IN THE SENATE OF THE UNITED STATES

APRIL 19, 2012

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

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 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, $108,097,000, 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 $2,514,000 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 $1,608,000 shall be available for the Office of the Executive Secretariat; not to exceed $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 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.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of
Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be
not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed $35,000,000 for the planning, preparation or design of projects eligible for funding under this heading: Provided further, That grants awarded under the previous proviso shall not be subject to a minimum grant size: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall
conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under this heading.

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.

CYBER SECURITY INITIATIVES

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.

OFFICE OF CIVIL RIGHTS
For necessary expenses of the Office of Civil Rights, $9,773,000.

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

WORKING CAPITAL FUND
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: Provided further, that the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, that no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, that no assessments may be levied against any program, budget activity, subactivity
or project funded by this Act unless notice of such 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, $333,000, 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 $18,367,000. In addition, for
administrative expenses to carry out the guaranteed loan
program, $589,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Re-
source Center outreach activities, $3,234,000, to remain
available until September 30, 2013: Provided, That not-
withstanding 49 U.S.C. 332, these funds may be used for
business opportunities related to any mode of transpor-
tation.
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 basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided 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.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $13,500,000, of which $6,953,000 shall remain available
until September 30, 2015: 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: Provided further, That notwithstanding any other provision of law, the powers and duties, functions, authorities and personnel of the Research and Innovative Technology Administration are hereby transferred to the Office of the Assistant Secretary for Research and Technology in the Office of the Secretary: Provided further, That notwithstanding section 102 of title 49 and section 5315 of title 5, there shall be an Assistant Secretary for Research and Technology within the Office of the Secretary, appointed by the President with the advice and consent of the Senate, to lead such office: Provided further, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

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

Sec. 103. 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. 104. Notwithstanding section 3324 of title 31,
United States Code, in addition to authority provided by
section 327 of title 49, United States Code, the Depart-
ment’s Working Capital Fund is hereby authorized to pro-
vide payments in advance to vendors that are necessary
to carry out the Federal transit pass transportation fringe
benefit program under Executive Order 13150 and section
3049 of Public Law 109–59: Provided, That the Depart-
ment shall include adequate safeguards in the contract
with the vendors to ensure timely and high-quality performance under the contract.

SEC. 105. 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 minutes of each meeting.

SEC. 106. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehi-
cycles for replacement only, in addition to amounts made available by Public Law 108–176, $9,698,396,000, of which $5,340,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,496,279,000 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 $16,271,000 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 $297,191,000 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 up-
date to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after
the date of the enactment of this Act: *Provided further,*

That there may be credited to this appropriation as offset-
ing collections funds received from States, counties, mu-
icipalities, 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 chart-
ing 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 acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,750,000,000, of which $480,000,000 shall remain available until September 30, 2013; $2,195,000,000 shall remain available until September 30, 2015; and $75,000,000 shall remain available until September 30, 2016: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, 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 comprehensive 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 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, $160,000,000, 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)

(INCLUDING TRANSFER OF FUNDS)

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 systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding section 137 of Public Law 112–95, for unfinished projects at airports that are not large hub airports or medium hub airports and for which prior to February 14, 2012, the project sponsor had received a grant for one or more phases of the project or supporting infrastructure project funds, funds limited under this heading shall be used to pay for 95 percent of allowable project costs: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $103,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $29,300,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the Small Community Air Service Development Program.

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, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.
Sec. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

Sec. 114. None of the funds 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. 115. 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. 116. 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(c), 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

Sec. 117. None of the funds in this Act may be oblig-
gated 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. 118. Subparagraph (D) of section 47124(b)(3)
of title 49, United States Code, is amended by striking
“benefit.” and inserting “benefit, with the maximum al-
lowable local cost share capped at 20 percent.”.

Sec. 119. 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 Administra-
tion, a blocking of that owner’s or operator’s aircraft reg-
istration 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. 119A. None of the funds in this Act shall be
available for salaries and expenses of more than 7 political
and Presidential appointees in the Federal Aviation Administra-

Sec. 119B. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the FAA conducts a public outreach that is designed to elicit feedback from aviation stakeholders, and until the FAA has reported the justification of its fees on paper and digital products to the House and Senate Committees on Appropriations.

Sec. 119C. 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

FEDERAL- AID HIGHWAYS

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $426,476,000, 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.

LIMITATION ON OBLIGATIONS

(HIGHWAY TRUST FUND)

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 $39,143,583,000 for Federal-aid highways and highway safety construction programs for fiscal year 2013: Provided, That within the $39,143,583,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of 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 obligation: Provided further, That the Secretary may, as authorized 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 servicing of Federal credit instru-
ments and all or a portion of the costs to the Federal Gov-
ernment of servicing such credit instruments: *Provided fur-
ther*, That such fees are available until expended to pay
for such costs: *Provided further*, That such amounts are
in addition to administrative expenses that are also avail-
able for such purpose, and are not subject to any obliga-
tion limitation or the limitation on administrative expenses
under section 608 of title 23, United States Code.

LIQUIDATION OF CONTRACT AUTHORIZATION

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United
States Code, that are attributable to Federal-aid high-
ways, 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 avail-
able 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. (a) For fiscal year 2013, the Secretary of
Transportation shall—

(1) not distribute from the obligation limitation
for Federal-aid highways amounts authorized for ad-
ministrative 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; sections 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 development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, 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 apportioned 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 2010; 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.
(c) 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 obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain 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.

Sec. 124. Notwithstanding subsection 101(d) of Public Law 112–102, the level of contract authority for administrative expenses of the Federal-aid highway program for fiscal year 2013 shall be $426,476,000.

Sec. 125. Notwithstanding subsection 111(d)(3) of Public Law 112–30, funds limited by this Act and made available for purposes under section 1960 of Public Law 109–59 shall be allocated in accordance with such section.
SEC. 126. (a) Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(i) Operation of vehicles on certain Wisconsin highways.—If any segment of the United States Route 41 corridor described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 119 Stat. 1209), is designated as a route on the Interstate System, a vehicle that could operate legally on the segment before the date of the designation may continue to operate on the segment without regard to any requirement under subsection (a).”.

SEC. 127. (a) Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with each relevant State and other applicable Federal agencies, shall commence a comprehensive truck size and weight limits study. The study shall—

(1) provide data on accident frequency and factors related to accident risk of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that
are in excess of the Federal law and regulations and its correlation to truck size and weight limits;

(2) evaluate the impacts to the infrastructure of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations, including—

(A) an analysis that quantifies the cost and benefits of the impacts in dollars;

(B) an analysis of the percentage of trucks operating in excess of the Federal size and weight limits; and

(C) an analysis that examines the ability of each State to recover the cost for the impacts, or the benefits incurred;

(3) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations, and the effectiveness of the enforcement methods;

(4) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits, including the impacts on crashes;
(5) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge, including the impacts resulting from the number of bridge loadings;

(6) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes;

(7) compare and contrast the safety and infrastructure impacts of the Federal limits regarding truck size and weight limits in relation to—

(A) six-axle and other alternative configurations of tractor-trailers; and

(B) safety records of foreign nations with truck size and weight limits and tractor-trailer configurations that differ from the Federal law and regulations; and

(8) estimate—

(A) the extent to which freight would be diverted from other surface transportation modes to principal arterial routes and National Highway System intermodal connectors if each covered truck configuration is allowed to oper-
ate and the effect that any such diversion would have on other modes of transportation;

(B) the effect that any such diversion would have on public safety, infrastructure, cost responsibilities, fuel efficiency, and the environment;

(C) the effect on the transportation network of the United States that allowing each covered truck configuration to operate would have; and

(D) whether allowing each covered truck configuration to operate would result in an increase or decrease in the total number of trucks operating on principal arterial routes and National Highway System intermodal connectors; and

(9) identify all Federal rules and regulations impacted by changes in truck size and weight limits.

(b) REPORT.—Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a final report on the study, including all findings and recommendations, to the House and Senate Committees on Appropriations, the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.
and the Committee on Transportation and Infrastructure
of the House of Representatives.

Federal Motor Carrier Safety Administration
Motor Carrier Safety Operations and Programs
(Liquidation of Contract Authorization)
(Limitation on Obligations)
(Highway Trust Fund)

For payment of obligations incurred in the implement-
tion, execution and administration of motor carrier safe-
ty operations and programs pursuant to section 31104(i)
of title 49, United States Code, and sections 4127 and
4134 of Public Law 109–59, $247,594,000, to be derived
from the Highway Trust Fund (other than the Mass Tran-
sit Account), together with advances and reimbursements
received by the Federal Motor Carrier Safety Administra-
tion, the sum of which shall remain available until ex-
pended: Provided, That none of the funds derived from
the Highway Trust Fund in this Act shall be available for
the implementation, execution or administration of pro-
grams, the obligations for which are in excess of
$247,594,000, 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 by March 29, 2013, on the agency’s ability to meet its requirement to conduct compliance reviews on mandatory carriers: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report not later than March 29, 2013 on the implementation of a risk-based vetting methodology to identify chameleon motor carriers applying for operating authority that includes timelines and performance goals for expanding vetting to the freight sector, the modification of information systems to improve the vetting program consistent with the recommendations of GAO Report 12–364, and other relevant information as deemed appropriate by the Administrator: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report not later than December 10, 2012 on the enforcement actions the agency has taken against motor coach operators that failed to comply with the American with Disability Act during the previous fiscal year, including the number of denials or revocations: Provided further, That the Federal Motor Carrier Safety
Administration’s obligation limitation shall be reduced by $100,000 per day for each day any report required under this heading is past the deadlines specified here.

NATIONAL MOTOR CARRIER SAFETY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION OF OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution, and administration of national motor carrier safety programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $16,000,000, 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, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund under this heading shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $16,000,000, of which $3,000,000 shall be made available for the use of border facilities, $1,000,000 shall be made available for oversight of the Motor Carrier Safety Assistance Program and $12,000,000 shall be made available for information technology and data analysis activi-
ties: Provided further, That of the $16,000,000 of unobligated contract authority provided in the Transportation Equity Act for the 21st Century (Public Law 105–178) or other appropriation or authorization acts for the national motor carrier safety program, $3,000,000 shall be made available for the use of border facilities, $1,000,000 shall be made available for oversight of the Motor Carrier Safety Assistance Program and $12,000,000 shall be made available for information technology and data analysis activities.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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, $308,624,000, 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 $308,624,000, for “Motor Carrier Safety Grants”; of which $213,624,000 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; $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.

(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.

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, $136,686,000, of which $20,000,000 shall remain available through September 30, 2014.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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, 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, of which $118,360,000 shall be for programs authorized under 23 U.S.C. 403 and $4,000,000 shall be for the National Driver Register authorized under and chapter 303 of title 49, United States Code: Provided further, That within the $118,360,000 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 derived from unobligated balances in prior appropriation Acts 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.
HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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, $550,328,000 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 $550,328,000 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; $48,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2014 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $40,000,000 may
be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $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 of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: 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: Provided further, That of the amounts made available under this heading for “Safety Belt Performance Grants”, $8,500,000 shall be available for the development of the Driver Alcohol Detection System for Safety (DADSS) and other alcohol-impaired prevention measures.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

TRAFFIC SAFETY ADMINISTRATION

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

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

thority 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 Ad-
ministration, not otherwise provided for, $179,000,000, of
which $12,860,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and de-
velopment, $35,000,000, to remain available until ex-

pended.

RAILROAD REHABILITATION AND IMPROVEMENT

FINANCING PROGRAM

The Secretary of Transportation is authorized to
issue direct loans and loan guarantees pursuant to sec-
tions 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 di-
rect loan and 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), $400,000,000, 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 specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary’s satisfaction: Provided further, That 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 Committee on Commerce, Science, and Transportation the annual 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 separate accounting of ridership, revenues, and capital and operating 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 Corpora-
tion’s budget, business plan, 5-Year Financial Plan, semi-
annual 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 Corpora-
tion’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 activi-
ties: Provided further, That none of the funds under this
heading may be obligated or expended until the Corpora-
tion agrees to continue abiding by the provisions of para-
graphs 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 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), $1,050,000,000, 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 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 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, That none
of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further,* That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or in 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 one-half of one percent 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.

**CAPITAL ASSISTANCE FOR HIGH PERFORMANCE PASSENGER RAIL SERVICE**

To enable the Secretary of Transportation to make grants for projects that solely improve existing passenger rail corridor services as authorized under sections 26106, 24406, and 24105 of title 49, United States Code, $100,000,000, to remain available until expended: *Provided,* That up to $20,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements
established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: 

Provided further, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high performance rail corridors located in multiple States: Provided further, That the Secretary shall issue a notice of funding availability that shall provide interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(f), 24402(i), and 24403(a), (b), and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That up to 2 percent of the funds provided under this paragraph are available to the Admin-
istrator of the Federal Railroad Administration to fund
the award and oversight by the Administrator of grants
and cooperative agreements for intercity and high per-
formance rail: Provided further, That recipients of grants
under this paragraph shall conduct all procurement trans-
actions using such grant funds in a manner that provides
full and open competition, as determined by the Secretary,
in compliance with existing labor agreements.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM
(RESCISISON)

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

NEXT GENERATION HIGH SPEED RAIL
(RESCISISON)

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 perma-
nently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
ADMINISTRATION

Sec. 150. Hereafter, notwithstanding any other pro-
vision 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 Railroad 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 in Appropriations in the monthly report within 30 days of waiving such cap and delineate the reasons for such waiver.

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, $99,875,000: 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

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out
the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
section 3038 of Public Law 105–178, as amended,
$9,400,000,000 to be derived from the Mass Transit Ac-
count of the Highway Trust Fund and to remain available
until expended: Provided, That funds available for the im-
plementation or execution of programs authorized under
49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
5317, 5320, 5335, 5339, and 5340 and section 3038 of
Public Law 105–178, as amended, shall not exceed total
obligations of $8,360,565,000 in fiscal year 2013.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306,
5312–5315, 5322, and 5506, $50,000,000, to remain
available until expended: Provided, That $5,000,000 is
available to carry out the transit cooperative research pro-
gram 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
up to $5,000,000 is available for university transportation
centers program under section 5506 of title 49, United States Code: Provided further, That $20,000,000 is available 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, $2,043,520,000, to remain available until expended, of which $20,000,000 shall be available to carry out section 5309(e) of such title: Provided, That not less than $120,000,000 shall be available for preliminary engineering, final design, and construction of projects expected to receive a Full Funding Grant Agreements during calendar year 2013: Provided further, That the funds awarded for preliminary engineering and final design under such a grant shall be made available to cover those costs immediately upon grant award.

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 re-
quest for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

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

Sec. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under 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. 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 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. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.
SEC. 166. Hereafter, the Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 167. 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. 168. All bus new fixed guideway capital projects recommended in the President’s fiscal year 2013 budget request for funds appropriated under the Capital Investment Grants heading in this Act or any other Act shall be funded instead from amounts allocated under 49 U.S.C. 5309(m)(2)(C): Provided, That all such projects
shall remain subject to the appropriate requirements of 49 U.S.C. 5309(d) and (e).

(recessions)

SEC. 169. 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 program, 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 Washington 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 hereby permanently rescinded: Provided further, That of the funds made available for the Urban Discretionary Grants program, as authorized by Public Law 88–365, as amended, $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 requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,500,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

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

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $150,896,000, of which $11,100,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain
available through September 30, 2014 for Student Incentive Program payments at State Maritime Academies, and of which $16,604,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State 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 State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, 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 sub-
mitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

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

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $9,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $38,750,000, of which $35,000,000 shall remain available until expended: 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, as amend-
ed: Provided further, That not to exceed $3,750,000 shall
be available for administrative expenses to carry out the
guaranteed loan program, which shall be transferred to
and merged with the appropriations 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 fur-
nish utilities and services and make necessary repairs in
connection with any lease, contract, or occupancy involving
Government property under control of the Maritime Ad-
ministration, and payments received therefor shall be cred-
itied to the appropriation charged with the cost thereof:
Provided, That rental payments under any such lease, con-
tract, or occupancy for items other than such utilities,
services, or repairs shall be covered into the Treasury as
miscellaneous receipts.
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, $21,047,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to “Pipeline Safety” in order to fund “Pipeline Safety Information Grants to Communities” as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $43,025,000, 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 incurred in
performance of hazardous materials exemptions and approvals 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, $131,844,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2015; of which $111,271,000 shall be derived from the Pipeline Safety Fund, of which $72,458,000 shall remain available until September 30, 2015; and of which $2,000,000, to remain available until expended, shall be derived as authorized by the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, 49 U.S.C. 60117(n).

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: Provided further, That unobligated balances of funds provided under this paragraph not needed for fiscal year 2013 from the sum made available herein shall remain available until expended to invest in the data management and information technology modernization efforts, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure.

ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Sec. 180. In administering the assessment and collection of fees for Cost Recovery for Design Reviews authorized in section 60117(n)(1)(B) of title 49, the definition of "project" shall include all costs associated with all components, segments or phases of such project: Provided, That if the cost recovery for hazardous liquid pipeline projects is based on the project costs provided to the Federal Energy Regulatory Commission or other applicable
regulatory agency for determinations of transportation tariffs, no good faith estimate under section 60117(n)(1)(B)(i)(II) is required.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of 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 hereafter funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as
an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

**Surface Transportation Board**

**Salaries and Expenses**

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,300,000: 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 $28,050,000.
SEC. 190. 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. 191. 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. 192. 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. 193. 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. 194. 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” and “Assist-
ance to Small Shipyards” in this Act: Provided,
That the Secretary gives concurrent notification to
the House and Senate Committees on Appropria-
tions for any “quick release” of funds from the
emergency relief program: Provided further, That no
notification shall involve funds that are not available
for obligation.

Sec. 195. 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. 196. 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 In-
formation 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”,

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

Sec. 197. 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. 198. 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 or practice 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.

This title may be cited as the “Department of Transportation Appropriations Act, 2013”.
TITLE II
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MANAGEMENT AND ADMINISTRATION
ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $527,690,000, of which not to exceed $3,623,000 shall be available for the immediate Office of the Secretary; not to exceed $1,206,000 shall be for the Office of Deputy Secretary and 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 $48,321,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,433,000 shall be available for the Office of the General Counsel; not to exceed $2,411,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,502,000 shall be available for the Office of Public Affairs; not to exceed $248,950,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $54,965,000 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 $3,500,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,404,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,642,000 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 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 nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109:

Provided further, that notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area:

Provided further, that the Secretary 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:
vided 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 recep-
tion and representation expenses as the Secretary may de-
termine.

Program Office Salaries and Expenses

Public and Indian Housing

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

Community Planning and Development

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

Housing

For necessary salaries and expenses of the Office of Housing, $398,500,000, of which at least $8,500,000 shall be for the Office of Risk and Regulatory Affairs.

Policy Development and Research

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

Fair Housing and Equal Opportunity

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $72,904,000.
OFFICE OF HEALTHY HOMES AND LEAD HAZARD

CONTROL

For necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $7,433,000.

PUBLIC AND INDIAN HOUSING

TEENANT-BASED RENTAL ASSISTANCE

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, $15,396,335,000, 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 will become available on October 1, 2012), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2013: Provided, That of the amounts made available under this heading are provided as follows:

(1) $17,495,000,000 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 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
by the latter of 60 days after enactment of this Act
or March 1, 2013: Provided further, That the Sec-
retary may extend the 60-day notification period
with the prior written approval of the House and
Senate Committees on Appropriations: Provided fur-
ther, That public housing agencies participating in
the MTW demonstration shall be funded pursuant to
their MTW agreements and shall be subject to the
same pro rata adjustments under the previous pro-
visos: Provided further, That up to $75,000,000
shall be available only: (1) for adjustments in the al-
locations for public housing agencies, after applica-
tion for an adjustment by a public housing agency
that experienced a significant increase, as deter-
mined 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 commit-
ment pursuant to section 8(o)(13) of the Act; and
(3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers;

(2) $80,000,000 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 Sec-
retary 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, $5,000,000 may be available to provide ten-
ant protection assistance, not otherwise provided
under this paragraph, to residents residing in low-
vacancy areas and who pay or may have to pay rents
greater than 30 percent of household income, as the
result of (1) the maturity of a HUD-insured, HUD-
held, or section 202 of the Housing Act of 1959 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 eli-
gible for enhanced voucher or tenant protection as-
sistance under existing law; or (3) the expiration of
affordability restrictions accompanying a mortgage
or preservation program administered by the Sec-
retary: Provided further, That such tenant protection
assistance made available under the previous proviso
may be provided under the authority of section 8(t)
or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t) or (o)(13)): Provided further, That the Secretary shall issue guidance to implement the previous two provisos, including, but not limited to, requirements for defining 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 $15,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,560,000,000 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): Pro-
vided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading 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 decrease as under the previous proviso: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development 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 administrative 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 Sec-
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;

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

HOUSING CERTIFICATE FUND

(INCLUDES RESCISSIONS)

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 heretofore 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 rescinded 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 peri-
ods under such section: Provided further, That for pur-
poses 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 As-
essment 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 dis-
asters excluding Presidentially declared emergencies and
natural disasters under the Robert T. Stafford Disaster
Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
ing 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 made available under this heading, up to $15,000,000 may be used for incentives as part of a Jobs-Plus Pilot initiative modeled after the Jobs-Plus demonstration: Provided further, That the funding provided under the previous proviso shall provide competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: Provided further, That applicants must demonstrate the ability to provide services to residents, partner with workforce investments boards, and leverage service dollars: Provided further, That the Secretary may set aside a portion of the funds provided for the Resident Opportunity and Self-Sufficiency program to support the services element of the Jobs Plus Initiative Pilot: Provided further, That the Secretary may allow PHAs to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms and
conditions as the Secretary may approve upon a finding
by the Secretary that any such waivers or alternative re-
quirements are necessary for the effective implementation
of the Jobs-Plus Pilot initiative: Provided further, That the
Secretary shall publish by notice in the Federal Register
any waivers or alternative requirements pursuant to the
preceding proviso no later than 10 days before the effec-
tive date of such notice: 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 receiv-
erships: Provided further, That from the funds made avail-
able 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 author-
ized by section 9(e) of the United States Housing Act of
1937 (42 U.S.C. 1437g(e)), $4,591,000,000: Provided,
That in determining public housing agencies’, including
Moving to Work agencies’, calendar year 2013 funding al-
locations under this heading, the Secretary shall take into
account the impact of changes to flat rents on public hous-
ing agencies’ formula income levels.
CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $120,000,000, to remain available until September 30, 2015: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than $80,000,000 shall be awarded to public housing authorities: Provided further, That such grant-
ees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than $5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

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 compo-
ent 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,
$4,000,000 shall be contracted for assistance for a na-
tional organization representing Native American housing
interests for providing training and technical assistance to
Indian housing authorities and tribally designated housing
entities as authorized under NAHASDA; and $4,000,000
shall be to support the inspection of Indian housing units,
contract expertise, training, and technical assistance in
the training, oversight, and management of such Indian
housing and tenant-based assistance, including up to
$300,000 for related travel: 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: Pro-
vided further, That such costs, including the costs of modi-
ifying 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 avail-
able to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,332,000: Provided further, that the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $633,000,000: Provided further, That
up to $750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z) and for such costs for loans used for refinancing, $386,000, 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 $41,504,000 to remain available until expended.

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, 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 permanent supportive housing
that were funded under section 854(c)(3) of such Act that
meet all program requirements before awarding funds for
new contracts and activities authorized under this section:

*Provided further,* That the Department will notify grantees
of their formula allocation within 60 days of the date of
enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local govern-
ment, and to other entities, for economic and community
development activities, and for other purposes,$3,210,000,000, to remain available until September 30,
2015, unless otherwise specified: *Provided,* That of the
total amount provided, $3,100,000,000 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 (except for planning grants pro-
vided in the second paragraph and amounts made avail-
able under the third paragraph), 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 notwith-
standing section 106(a)(1) of such Act, of which, notwith-
standing any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amounts made available under this heading, $50,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That the funding provided shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning and for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That not less than $12,500,000 of the funding made available under this heading shall be awarded to metropolitan areas of less than 500,000: Provided further, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2013 commitments to guarantee loans under section 108 of the Housing and
Community Development Act of 1974, any part of which is guaranteed, shall not exceed a total principal amount of $500,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero, and such fees such be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

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, $1,000,000,000, 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 jurisdic-
tion: 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 eligible 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, $53,500,000, to remain available until September 30, 2015: Provided, That of the total amount provided under this heading, $13,500,000 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 a national organization with expertise in rural housing, including experience working with rural housing organizations, local governments, and Indian tribes.

HOMELESS ASSISTANCE GRANTS

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-
Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $2,146,000,000, of which $2,141,000,000 shall remain available until September 30, 2015, and of which $5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended:

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 $1,841,262,000 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 $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: 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 the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That 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 term local government includes an instrumentality of a unit of general purpose local government other than a public housing agency that is established pursuant to legislation and designated by
the chief executive to act on behalf of the local government
with regard to activities funded under this heading and
includes a combination of general purpose local govern-
ments, such as an association of governments, that is rec-
ognized by the Secretary: Provided further, That the term
State includes any instrumentality of any of the several
States designated by the Governor to act on behalf of the
State and does not include Washington, DC: Provided fur-
ther, That for purposes of environmental review, the Sec-
retary shall continue to permit assistance and projects
under this heading to be treated as assistance for special
projects that are subject to section 305(c) of the Multi-
family Housing Property Disposition Reform Act of 1994,
and subject to the regulations issued by the Secretary to
implement such section: Provided further, That a metro-
politan city and an urban county that each receive an allo-
cation under this heading and are located within a geo-
graphic area that is covered by a single continuum of care
may jointly request the Secretary to permit the urban
county or the metropolitan city, as agreed to by such coun-
ty and city, to receive and administer their combined allo-
cations under a single grant: Provided further, That the
Department shall notify grantees of their formula alloca-
tion 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, $9,475,795,000, to re-
main available until expended, shall be available on Octo-
ber 1, 2012 (in addition to the $400,000,000 previously
appropriated under this heading that will become available
October 1, 2012), and $400,000,000, to remain available
until expended, shall be available on October 1, 2013: Pro-
vided, 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 sec-
tion 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 In-
come Housing Preservation Act of 1987 or the Low-In-
come 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); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(e)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided fur-
ther, That amounts recaptured under this heading, the
heading “Annual Contributions for Assisted Housing”, or
the heading “Housing Certificate Fund”, may be used for
renewals of or amendments to section 8 project-based con-
tracts or for performance-based contract administrators,
notwithstanding the purposes for which such amounts
were appropriated: Provided further, That, notwith-
standing 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 As-
sistance Payments contract that authorizes HUD to re-
quire that surplus project funds be deposited in an inter-
est-bearing residual receipts account and that are in ex-
cess of an amount to be determined by the Secretary, shall
be remitted to the Department and deposited in this ac-
count, to be available until expended: Provided further,
That amounts deposited pursuant to the previous proviso
shall be available in addition to the amount otherwise pro-
vided by this heading for uses authorized under this head-
ing.

HOUSING FOR THE ELDERLY

For 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, $375,000,000 to remain available until September 30, 2016: Provided, That of the amount provided under this heading, up to $70,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $20,000,000 shall be for grants under section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living, service-enriched housing, or related use for substantial and emergency repairs as determined by the Secretary: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial
contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For 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, $150,000,000 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, $55,000,000, including up to $3,500,000 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.

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 $5,500,000, to remain available until expended, of which $4,000,000 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 ex-
tent necessary to incur obligations and make expenditures
pending the 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 gen-
eral fund shall be reduced as such collections are received
during fiscal year 2013 so as to result in a final fiscal
year 2013 appropriation from the general fund estimated
at not more than $1,500,000 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: Pro-
vided further, That such collections shall be deposited into
the Fund, and the Secretary, as provided herein, may use
such collections, as well as fees collected under section
620, for necessary expenses of such Act: Provided further,
That notwithstanding the requirements of section 620 of
such Act, the Secretary may carry out responsibilities of
the Secretary under such Act through the use of approved
service providers that are paid directly by the recipients
of their services.
FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 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, 2013, 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 author-
ized 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, to remain available until September
30, 2014: Provided, That during fiscal year 2013 gross
obligations for the principal amount of direct loans, as au-
thorized 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 en-
tities in connection with the sale of single family real prop-
erties owned by the Secretary and formerly 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 Government 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 expenses 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, $46,000,000, 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 entered 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 Accountability 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 decisions.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

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

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 $30,000,000 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 second 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 appro-
priations 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.

**WORKING CAPITAL FUND**

For additional capital for the Working Capital Fund
(42 U.S.C. 3535) for the maintenance of infrastructure
for Department-wide information technology systems, for
the continuing operation and maintenance of both Depart-
ment-wide and program-specific information systems, and
for program-related maintenance activities, $230,000,000,
of which $170,000,000 shall remain available until Sep-
tember 30, 2014, and of which $60,000,000 shall remain
available until September 30, 2015 for Development Mod-
ernization and Enhancement: *Provided*, That any amounts
transferred to this Fund under this Act shall remain avail-
able 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 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, $125,194,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.
TRANFORMATION INITIATIVE

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $43,000,000, 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, the Secretary may make grants or enter into cooperative agreements if such grants or agreements include a substantial match contribution, notwithstanding section 204 of this title.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 set-
tlement 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, including 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. (a) Sections 203 and 209 of the Department of Housing and Urban Development Appropriations Act, 2012 is amended by striking “fiscal year 2012” each place it appears and inserting “fiscal years 2012 and 2013”.

(b) Section 203(a)(2) of such Act is amended by striking “fiscal year 2011” and inserting “fiscal years 2012 and 2013”.

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 Depart-
ment of Housing and Urban Development Reform Act

SEC. 205. Funds of the Department of Housing and
Urban Development subject to the Government Corpora-
tion 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 Fi-
nancing Bank, Federal Reserve banks or any member
thereof, Federal Home Loan banks, and any insured bank
within the meaning of the Federal Deposit Insurance Cor-

SEC. 206. Unless otherwise provided for in this Act
or through a reprogramming of funds, no part of any ap-
propriation 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 Depart-
ment of Housing and Urban Development which are sub-
ject to the Government Corporation Control Act are here-
by 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. Paragraph (2)(B)(i) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking “Except as otherwise pro-
vided under this clause, each” and inserting
“Each”; and

(B) by inserting after “which shall” the
following: “not be lower than 80 percent of the
applicable fair market rental established under
section 8(c) of this Act and which shall”; and

(2) by striking the undesignated matter fol-
lowing subclause (II) and inserting the following:
“Public housing agencies must comply by September
30, 2013, with the requirement of this clause, except
that if a new flat rental amount for a dwelling unit
will increase a family’s existing rental payment by
more than 35 percent, the new flat rental amount
shall be phased in as necessary to ensure that the
family’s existing rental payment does not increase by
more than 35 percent annually. The preceding sen-
tence shall not be construed to require establishment
of rental amounts equal to 80 percent of the fair
market rental in years when the fair market rental
falls from the prior year.”.
SEC. 210. 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. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the

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public housing agency or other administering entity on
issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

Sec. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 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 cer-
tification of approval by all appropriate local govern-
mental 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 re-
ceiving project or projects meets the condition speci-
fied in subsection (d)(2)(A), any lien on the receiv-
ing project resulting from additional financing ob-
tained 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 deter-
mination that such a waiver is necessary to facilitate
the financing of acquisition, construction, and/or re-
habilitation of the receiving project or projects.

(9) If the transferring project meets the re-
quirements of subsection (e)(2)(E), the owner or
mortgagor of the receiving project or projects shall
execute and record either a continuation of the exist-
ing 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-in-
come” shall have the meanings provided by the stat-
ute 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 con-
ditions—

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

(B) housing that has project-based assist-
ance attached to the structure including
projects undergoing mark to market debt re-
structuring 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(c)(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 use low-income and very low-income restrictions are to be transferred;

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

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

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

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

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

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

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

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

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition 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. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 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. 217. 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 contracts 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. 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. 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. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202(b) 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. 221. The commitment authority funded by fees as 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 receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

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

(1) in subsection (m)(1), by striking “fiscal year” and all that follows through the period at the end and inserting “fiscal year 2013.”; and

(2) in subsection (o), by striking “September” and all that follows through the period at the end and inserting “September 30, 2013.”.

SEC. 223. 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. 224. 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. 225. 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 Ex-
penses” within the Department of Housing and Urban Development.

SEC. 226. (a) The Secretary of Housing and Urban Development shall take the required actions under sub-section (b) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance:

(1) receives a Real Estate Assessment Center (REAC) score of 30 or less; or

(2) receives a REAC score between 31 and 59 and:

(A) fails to certify in writing to HUD within 60 days that all deficiencies have been corrected; or

(B) receives consecutive scores of less than 60 on REAC inspections.

Such requirements shall apply to insured and non-insured projects with assistance attached to the units under section 8 of the United States housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).
(b) The Secretary shall take the following required actions as authorized under subsection (a)—

(1) The Secretary shall notify the owner and provide an opportunity for response within 30 days. If the violations remain, the Secretary shall develop a Compliance, Disposition and Enforcement Plan within 60 days, with a specified timetable for correcting all deficiencies. The Secretary shall provide notice of the Plan to the owner, tenants, the local government, any mortgagees, and any contract administrator.

(2) At the end of the term of the Compliance, Disposition and Enforcement Plan, if the owner fails to fully comply with such plan, the Secretary may require immediate replacement of project management with a management agent approved by the Secretary, and shall take one or more of the following actions, and provide additional notice of those actions to the owner and the parties specified above:

(A) impose civil money penalties;

(B) abate the section 8 contract, including partial abatement as determined by the Secretary, until all deficiencies have been corrected;

(C) pursue transfer of the project to an owner, approved by the Secretary under estab-
lished procedures, which will be obligated to
promptly make all required repairs and to ac-
cept renewal of the assistance contract as long
as such renewal is offered; or

(D) seek judicial appointment of a receiver
to manage the property and cure all project de-
ficiencies or seek a judicial order of specific per-
formance requiring the owner to cure all project
deficiencies.

(c) The Secretary shall also take appropriate steps
to ensure that project-based contracts remain in effect,
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 remedies
set forth above. To the extent the Secretary determines,
in consultation with the tenants and the local government,
that the property is not feasible for continued rental as-
sistance 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 rent-
al assistance. The Secretary shall report semi-annually on
all properties covered by this section that are assessed
through the Real Estate Assessment Center and have
physical inspection scores of less than 30 or have consecu-
tive physical inspection scores of less than 60. The report
shall include:

(1) The enforcement actions being taken to ad-
dress such conditions, including imposition of civil
money penalties and termination of subsidies, and
identify properties that have such conditions mul-
tiple times; and

(2) Actions that the Department of Housing
and Urban Development is taking to protect tenants
of such identified properties.

SEC. 227. Payment of attorney fees in program-re-
lated litigation must be paid from individual program of-
office personnel benefits and compensation funding. The an-
nual budget submission for program office personnel ben-
efit and compensation funding must include program-re-
lated litigation costs for attorney fees as a separate line
item request.
SEC. 228. 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. 229. 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. 230. 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. 231. 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. 232. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to $10,000,000 may be transferred to and merged with amounts made available in the “Working Capital Fund” account under this title.

Sec. 233. Title II of division K of Public Law 110–161 is amended by striking the item related to “Flexible Subsidy Fund”.

Sec. 234. 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. 235. Subparagraph (A) of section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(A)) is amended by inserting before the period at the end the following: “, or a consortium of such entities or bodies as approved by the Secretary”.
Sec. 236. (a) Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(1) in paragraph (2), by designating the first sentence as subparagraph (A), the second sentence as subparagraph (B), and the remaining sentences as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph (C):

“(C) The term extremely low-income families means very low-income families whose incomes do not exceed the higher of—

“(i) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (except that this clause shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States); or

“(ii) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families (except that the Secretary may establish income ceilings higher
or lower than 30 percent of the median for
the area on the basis of the Secretary's
findings that such variations are necessary
because of unusually high or low family in-
comes).”; and

(b) Section 16 of the United States Housing Act of
1937 (42 U.S.C. 1437n) is amended—

(1) in subsection (a)(2)(A); and

(2) in subsection (b)(1); and

(3) in subsection (c)(3), by striking “families
whose incomes” and all that follows through “low
family incomes” and inserting “extremely low-in-
come families”.

SEC. 237. (a) Section 8(o)(8) of the United States
Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amend-
ed—

(1) by redesignating subparagraph (E) as sub-
paragraph (G); and

(2) by striking subparagraph (D) and inserting
the following new subparagraphs:

“(D) BIENNIAL INSPECTIONS.—

“(i) REQUIREMENT.—Each public
housing agency providing assistance under
this subsection (or other entity, as pro-
vided in paragraph (11)) shall, for each as-
sisted dwelling unit, make inspections not less often than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A).

“(ii) Use of alternative inspection method.—The requirements under clause (i) may be complied with by use of inspections that qualify as an alternative inspection method pursuant to subparagraph (E).

“(iii) Records.—The public housing agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h) of this Act.

“(E) Alternative inspection method.—An inspection of a property shall qualify as an alternative inspection method for purposes of this subparagraph if—
“(i) the inspection was conducted pursuant to requirements under a Federal, State, or local housing program (including the Home investment partnership program under title II of the Cranston-Gonzalez National Affordable Housing Act and the low-income housing tax credit program under section 42 of the Internal Revenue Code of 1986); and

“(ii) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to properties assisted under such program, and, if a non-Federal standard or requirement was used, the public housing agency has certified to the Secretary that such standard or requirement provides the same (or greater) protection to occupants of dwelling units meeting such standard or requirement as would the housing quality standards under subparagraph (B).

“(F) INTERIM INSPECTIONS.—Upon notification to the public housing agency, by a family (on whose behalf tenant-based rental assistance
is provided under this subsection) or by a govern-
ment official, that the dwelling unit for
which such assistance is provided does not com-
ply with the housing quality standards under
subparagraph (B), the public housing agency
shall inspect the dwelling unit—

“(i) in the case of any condition that
is life-threatening, within 24 hours after
the agency’s receipt of such notification;
and

“(ii) in the case of any condition that
is not life-threatening, within 15 days after
the agency’s receipt of such notification.”.

(b) EFFECTIVE DATE.—The amendments in sub-
section (a) shall take effect upon such date as the Sec-
retary determines, in the Secretary’s sole discretion,
through the Secretary’s publication of such date in the
Federal Register, as part of regulations promulgated, or
a notice issued, by the Secretary to implement such
amendments.

Sec. 238. The fourth proviso under the “Rental As-
sistance Demonstration” heading of the Department of
Housing and Urban Development Appropriations Act,
2012 is amended by striking “or section 8(e)(2)”.
Sec. 239. (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).

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. App. 1111), 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.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF INSPECTOR GENERAL

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, $19,000,000: 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), $135,300,000, of which $5,000,000 shall be for a multi-family rental housing program: *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 activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower’s financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling re-
garding 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 sala-
ries, authorized travel, hire of passenger motor vehicles,
the rental of conference rooms, and the employment of ex-
perts 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, $3,600,000.

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 previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

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

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

(B) a delineation in the table for each appropriation 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 Em-
ployment 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 brownfield as defined in the Small...
Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 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 completed his period of active military or naval service, and has within 90 days after his release from such service or fromhospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform 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 American 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 Buy American Act (41 U.S.C. 10a–10c).

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 title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 417. Concurrent with the issuance of any notice of funding availability or any other notice designed to solicit applications for a program through which grants or credit assistance are awarded through a competitive process, the Secretary of Transportation and the Secretary of
1 Housing and Urban Development shall post on their Web
2 sites information about such program, including, but not
3 limited to, the goals of the program, the criteria that will
4 be used in awarding grants or credit assistance, and the
5 process by which applications will be selected for the
6 award of a grant or credit assistance: Provided, That con-
7 current with the public announcement of grants or credit
8 assistance to be awarded through such competitive pro-
9 gram, the Secretary of Transportation and the Secretary
10 of Housing and Urban Development shall post on their
11 Web sites information on each applicant to be awarded
12 a grant or credit assistance, including, but not limited to,
13 the name and address of the applicant, the amount of the
14 grant or credit assistance to be awarded, the amount of
15 financing expected from other sources, and an explanation
16 of how such award is consistent with program goals.
17
18 Sec. 418. All agencies and departments funded by
19 the Act shall send to Congress at the end of the fiscal
20 year a report containing a complete inventory of the total
21 number of vehicles owned, permanently retired, and pur-
22 chased during fiscal year 2013 as well as the total cost
23 of the vehicle fleet, including maintenance, fuel, storage,
24 purchasing, and leasing.
25
26 Sec. 419. (a) The head of any department, agency,
27 board or commission funded by this Act shall submit quar-
terly reports to the Inspector General, or the senior ethics
official for any entity without an inspector general, of the
appropriate department, agency, board or commission re-
garding the costs and contracting procedures relating to
each conference held by the department, agency, board or
commission during fiscal year 2013 for which the cost to
the United States Government was more than $20,000.

(b) Each report submitted shall include, for each con-
ference held during the applicable quarter—

(1) a description of the purpose of that con-
ference;

(2) the number of participants attending that
conference;

(3) a detailed statement of the costs to the
United States Government relating to that con-
ference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

and

(C) a discussion of the methodology used
to determine which costs relate to that con-
ference; and

(4) a description of the contracting procedures
relating to that conference, including—
(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

SEC. 420. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest:

Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representa-
tives of the United States Government and of foreign gov-
ernments, international organizations, or nongovern-
mental organizations.

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

•S 2322 PCS
A BILL

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.

APRIL 19, 2012

Read twice and placed on the calendar

Voters' 19, 2012