,200,000,000, to remain available until September 30, 2015: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocation of such amount: Provided further, That funds made available under this heading used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement, shall be repaid: Provided further, That the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction: Provided further, That no funds provided under this heading may be committed to any project included as part of a participating jurisdiction’s plan under section 105(b), unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project: Provided further, That any homeownership units funded under this heading which cannot be sold to an eli-
gible homeowner within 6 months of project completion shall be rented to an eligible tenant: Provided further,

That no funds provided under this heading may be awarded for development activities to a community housing development organization that cannot demonstrate that it has staff with demonstrated development experience: Provided further, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $60,000,000, to remain available until September 30, 2015: Provided, That of the total amount provided under this heading, $20,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996,
as amended: Provided further, That $35,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity-building activities: Provided further, That $5,000,000 shall be made available for capacity-building activities for national organizations with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes: Provided further, That no funds made available for capacity building activities under this heading in this Act or any prior Act may be set-aside, reserved, or awarded in connection with the Department’s demand-response initiative, described in section V(A)(3)(d) of the Notices of Funding Availability for fiscal years 2010, 2011, and 2012: Provided further, That notwithstanding any requirement in any Notice of Funding Availability, grant application, grant agreement, or work plan, any unexpended amounts provided under this heading for capacity building activities in fiscal years 2010, 2011, 2012, and 2013 may not be used in connection with such demand-response initiative or any similar initiative, unless a grantee, in its sole discretion, decides to undertake or continue such a project: Provided further, That prior to undertaking, or
asking others to undertake, any further demand-response
or similar place-based initiatives, the Department shall
submit for Congressional approval in its operating plan
and budget proposal a detailed justification of such initia-
tive, including how it fits within the Department’s overall
capacity building efforts, why it is consistent with author-
ing legislation, and how the Department plans to imple-
ment it effectively.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as au-
thorized under subtitle B of title IV of the McKinney-
Vento Homeless Assistance Act, as amended; the con-
tinuum of care program as authorized under subtitle C
of title IV of such Act; and the rural housing stability as-
sistance program as authorized under subtitle D of title
IV of such Act, $2,000,000,000 (increased by
$5,000,000), of which $1,995,000,000 (increased by
$5,000,000) shall remain available until September 30,
2015, and of which $5,000,000 shall remain available
until expended for project-based rental assistance with re-
habilitation projects with 10-year grant terms and any
rental assistance amounts that are recaptured under such
continuum of care program shall remain available until ex-
pended: Provided, That not less than $286,000,000 of the
funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than $1,650,000,000 (increased by $5,000,000) of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assist-
ance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2013: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, $8,300,400,000, to remain available until expended, shall be available on October 1, 2012 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2012), and $400,000,000, to remain available until expended, shall be available on October 1, 2013: Provided, That the amounts made available under this head-
ing shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed $260,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
tion 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided further, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund” may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: Provided further, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD to re-
cess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: Provided further, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $425,000,000 to remain available until September 30, 2016: Provided, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: Provided further, That amounts under this heading shall
be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That notwithstanding any other provision of law, in this fiscal year and hereafter, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 Project Rental Assistance Contract that requires surplus project funds to be deposited in an interest-bearing residual receipts account and be remitted to the Secretary upon termination of the contract, shall be remitted to the Secretary and deposited in this account upon termination of such contract, to be available until expended for capital advances and other eligible assistance for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended: Provided further, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for uses authorized under this heading.
HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $165,000,000 to remain available until September 30, 2016: Provided, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and
Urban Development Act of 1968, as amended, $45,000,000, including up to $2,500,000 for administrative contract services: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $4,000,000, to remain available until expended, which is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the re-
receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2013 so as to result in no fiscal year 2013 appropriation from the general fund estimated and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2013 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

**Federal Housing Administration**

**Mutual Mortgage Insurance Program Account**

*(including transfers of funds)*

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall
not exceed $400,000,000,000, to remain available until September 30, 2014: Provided, That during fiscal year 2013, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $215,000,000, to remain available until September 30, 2014, of which up to $71,500,000 may be transferred to and merged with the Working Capital Fund: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2012, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act
(12 U.S.C. 1715z–3 and 1735c), shall not exceed
$25,000,000,000 in total loan principal, any part of which
is to be guaranteed: Provided, That during fiscal year
2013, gross obligations for the principal amount of direct
loans, as authorized by sections 204(g), 207(l), 238, and
519(a) of the National Housing Act, shall not exceed
$20,000,000, which shall be for loans to nonprofit and
governmental entities in connection with the sale of single
family real properties owned by the Secretary and for-
merly insured under such Act.

Government National Mortgage Association
Guarantees of Mortgage-Backed Securities Loan
Guarantee Program Account

New commitments to issue guarantees to carry out
the purposes of section 306 of the National Housing Act,
as amended (12 U.S.C. 1721(g)), shall not exceed
$500,000,000,000, to remain available until September
30, 2014: Provided, That $20,500,000 shall be available
for necessary salaries and expenses of the Office of Gov-
ernment National Mortgage Association: Provided further,
That to the extent that guaranteed loan commitments will
and do exceed $155,000,000,000 on or before April 1,
2013, an additional $100 for necessary salaries and ex-
penses shall be available until expended for each
$1,000,000 in additional guaranteed loan commitments
(including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, $52,000,000, to remain available until September 30, 2014: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at
least a 50 percent match toward the cost of the project:

Provided further, That for non-competitive agreements en-
tered into in accordance with the previous two provisos,
the Secretary of Housing and Urban Development shall
comply with section 2(b) of the Federal Funding Account-
ability and Transparency Act of 2006 (Public Law 109–
282, 31 U.S.C. note) in lieu of compliance with section
102(a)(4)(C) with respect to documentation of award deci-
sions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

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

That, of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

Office of Lead Hazard Control and Healthy Homes

Lead Hazard Reduction

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $120,000,000, to remain available until September 30, 2014: Provided, That up to $10,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of
such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the third proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.
MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $175,000,000 (reduced by $5,000,000), to remain available until September 30, 2014: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure
that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; (B) demonstrates that each modernization project is: (i) compliant with the department’s enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department’s capital planning and investment control requirements, and (iv) supported by an adequately staffed project office; and (C) has been reviewed by the Government Accountability Office.

OFFICE OF INSPECTOR GENERAL

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

TRANSFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $50,000,000 to remain available until September 30, 2015: Provided, That with respect to amounts made available under this heading for research, evaluation and program metrics or
program demonstrations, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project.

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

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

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

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

SEC. 204. Except as explicitly provided in law, any
grant, cooperative agreement or other assistance made
pursuant to title II of this Act shall be made on a competi-
tive basis and in accordance with section 102 of the De-
partment of Housing and Urban Development Reform Act
Sec. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

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

Sec. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to
make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2013 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

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

Sec. 209. The President’s formal budget request for fiscal year 2014, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the Committees on Appropriations
of the House of Representatives and the Senate, shall use
the identical account and sub-account structure provided
under this Act.

SEC. 210. A public housing agency or such other enti-
ty that administers Federal housing assistance for the
Housing Authority of the county of Los Angeles, Cali-
ifornia, the States of Alaska, Iowa, and Mississippi shall
not be required to include a resident of public housing or
a recipient of assistance provided under section 8 of the
United States Housing Act of 1937 on the board of direc-
tors or a similar governing board of such agency or entity
as required under section (2)(b) of such Act. Each public
housing agency or other entity that administers Federal
housing assistance under section 8 for the Housing Au-
thority of the county of Los Angeles, California and the
States of Alaska, Iowa and Mississippi that chooses not
to include a resident of public housing or a recipient of
section 8 assistance on the board of directors or a similar
governing board shall establish an advisory board of not
less than six residents of public housing or recipients of
section 8 assistance to provide advice and comment to the
public housing agency or other administering entity on
issues related to public housing and section 8. Such advi-
sory board shall meet not less than quarterly.
SEC. 211. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2013 and 2014, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

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

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

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the
transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

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

(3) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

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

(5) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.
(6) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

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

(8) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

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

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

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

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

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

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

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

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

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

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

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

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

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

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

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

(F) assistance payments made under section 811(d)(2) of the Housing Act of 1959;

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

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

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

(e) The Secretary shall publish by notice in the Federal Register the terms and conditions, including criteria for HUD approval, of transfers pursuant to this section no later than 30 days before the effective date of such notice.
SEC. 212. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

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

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

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

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).
(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Sec. 214. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

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

Sec. 216. Notwithstanding any other provision of law, in fiscal year 2013, in managing and disposing of any
multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based con-
tracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Sec. 217. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole-source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole-source contract.

Sec. 218. During fiscal year 2013, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf
of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

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

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

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

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

Sec. 223. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the heading “Administration, Operations, and Management” as well as each account receiving appropriations for “Program Office Salaries and Expenses” within the Department of Housing and Urban Development.

Sec. 224. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

Sec. 225. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2013 and
subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2013 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

Sec. 226. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any office funded under the heading “Administration, Operations, and Management” to any other office funded under such heading: Provided, That no appropriation for any office funded under the heading “Administration, Operations, and Management” shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any account funded
under the general heading “Program Office Salaries and Expenses” to any other account funded under such heading: Provided further, That no appropriation for any account funded under the general heading “Program Office Salaries and Expenses” shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading “Administration, Operations, and Management” and any account funded under the general heading “Program Office Salaries and Expenses”, but only with the prior written approval of the House and Senate Committees on Appropriations.

Sec. 227. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a “program of the Department of Housing and Urban Development” under section 904 of the McKinney Act for the purpose of income verifications and matching.

Sec. 228. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing
Act of 1937 (42 U.S.C. 1437 et seq.) may be used by any public housing agency for any amount of salary, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2013.

Sec. 229. Paragraph (1) of section 242(i) of the National Housing Act (12 U.S.C. 1715z–7(i)(1)) is amended by striking “July 31, 2011” and inserting “July 31, 2016”.

Sec. 230. Subsection (d) of section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended to read as follows:

“(d) GUARANTEE FEE.—The Secretary shall establish and collect, at the time of issuance of the guarantee, a fee for the guarantee of loans under this section, in an amount not exceeding 3 percent of the principal obligation of the loan. The Secretary may also establish and collect annual premium payments in an amount not exceeding 1 percent of the remaining guaranteed balance (excluding the portion of the remaining balance attributable to the fee collected at the time of issuance of the guarantee). The Secretary shall establish the amount of the fees and premiums by publishing a notice in the Federal Register. The
Secretary shall deposit any fees and premiums collected under this subsection in the Indian Housing Loan Guarantee Fund established under subsection (i).”.

Sec. 231. (a) Subsection (b) of section 225 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12755) is amended by inserting at the end the following sentence: “Such 30 day waiting period is not required if the grounds for the termination or refusal to renew involve a direct threat to the safety of the tenants or employees of the housing, or an imminent and serious threat to the property (and the termination or refusal to renew is in accordance with the requirements of State or local law).”.

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

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

and

(2) by striking subsection (c).

Sec. 232. Notwithstanding Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), amounts made available in prior appropriations Acts
under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” or under the heading “Choice Neighborhoods Initiative” may continue to be provided as assistance pursuant to such Section 24.

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

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

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2013”.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.
FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $25,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE
OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $25,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may
enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President’s budget request for fiscal year 2014, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C.
5901–5902), $102,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

**NEIGHBORHOOD REINVESTMENT CORPORATION**

**PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $145,300,000: *Provided, That in addition, $80,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:*

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

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

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

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

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

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.
(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

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

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

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,300,000.
TITLE IV

GENERAL PROVISIONS—THIS ACT

Sec. 401. Such sums as may be necessary for fiscal year 2013 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

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

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

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

Sec. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by pre-
vious appropriations Acts to the agencies or entities fund-
ed in this Act that remain available for obligation or ex-
penditure in fiscal year 2013, or provided from any ac-
counts in the Treasury derived by the collection of fees
and available to the agencies funded by this Act, shall be
available for obligation or expenditure through a re-
programming of funds that:

   (1) creates a new program;

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

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

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

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

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

   (7) creates, reorganizes, or restructures a
      branch, division, office, bureau, board, commission,
      agency, administration, or department different from
      the budget justifications submitted to the Commit-
tees on Appropriations or the table accompanying
the explanatory statement accompanying this Act,
whichever is more detailed, unless prior approval is
received from the House and Senate Committees on
Appropriations: *Provided*, That not later than 60
days after the date of enactment of this Act, each
agency funded by this Act shall submit a report to
the Committees on Appropriations of the Senate and
of the House of Representatives to establish the
baseline for application of reprogramming and trans-
fer authorities for the current fiscal year: *Provided
further*, That the report shall include:

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

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

(C) an identification of items of special
congressional interest: *Provided further*, That
the amount appropriated or limited for salaries
and expenses for an agency shall be reduced by
$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Sec. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2013 from appropriations made available for salaries and expenses for fiscal year 2013 in this Act, shall remain available through September 30, 2014, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

Sec. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2013. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

Sec. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—
(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

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

Sec. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to
include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

**Sec. 410.** None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

**Sec. 411.** No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily com-
pleted his period of active military or naval service, and
has within 90 days after his release from such service or
from hospitalization continuing after discharge for a pe-
period of not more than 1 year, made application for restora-
tion to his former position and has been certified by the
Office of Personnel Management as still qualified to per-
form the duties of his former position and has not been
restored thereto.

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

Sec. 413. No funds appropriated or otherwise made
available under this Act shall be made available to any
person or entity that has been convicted of violating the

Sec. 414. None of the funds made available in this
Act may be used for first-class airline accommodations in
contravention of sections 301–10.122 and 301–10.123 of

Sec. 415. None of the funds made available under
this Act or any prior Act may be provided to the Associa-
tion of Community Organizations for Reform Now
(ACORN), or any of its affiliates, subsidiaries, or allied organizations.

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

Sec. 417. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid
tax liability, unless the agency has considered suspension
or debarment of the corporation and made a determination
that this further action is not necessary to protect the in-
terests of the Government.

SPENDING REDUCTION ACCOUNT

SEC. 418. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0 (increased by $10,000) (increased by $1,940,000).

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

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

SEC. 421. None of the funds made available in this Act may be used for the international highway technology scanning program, a program within the inter-
national highway transportation outreach program under
section 506 of title 23, United States Code.

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

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

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

SEC. 425. None of the funds made available in this
Act shall be used to promulgate, issue, establish, imple-
ment, administer, finalize, or enforce the proposed rule
issued by the Secretary of Housing and Urban Develop-
ment and published in the Federal Register on September
16, 2011 (76 F.R. 70921; relating to Implementation of
the Fair Housing Act’s Discriminatory Effects Standard).

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

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

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

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

Sec. 430. None of the funds made available under
this Act may be used for the Third Street Light Rail
Phase 2 Central Subway project in San Francisco, California.

Sec. 431. None of the funds made available by this Act may be used for the salary of any officer or employee of the Federal Highway Administration to implement, administer, or enforce the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) or Executive Order No. 13186 of January 10, 2001, with respect to, or to determine any action of the Administration to have a significant impact under section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) based on the effect of such action on, the cliff swallow or barn swallow (as listed in section 10.13(c)(1) of title 50, Code of Federal Regulations).

Sec. 432. None of the funds made available by this Act may be used for high-speed rail in the State of California or for the California High-Speed Rail Authority.

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013”.

Passed the House of Representatives June 29, 2012.

Attest: KAREN L. HAAS,

Clerk.
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

Calendar No. 440