

Calendar No. 185115TH CONGRESS
1ST SESSION**S. 1655****[Report No. 115-138]**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2017

Ms. COLLINS, 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, 2018, and for other purposes.

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

1 Development, and related agencies for the fiscal year end-
2 ing September 30, 2018, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$112,813,000, of which not to exceed \$3,001,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$1,040,000 shall be available for the immediate
11 Office of the Deputy Secretary; not to exceed \$20,555,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$10,331,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$14,019,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,546,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$29,356,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$2,142,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,760,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$11,318,000 shall be available for the Office of Intel-
25 ligence, Security, and Emergency Response; and not to ex-

1 ceed \$16,745,000 shall be available for the Office of the
2 Chief Information Officer: *Provided*, That the Secretary
3 of Transportation is authorized to transfer funds appro-
4 priated for any office of the Office of the Secretary to any
5 other office of the Office of the Secretary: *Provided fur-*
6 *ther*, That no appropriation for any office shall be in-
7 creased or decreased by more than 5 percent by all such
8 transfers: *Provided further*, That notice of any change in
9 funding greater than 5 percent shall be submitted for ap-
10 proval to the House and Senate Committees on Appropria-
11 tions: *Provided further*, That not to exceed \$60,000 shall
12 be for allocation within the Department for official recep-
13 tion and representation expenses as the Secretary may de-
14 termine: *Provided further*, That notwithstanding any other
15 provision of law, excluding fees authorized in Public Law
16 107–71, there may be credited to this appropriation up
17 to \$2,500,000 in funds received in user fees: *Provided fur-*
18 *ther*, That none of the funds provided in this Act shall
19 be available for the position of Assistant Secretary for
20 Public Affairs.

21 RESEARCH AND TECHNOLOGY

22 For necessary expenses related to the Office of the
23 Assistant Secretary for Research and Technology,
24 \$8,465,000, of which \$2,618,000 shall remain available
25 until September 30, 2021: *Provided*, That there may be

1 credited to this appropriation, to be available until ex-
2 pended, funds received from States, counties, municipali-
3 ties, other public authorities, and private sources for ex-
4 penses incurred for training: *Provided further*, That any
5 reference in law, regulation, judicial proceedings, or else-
6 where to the Research and Innovative Technology Admin-
7 istration shall continue to be deemed to be a reference to
8 the Office of the Assistant Secretary for Research and
9 Technology of the Department of Transportation.

10 NATIONAL INFRASTRUCTURE INVESTMENTS

11 For capital investments in surface transportation in-
12 frastructure, \$550,000,000, to remain available through
13 September 30, 2020: *Provided*, That the Secretary of
14 Transportation shall distribute funds provided under this
15 heading as discretionary grants to be awarded to a State,
16 local government, transit agency, or a collaboration among
17 such entities on a competitive basis for projects that will
18 have a significant local or regional impact: *Provided fur-*
19 *ther*, That projects eligible for funding provided under this
20 heading shall include, but not be limited to, highway or
21 bridge projects eligible under title 23, United States Code;
22 public transportation projects eligible under chapter 53 of
23 title 49, United States Code; passenger and freight rail
24 transportation projects; and port infrastructure invest-
25 ments (including inland port infrastructure and land ports

1 of entry): *Provided further*, That the Secretary may use
2 up to 20 percent of the funds made available under this
3 heading for the purpose of paying the subsidy and admin-
4 istrative costs of projects eligible for Federal credit assist-
5 ance under chapter 6 of title 23, United States Code, if
6 the Secretary finds that such use of the funds would ad-
7 vance the purposes of this paragraph: *Provided further*,
8 That in distributing funds provided under this heading,
9 the Secretary shall take such measures so as to ensure
10 an equitable geographic distribution of funds, an appro-
11 priate balance in addressing the needs of urban and rural
12 areas, and the investment in a variety of transportation
13 modes: *Provided further*, That a grant funded under this
14 heading shall be not less than \$5,000,000 and not greater
15 than \$25,000,000: *Provided further*, That not more than
16 5 percent of the funds made available under this heading
17 may be awarded to projects in a single State: *Provided*
18 *further*, That the Federal share of the costs for which an
19 expenditure is made under this heading shall be, at the
20 option of the recipient, up to 80 percent: *Provided further*,
21 That the Secretary shall give priority to projects that re-
22 quire a contribution of Federal funds in order to complete
23 an overall financing package: *Provided further*, That not
24 less than 30 percent of the funds provided under this
25 heading shall be for projects located in rural areas: *Pro-*

1 *vided further*, That for projects located in rural areas, the
2 minimum grant size shall be \$1,000,000 and the Secretary
3 may increase the Federal share of costs above 80 percent:
4 *Provided further*, That projects conducted using funds pro-
5 vided under this heading must comply with the require-
6 ments of subchapter IV of chapter 31 of title 40, United
7 States Code: *Provided further*, That the Secretary shall
8 conduct a new competition to select the grants and credit
9 assistance awarded under this heading: *Provided further*,
10 That the Secretary may retain up to \$20,000,000 of the
11 funds provided under this heading, and may transfer por-
12 tions of those funds to the Administrators of the Federal
13 Highway Administration, the Federal Transit Administra-
14 tion, the Federal Railroad Administration, and the Mari-
15 time Administration to fund the award and oversight of
16 grants and credit assistance made under the National In-
17 frastructure Investments program: *Provided further*, That
18 the Secretary shall consider and award projects based sole-
19 ly on the selection criteria from the fiscal year 2016 Notice
20 of Funding Opportunity: *Provided further*, That the Sec-
21 retary shall not use the Federal share as a selection cri-
22 teria in awarding projects: *Provided further*, That the Sec-
23 retary shall issue the Notice of Funding Opportunity
24 under the previous proviso no later than 45 days after en-
25 actment of this Act: *Provided further*, That the Notice of

1 Funding Opportunity shall require application submis-
2 sions 60 days after the publishing of such Notice: *Provided*
3 *further*, That of the applications submitted under the pre-
4 vious two provisos, the Secretary shall make grants no
5 later than 225 days after enactment of this Act in such
6 amounts that the Secretary determines.

7 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
8 FINANCE BUREAU

9 For necessary expenses for the administration of the
10 National Surface Transportation and Innovative Finance
11 Bureau (the Bureau) within the Office of the Secretary
12 of Transportation, \$3,000,000, to remain available until
13 expended: *Provided*, That the Secretary of Transportation
14 shall use such amount for the necessary expenses to fulfill
15 the responsibilities of the Bureau, as detailed in section
16 9001 of the Fixing America's Surface Transportation
17 (FAST) Act (Public Law 114–94) (49 U.S.C. 116): *Pro-*
18 *vided further*, That the Secretary is required to receive the
19 advance approval of the House and Senate Committees on
20 Appropriations prior to exercising the authorities of 49
21 U.S.C. 116(h): *Provided further*, That the program be
22 available to other Federal agencies, States, municipalities
23 and project sponsors seeking Federal transportation ex-
24 pertise in obtaining financing.

1 FINANCIAL MANAGEMENT CAPITAL

2 For necessary expenses for upgrading and enhancing
3 the Department of Transportation's financial systems and
4 re-engineering business processes, \$3,000,000, to remain
5 available through September 30, 2019.

6 CYBER SECURITY INITIATIVES

7 For necessary expenses for cyber security initiatives,
8 including necessary upgrades to wide area network and
9 information technology infrastructure, improvement of
10 network perimeter controls and identity management,
11 testing and assessment of information technology against
12 business, security, and other requirements, implementa-
13 tion of Federal cyber security initiatives and information
14 infrastructure enhancements, and implementation of en-
15 hanced security controls on network devices, \$15,000,000,
16 to remain available through September 30, 2019.

17 OFFICE OF CIVIL RIGHTS

18 For necessary expenses of the Office of Civil Rights,
19 \$9,500,000.

20 TRANSPORTATION PLANNING, RESEARCH, AND

21 DEVELOPMENT

22 For necessary expenses for conducting transportation
23 planning, research, systems development, development ac-
24 tivities, and making grants, to remain available until ex-
25 pended, \$8,500,000: *Provided*, That of such amount,

1 \$1,500,000 shall be for necessary expenses of the Inter-
2 agency Infrastructure Permitting Improvement Center
3 (IIPIC): *Provided further*, That there may be transferred
4 to this appropriation, to remain available until expended,
5 amounts from other Federal agencies for expenses in-
6 curred under this heading for IIPIC activities not related
7 to transportation infrastructure: *Provided further*, That
8 the tools and analysis developed by the IIPIC shall be
9 available to other Federal agencies for the permitting and
10 review of major infrastructure projects not related to
11 transportation only to the extent that other Federal agen-
12 cies provide funding to the Department as provided for
13 under the previous proviso.

14 WORKING CAPITAL FUND

15 For necessary expenses for operating costs and cap-
16 ital outlays of the Working Capital Fund, not to exceed
17 \$202,245,000, shall be paid from appropriations made
18 available to the Department of Transportation: *Provided*,
19 That such services shall be provided on a competitive basis
20 to entities within the Department of Transportation: *Pro-*
21 *vided further*, That the above limitation on operating ex-
22 penses shall not apply to non-DOT entities: *Provided fur-*
23 *ther*, That no funds appropriated in this Act to an agency
24 of the Department shall be transferred to the Working
25 Capital Fund without majority approval of the Working

1 Capital Fund Steering Committee and approval of the
2 Secretary: *Provided further*, That no assessments may be
3 levied against any program, budget activity, subactivity or
4 project funded by this Act unless notice of such assess-
5 ments and the basis therefor are presented to the House
6 and Senate Committees on Appropriations and are ap-
7 proved by such Committees.

8 MINORITY BUSINESS RESOURCE CENTER PROGRAM

9 For the cost of guaranteed loans, \$339,000, as au-
10 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
11 cluding the cost of modifying such loans, shall be as de-
12 fined in section 502 of the Congressional Budget Act of
13 1974: *Provided further*, That these funds are available to
14 subsidize total loan principal, any part of which is to be
15 guaranteed, not to exceed \$18,367,000.

16 In addition, for administrative expenses to carry out
17 the guaranteed loan program, \$602,000.

18 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND

19 OUTREACH

20 For necessary expenses for small and disadvantaged
21 business utilization and outreach activities, \$4,646,000, to
22 remain available until September 30, 2019: *Provided*,
23 That notwithstanding 49 U.S.C. 332, these funds may be
24 used for business opportunities related to any mode of
25 transportation.

1 PAYMENTS TO AIR CARRIERS
2 (AIRPORT AND AIRWAY TRUST FUND)

3 In addition to funds made available from any other
4 source to carry out the essential air service program under
5 49 U.S.C. 41731 through 41742, \$155,000,000, to be de-
6 rived from the Airport and Airway Trust Fund, to remain
7 available until expended: *Provided*, That in determining
8 between or among carriers competing to provide service
9 to a community, the Secretary may consider the relative
10 subsidy requirements of the carriers: *Provided further*,
11 That basic essential air service minimum requirements
12 shall not include the 15-passenger capacity requirement
13 under subsection 41732(b)(3) of title 49, United States
14 Code: *Provided further*, That none of the funds in this Act
15 or any other Act shall be used to enter into a new contract
16 with a community located less than 40 miles from the
17 nearest small hub airport before the Secretary has nego-
18 tiated with the community over a local cost share: *Pro-*
19 *vided further*, That amounts authorized to be distributed
20 for the essential air service program under subsection
21 41742(b) of title 49, United States Code, shall be made
22 available immediately from amounts otherwise provided to
23 the Administrator of the Federal Aviation Administration:
24 *Provided further*, That the Administrator may reimburse

1 such amounts from fees credited to the account estab-
2 lished under section 45303 of title 49, United States Code.

3 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
4 SECRETARY OF TRANSPORTATION

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

14 SEC. 102. In addition to authority provided by section
15 327 of title 49, United States Code, the Department's
16 Working Capital Fund is hereby authorized to provide
17 partial or full payments in advance and accept subsequent
18 reimbursements from all Federal agencies from available
19 funds for transit benefit distribution services that are nec-
20 essary to carry out the Federal transit pass transportation
21 fringe benefit program under Executive Order 13150 and
22 section 3049 of Public Law 109–59: *Provided*, That the
23 Department shall maintain a reasonable operating reserve
24 in the Working Capital Fund, to be expended in advance
25 to provide uninterrupted transit benefits to Government

1 employees: *Provided further*, That such reserve will not ex-
2 ceed one month of benefits payable and may be used only
3 for the purpose of providing for the continuation of transit
4 benefits: *Provided further*, That the Working Capital Fund
5 will be fully reimbursed by each customer agency from
6 available funds for the actual cost of the transit benefit.

7 SEC. 103. The Secretary shall post on the Web site
8 of the Department of Transportation a schedule of all
9 meetings of the Council on Credit and Finance, including
10 the agenda for each meeting, and require the Council on
11 Credit and Finance to record the decisions and actions
12 of each meeting.

13 SEC. 104. Hereafter, the Secretary may transfer to
14 the National Surface Transportation and Innovative Fi-
15 nance Bureau, for the purposes of the Bureau, funds allo-
16 cated to the administrative costs of processing applications
17 for the programs referred to in 49 U.S.C. 116(d)(1) and
18 funds allocated to any office or office function that the
19 Secretary determines has duties, responsibilities, re-
20 sources, or expertise that support the purposes of the Bu-
21 reau: *Provided*, That any such funds, or portions thereof,
22 transferred to the Bureau may be transferred back to and
23 merged with the original account.

1 SEC. 105. Section 503(l)(4) of the Railroad Revital-
2 ization and Regulatory Reform Act of 1976 (45 U.S.C.
3 823(l)(4)) is amended—

4 (1) by striking the heading “Safety and Oper-
5 ations Account” and inserting the heading “National
6 Surface Transportation and Innovative Finance Bu-
7 reau Account, Office of the Secretary”; and

8 (2) in subparagraph (A) by striking “the Safety
9 and Operations Account of the Federal Railroad Ad-
10 ministration” and inserting “the National Surface
11 Transportation and Innovative Finance Bureau Ac-
12 count”.

13 SEC. 106. The suspension of the comment period im-
14 posed by the Department of Transportation on its Request
15 for Information titled “Exploring Industry Practices on
16 Distribution and Display of Airline Fare, Schedule and
17 Availability Information” is hereby lifted, and the Depart-
18 ment shall accept additional public comment for 30 days
19 after the date of enactment of this Act.

20 FEDERAL AVIATION ADMINISTRATION

21 OPERATIONS

22 (AIRPORT AND AIRWAY TRUST FUND)

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

1 transportation, administrative expenses for research and
2 development, establishment of air navigation facilities, the
3 operation (including leasing) and maintenance of aircraft,
4 subsidizing the cost of aeronautical charts and maps sold
5 to the public, the lease or purchase of passenger motor
6 vehicles for replacement only, in addition to amounts made
7 available by Public Law 112–95, \$10,186,000,000, to re-
8 main available until September 30, 2019, of which
9 \$8,947,000,000 shall be derived from the Airport and Air-
10 way Trust Fund, of which not to exceed \$7,692,032,000
11 shall be available for air traffic organization activities; not
12 to exceed \$1,310,000,000 shall be available for aviation
13 safety activities; not to exceed \$21,587,000 shall be avail-
14 able for commercial space transportation activities; not to
15 exceed \$777,506,000 shall be available for finance and
16 management activities; not to exceed \$60,000,000 shall be
17 available for NextGen and operations planning activities;
18 not to exceed \$112,622,000 shall be available for security
19 and hazardous materials safety; and not to exceed
20 \$212,253,000 shall be available for staff offices: *Provided*,
21 That not to exceed 5 percent of any budget activity, except
22 for aviation safety budget activity, may be transferred to
23 any budget activity under this heading: *Provided further*,
24 That no transfer may increase or decrease any appropria-
25 tion by more than 5 percent: *Provided further*, That any

1 transfer in excess of 5 percent shall be treated as a re-
2 programming of funds under section 405 of this Act and
3 shall not be available for obligation or expenditure except
4 in compliance with the procedures set forth in that section:
5 *Provided further*, That not later than March 31 of each
6 fiscal year hereafter, the Administrator of the Federal
7 Aviation Administration shall transmit to Congress an an-
8 nual update to the report submitted to Congress in De-
9 cember 2004 pursuant to section 221 of Public Law 108-
10 176: *Provided further*, That the amount herein appro-
11 priated shall be reduced by \$100,000 for each day after
12 March 31 that such report has not been submitted to the
13 Congress: *Provided further*, That not later than March 31
14 of each fiscal year hereafter, the Administrator shall
15 transmit to Congress a companion report that describes
16 a comprehensive strategy for staffing, hiring, and training
17 flight standards and aircraft certification staff in a format
18 similar to the one utilized for the controller staffing plan,
19 including stated attrition estimates and numerical hiring
20 goals by fiscal year: *Provided further*, That the amount
21 herein appropriated shall be reduced by \$100,000 per day
22 for each day after March 31 that such report has not been
23 submitted to Congress: *Provided further*, That funds may
24 be used to enter into a grant agreement with a nonprofit
25 standard-setting organization to assist in the development

1 of aviation safety standards: *Provided further*, That none
2 of the funds in this Act shall be available for new appli-
3 cants for the second career training program: *Provided*
4 *further*, That none of the funds made available in this Act
5 or any other Act shall be used to transfer authority to
6 modify air traffic procedures for airport arrivals and de-
7 partures: *Provided further*, That none of the funds in this
8 Act shall be available for the Federal Aviation Administra-
9 tion to finalize or implement any regulation that would
10 promulgate new aviation user fees not specifically author-
11 ized by law after the date of the enactment of this Act:
12 *Provided further*, That there may be credited to this ap-
13 propriation, as offsetting collections, funds received from
14 States, counties, municipalities, foreign authorities, other
15 public authorities, and private sources for expenses in-
16 curred in the provision of agency services, including re-
17 ceipts for the maintenance and operation of air navigation
18 facilities, and for issuance, renewal or modification of cer-
19 tificates, including airman, aircraft, and repair station cer-
20 tificates, or for tests related thereto, or for processing
21 major repair or alteration forms: *Provided further*, That
22 of the funds appropriated under this heading, not less
23 than \$162,000,000 shall be used to fund direct operations
24 of the current 253 air traffic control towers in the contract
25 tower program, including the contract tower cost share

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

10 FACILITIES AND EQUIPMENT

11 (AIRPORT AND AIRWAY TRUST FUND)

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

1 ing, including aircraft for aviation regulation and certifi-
2 cation; to be derived from the Airport and Airway Trust
3 Fund, \$3,005,000,000, of which \$498,000,000 shall re-
4 main available until September 30, 2019, \$2,392,000,000
5 shall remain available until September 30, 2020, and
6 \$115,000,000 shall remain available until expended: *Pro-*
7 *vided*, That there may be credited to this appropriation
8 funds received from States, counties, municipalities, other
9 public authorities, and private sources, for expenses in-
10 curred in the establishment, improvement, and moderniza-
11 tion of national airspace systems: *Provided further*, That
12 none of the funds made available in this Act or any other
13 Act shall be used to plan or implement the liquidation of
14 the FAA's federally-owned assets, or the intellectual prop-
15 erty rights of the air traffic organization: *Provided further*,
16 That no later than March 31, the Secretary of Transpor-
17 tation shall transmit to the Congress an investment plan
18 for the Federal Aviation Administration which includes
19 funding for each budget line item for fiscal years 2019
20 through 2023, with total funding for each year of the plan
21 constrained to the funding targets for those years as esti-
22 mated and approved by the Office of Management and
23 Budget.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
 4 for research, engineering, and development, as authorized
 5 under part A of subtitle VII of title 49, United States
 6 Code, including construction of experimental facilities and
 7 acquisition of necessary sites by lease or grant,
 8 \$179,000,000, to be derived from the Airport and Airway
 9 Trust Fund and to remain available until September 30,
 10 2020: *Provided*, That there may be credited to this appro-
 11 priation as offsetting collections, funds received from
 12 States, counties, municipalities, other public authorities,
 13 and private sources, which shall be available for expenses
 14 incurred for research, engineering, and development.

15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

19 (INCLUDING TRANSFER OF FUNDS)

20 For liquidation of obligations incurred for grants-in-
 21 aid for airport planning and development, and noise com-
 22 patibility planning and programs as authorized under sub-
 23 chapter I of chapter 471 and subchapter I of chapter 475
 24 of title 49, United States Code, and under other law au-
 25 thorizing such obligations; for procurement, installation,

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,250,000,000, to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,600,000,000 in fiscal year 2018, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing section 47109(a) of title 49, United States Code,
20 the Government's share of allowable project costs under
21 paragraph (2) for subgrants or paragraph (3) of that sec-
22 tion shall be 95 percent for a project at other than a large
23 or medium hub airport that is a successive phase of a
24 multi-phased construction project for which the project
25 sponsor received a grant in fiscal year 2011 for the con-

1 construction project: *Provided further*, That notwithstanding
2 any other provision of law, of funds limited under this
3 heading, not more than \$111,863,000 shall be available
4 for administration, not less than \$15,000,000 shall be
5 available for the Airport Cooperative Research Program,
6 not less than \$33,210,000 shall be available for Airport
7 Technology Research, and \$10,000,000, to remain avail-
8 able until expended, shall be available and transferred to
9 “Office of the Secretary, Salaries and Expenses” to carry
10 out the Small Community Air Service Development Pro-
11 gram: *Provided further*, That in addition to airports eligi-
12 ble under section 41743 of title 49, such program may
13 include the participation of an airport that serves a com-
14 munity or consortium that is not larger than a small hub
15 airport, according to FAA hub classifications effective at
16 the time the Office of the Secretary issues a request for
17 proposals.

18 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

19 ADMINISTRATION

20 SEC. 110. None of the funds in this Act may be used
21 to compensate in excess of 600 technical staff-years under
22 the federally funded research and development center con-
23 tract between the Federal Aviation Administration and the
24 Center for Advanced Aviation Systems Development dur-
25 ing fiscal year 2018.

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

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

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

1 SEC. 114. None of the funds in this Act shall be avail-
2 able for paying premium pay under subsection 5546(a) of
3 title 5, United States Code, to any Federal Aviation Ad-
4 ministration employee unless such employee actually per-
5 formed work during the time corresponding to such pre-
6 mium pay.

7 SEC. 115. None of the funds in this Act may be obli-
8 gated or expended for an employee of the Federal Aviation
9 Administration to purchase a store gift card or gift certifi-
10 cate through use of a Government-issued credit card.

11 SEC. 116. None of the funds in this Act may be obli-
12 gated or expended for retention bonuses for an employee
13 of the Federal Aviation Administration without the prior
14 written approval of the Assistant Secretary for Adminis-
15 tration of the Department of Transportation.

16 SEC. 117. Notwithstanding any other provision of
17 law, none of the funds made available under this Act or
18 any prior Act may be used to implement or to continue
19 to implement any limitation on the ability of any owner
20 or operator of a private aircraft to obtain, upon a request
21 to the Administrator of the Federal Aviation Administra-
22 tion, a blocking of that owner's or operator's aircraft reg-
23 istration number from any display of the Federal Aviation
24 Administration's Aircraft Situational Display to Industry
25 data that is made available to the public, except data made

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

3 SEC. 118. None of the funds in this Act shall be avail-
4 able for salaries and expenses of more than seven political
5 and Presidential appointees in the Federal Aviation Ad-
6 ministration.

7 SEC. 119. None of the funds made available under
8 this Act may be used to increase fees pursuant to section
9 44721 of title 49, United States Code, until the Federal
10 Aviation Administration provides to the House and Senate
11 Committees on Appropriations a report that justifies all
12 fees related to aeronautical navigation products and ex-
13 plains how such fees are consistent with Executive Order
14 13642.

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

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

1 SEC. 119C. None of the funds provided under this
2 Act may be used by the Administrator of the Federal Avia-
3 tion Administration to withhold from consideration and
4 approval any application for participation in the Contract
5 Tower Program, or for reevaluation of Cost-share Pro-
6 gram participants, pending as of January 1, 2016, as long
7 as the Federal Aviation Administration has received an
8 application from the airport, and as long as the Adminis-
9 trator determines such tower is eligible using the factors
10 set forth in the Federal Aviation Administration report,
11 Establishment and Discontinuance Criteria for Airport
12 Traffic Control Towers (FAA–APO–90–7 as of August,
13 1990).

14 SEC. 119D. The Secretary of Transportation shall
15 apportion to the sponsor of a primary airport under sec-
16 tion 47114(c)(1)(A) of title 49, United States Code, an
17 amount based on the number of passenger boardings at
18 the airport during calendar year 2012 if the airport had—

19 (1) fewer than 10,000 passenger boardings dur-
20 ing the calendar year used to calculate the appor-
21 tionment for fiscal year 2018; and

22 (2) 10,000 or more passenger boardings during
23 calendar year 2012.

24 SEC. 119E. (a) Notwithstanding section 102(h) of
25 the Cuban Liberty and Democratic Solidarity

1 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and sec-
2 tion 910(b) of the Trade Sanctions Reform and Export
3 Enhancement Act of 2000 (22 U.S.C. 7209(b)), and ex-
4 cept as provided in subsection (b), none of the funds ap-
5 propriated or otherwise made available by this Act or by
6 any other Act may be used to implement any law, regula-
7 tion, or policy that prohibits the provision of technical
8 services otherwise permitted under an international air
9 transportation agreement in the United States for an air-
10 craft of a foreign air carrier that is en route to or from
11 Cuba based on the restrictions set forth in part 515 of
12 title 31, Code of Federal Regulations (commonly known
13 as the “Cuban Assets Control Regulations”): *Provided*,
14 That passengers on such aircraft engaged in a stop for
15 non-traffic purposes as permitted under the agreement
16 shall be exempt from part 515 of title 31, Code of Federal
17 Regulations.

18 (b) This section shall not apply to foreign carriers
19 that—

20 (1) are owned by the Government of Cuba or
21 are based in Cuba; or

22 (2) do not otherwise have a license to make
23 transit stops in the United States.

24 (c) Nothing in this section may be construed to limit
25 the authority of the President to restrict stops for non-

1 traffic purposes described in subsection (a), or any trans-
2 action incident to such transit stops, on a case-by-case
3 basis, if such restriction is important to the national secu-
4 rity of the United States.

5 SEC. 119F. (a) Notwithstanding any other transfer
6 restriction in this Act, the Secretary of Transportation
7 may transfer during fiscal year 2018 an amount equal to
8 the amount specified in subsection (c) to any appropria-
9 tion made available by this Act for the current fiscal year
10 for the Federal Aviation Administration, for any activity
11 or activities funded by that account, from the amount
12 made available for obligation in that fiscal year as discre-
13 tionary grants-in-aid for airports pursuant to section
14 47117(f) of title 49, United States Code.

15 (b) An amount transferred under subsection (a)(1)
16 shall—

17 (1) be treated as a reprogramming of funds
18 under section 405 of this Act and shall not be avail-
19 able for obligation unless approval is received from
20 the Committees on Appropriations of the Senate and
21 the House of Representatives; and

22 (2) be deemed as obligated for grants-in-aid for
23 airports under part B of subtitle VII of title 49,
24 United States Code, for purposes of complying with
25 the limitation on incurring obligations under the

1 heading “Grants-in-Aid for Airports” in this or any
2 other appropriations Act.

3 (c) The amount specified in this subsection is the
4 amount, not to exceed the lower of either 10 percent of
5 funds limited by this Act under the heading “Grants-in-
6 Aid for Airports” or 10 percent of all appropriations to
7 which the amount will be transferred, that the Secretary
8 of Transportation determines to be necessary to prevent
9 the furlough of Federal Aviation Administration employ-
10 ees or disruptions or delays to NextGen programs, projects
11 or activities.

12 SEC. 119G. Section 47124(b)(3)(D) of title 49,
13 United States Code, is amended by adding at the end the
14 following: “Airports with both Part 121 air service and
15 more than 25,000 passenger enplanements in calendar
16 year 2014 shall be exempt from any cost share require-
17 ment under the Cost-share Program.”.

18 SEC. 119H. Notwithstanding any other provision of
19 law, none of the funds made available in this Act may be
20 obligated or expended to limit the use of an Organization
21 Designation Authorizations (ODA) documented in its pro-
22 cedures manual on a type certification project unless the
23 Administrator documents a systemic airworthiness non-
24 compliance performance issue as a result of inspection or
25 oversight that the safety of air commerce requires a limita-

1 tion with regard to a specific authorization or where an
2 ODA's capability has not been previously established in
3 terms of a new compliance method or design feature and
4 in such cases FAA shall work with the ODA holder to
5 develop the capability to execute that function safely and
6 efficiently.

7 SEC. 119I. Section 44701(e) of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(5) MANDATORY COMPLIANCE AIRWORTH-
11 NESS INSTRUCTIONS ISSUED BY FOREIGN COUN-
12 TRIES.—

13 “(A) ACCEPTANCE.—The Administrator
14 may accept mandatory compliance airworthiness
15 instructions issued by an aeronautical safety
16 authority of a foreign country by issuing a final
17 rule and a request for comments, if—

18 “(i) the country is the state of design
19 for the product that is the subject of the
20 instructions;

21 “(ii) the United States has a bilateral
22 safety agreement relating to aircraft cer-
23 tification with the country;

24 “(iii) as part of the bilateral safety
25 agreement with the country, the Adminis-

1 trator has determined that the aero-
2 nautical safety authority has an aircraft
3 certification system relating to safety that
4 produces a level of safety equivalent to the
5 level produced by the system of the Fed-
6 eral Aviation Administration; and

7 “(iv) the aeronautical safety authority
8 utilizes an open and transparent public no-
9 tice and comment process in the issuance
10 of mandatory compliance airworthiness in-
11 structions.

12 “(B) ALTERNATIVE APPROVAL PROCESS.—
13 Notwithstanding subparagraph (A), the Admin-
14 istrator may issue a Federal Aviation Adminis-
15 tration airworthiness directive instead of accept-
16 ing mandatory compliance airworthiness in-
17 structions issued by the aeronautical safety au-
18 thority of a foreign country if the Administrator
19 determines that such issuance is necessary for
20 safety or operational reasons due to the com-
21 plexity or unique features of the Federal Avia-
22 tion Administration airworthiness directive or
23 the United States aviation system.

24 “(C) ALTERNATIVE MEANS OF COMPLI-
25 ANCE.—The Administrator may—

1 “(i) accept an alternative means of
2 compliance, with respect to mandatory
3 compliance airworthiness instructions
4 under subparagraph (A), that was ap-
5 proved by the aeronautical safety authority
6 of the foreign country that issued the in-
7 structions; or

8 “(ii) notwithstanding subparagraph
9 (A), and at the request of any person af-
10 fected by mandatory compliance airworthi-
11 ness instructions under that subparagraph,
12 the Administrator may approve an alter-
13 native means of compliance with respect to
14 the instructions.”.

15 SEC. 119J. Section 40104 of title 49, United States
16 Code, is amended by adding at the end the following:

17 “(d) PROMOTION OF UNITED STATES AEROSPACE
18 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
19 Secretary shall take appropriate actions—

20 “(1) to promote United States aerospace-re-
21 lated safety standards abroad;

22 “(2) to facilitate and vigorously defend approv-
23 als of United States aerospace products and services
24 abroad;

1 “(3) with respect to bilateral partners, to use
 2 bilateral safety agreements and other mechanisms to
 3 improve validation of type certificated aeronautical
 4 products and services and enhance mutual accept-
 5 ance in order to eliminate redundancies and unnee-
 6 cessary costs; and

7 “(4) with respect to the aeronautical safety au-
 8 thorities of a foreign country, to streamline valida-
 9 tion and facilitate acceptance of United States aero-
 10 space standards, products, and services.”.

11 SEC. 119K. (a) IN GENERAL.—Subchapter I of chap-
 12 ter 417 of title 49, United States Code, is amended by
 13 adding at the end the following:

14 **“§ 41725 Prohibition on certain cell phone voice com-
 15 munications**

16 “(a) PROHIBITION.—The Secretary of Transpor-
 17 tation shall issue regulations—

18 “(1) to prohibit an individual on an aircraft
 19 from engaging in voice communications using a mo-
 20 bile communications device during a flight of that
 21 aircraft in scheduled passenger interstate air trans-
 22 portation or intrastate air transportation; and

23 “(2) that exempt from the prohibition described
 24 in paragraph (1)—

1 “(A) any member of the flight crew on
2 duty on an aircraft; and

3 “(B) any Federal law enforcement officer
4 acting in an official capacity.

5 “(b) DEFINITIONS.—In this section:

6 “(1) FLIGHT.—The term ‘flight’ means, with
7 respect to an aircraft, the period beginning when the
8 aircraft takes off and ending when the aircraft
9 lands.

10 “(2) MOBILE COMMUNICATIONS DEVICE.—

11 “(A) IN GENERAL.—The term ‘mobile
12 communications device’ means any portable
13 wireless telecommunications equipment utilized
14 for the transmission or reception of voice data.

15 “(B) LIMITATION.—The term ‘mobile com-
16 munications device’ does not include a phone in-
17 stalled on an aircraft.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 417 of title 49, United States Code, is amend-
20 ed by inserting after the item relating to section 41724
21 the following new item:

 “41725. Prohibition on certain cell phone voice communications.”.

22 SEC. 119L. (a) Section 40117 of title 49, United
23 States Code, is amended—

1 (1) in paragraph (b)(4), by striking “\$4.00 or
2 \$4.50” and inserting “\$4.00 or any whole- or half-
3 dollar increment up to \$8.50”; and

4 (2) in subsection (e), by adding a new para-
5 graph (3) as follows:

6 “(3) The maximum passenger facility charge
7 that may be collected from a passenger boarding a
8 second flight on a one-way trip or on a trip in each
9 direction of a round trip through an airport that im-
10 poses a charge may not exceed \$4.50.”.

11 (b) Section 47114(f) of such title 49 is amended—

12 (1) in paragraph (1)—

13 (A) by striking “paragraph (3)” and in-
14 serting “paragraph (4)”;

15 (B) by striking “percent” and inserting
16 “percent, but not more than 1.0 percent”;

17 (2) by redesignating paragraphs (2) and (3) as
18 paragraphs (3) and (4); and

19 (3) by inserting a new paragraph (2) as follows:

20 “(2) LARGE HUB RULE.—Subject to paragraph
21 (4), an amount that would be apportioned under this
22 section (except subsection (c)(2)) in a fiscal year to
23 the sponsor of an airport having 1.0 percent or more
24 of the total number of boardings each year in the
25 United States and for which a charge is imposed in

1 the fiscal year under section 40117 of this title shall
2 be reduced by an amount equal to 100 percent of
3 the projected revenues from the charge in the fiscal
4 year but not by more than 100 percent of the
5 amount that otherwise would be apportioned under
6 this section.”.

7 SEC. 119M. Unless otherwise authorized by law, none
8 of the funds made available under this Act or any prior
9 Act may be used to transfer any authority under 49
10 U.S.C. 40103(b): *Provided*, That the prohibition of funds
11 in this section does not apply to the Administrator enter-
12 ing into any contracts, leases, cooperative agreements, and
13 other transactions (i) with State, local, or tribal govern-
14 ments for programs under which the Administrator pro-
15 vides technical assistance to and coordinates efforts with
16 such governments; (ii) with a department, agency, or in-
17 strumentality of the United States Government; (iii) re-
18 lated to the Administration’s contract towers program,
19 flight services program, existing non-Federally controlled
20 towers, and other similar transfers or delegations of au-
21 thority that exist as of the date of this Act; (iv) related
22 to pilot programs or studies providing unmanned aircraft
23 system traffic management, or other programs or services
24 surrounding such traffic management; (v) related to the
25 provision of remote towers services; (vi) related to com-

1 mercial space transportation; and (vii) for other programs
2 similar in nature or purposes to the above.

3 SEC. 119N. (a) TERMINAL AERODROME FORE-
4 CAST.—The Administrator shall permit an air carrier op-
5 eration under part 121 of title 14, Code of Federal Regu-
6 lations, to operate to a destination determined to be under
7 visual flight rules without a Terminal Aerodrome Forecast
8 or Meteorological Aerodrome Report if a current Area
9 Forecast, supplemented by other local weather observa-
10 tions or reports, is available, and an alternate airport that
11 has an available Terminal Aerodrome Forecast and weather
12 report is specified. The air carrier shall have approved pro-
13 cedures for dispatch and enroute weather evaluation and
14 shall operate under instrument flight rules enroute to the
15 destination.

16 (b) LIMITATION.—Without a written finding of neces-
17 sity, based on objective and historical evidence of immi-
18 nent threat to safety, the Administrator shall not promul-
19 gate any operation specification, policy, or guidance docu-
20 ment that is more restrictive than, or requires procedures
21 that are not expressly stated in, the regulations.

1 FEDERAL HIGHWAY ADMINISTRATION
2 LIMITATION ON ADMINISTRATIVE EXPENSES
3 (HIGHWAY TRUST FUND)
4 (INCLUDING TRANSFER OF FUNDS)

5 Not to exceed \$439,443,925, together with advances
6 and reimbursements received by the Federal Highway Ad-
7 ministration, shall be obligated for necessary expenses for
8 administration and operation of the Federal Highway Ad-
9 ministration: *Provided*, That in addition, not to exceed
10 \$3,248,000 shall be transferred to the Appalachian Re-
11 gional Commission in accordance with section 104(a) of
12 title 23, United States Code.

13 FEDERAL-AID HIGHWAYS
14 (LIMITATION ON OBLIGATIONS)
15 (HIGHWAY TRUST FUND)

16 Funds available for the implementation or execution
17 of Federal-aid highway and highway safety construction
18 programs authorized under titles 23 and 49, United States
19 Code, and the provisions of the Fixing America's Surface
20 Transportation Act shall not exceed total obligations of
21 \$44,234,212,000 for fiscal year 2018: *Provided*, That the
22 Secretary may collect and spend fees, as authorized by
23 title 23, United States Code, to cover the costs of services
24 of expert firms, including counsel, in the field of municipal
25 and project finance to assist in the underwriting and serv-

1 icing of Federal credit instruments and all or a portion
 2 of the costs to the Federal Government of servicing such
 3 credit instruments: *Provided further*, That such fees are
 4 available until expended to pay for such costs: *Provided*
 5 *further*, That such amounts are in addition to administra-
 6 tive expenses that are also available for such purpose, and
 7 are not subject to any obligation limitation or the limita-
 8 tion on administrative expenses under section 608 of title
 9 23, United States Code.

10 (LIQUIDATION OF CONTRACT AUTHORIZATION)

11 (HIGHWAY TRUST FUND)

12 For the payment of obligations incurred in carrying
 13 out Federal-aid highway and highway safety construction
 14 programs authorized under title 23, United States Code,
 15 \$44,973,212,000 derived from the Highway Trust Fund
 16 (other than the Mass Transit Account), to remain avail-
 17 able until expended.

18 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

19 ADMINISTRATION

20 SEC. 120. (a) For fiscal year 2018, the Secretary of
 21 Transportation shall—

22 (1) not distribute from the obligation limitation
 23 for Federal-aid highways—

1 (A) amounts authorized for administrative
2 expenses and programs by section 104(a) of
3 title 23, United States Code; and

4 (B) amounts authorized for the Bureau of
5 Transportation Statistics;

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

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

17 (B) for which obligation limitation was
18 provided in a previous fiscal year;

19 (3) determine the proportion that—

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

24 (B) the total of the sums authorized to be
25 appropriated for the Federal-aid highway and

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

11 (4) distribute the obligation limitation for Fed-
12 eral-aid highways, less the aggregate amounts not
13 distributed under paragraphs (1) and (2), for each
14 of the programs (other than programs to which
15 paragraph (1) applies) that are allocated by the Sec-
16 retary under the Fixing America's Surface Trans-
17 portation Act and title 23, United States Code, or
18 apportioned by the Secretary under sections 202 or
19 204 of that title, by multiplying—

20 (A) the proportion determined under para-
21 graph (3); by

22 (B) the amounts authorized to be appro-
23 priated for each such program for such fiscal
24 year; and

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

14 (A) amounts authorized to be appropriated
15 for the programs that are apportioned under
16 title 23, United States Code, to each State for
17 such fiscal year; bears to

18 (B) the total of the amounts authorized to
19 be appropriated for the programs that are ap-
20 portioned under title 23, United States Code, to
21 all States for such fiscal year.

22 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
23 The obligation limitation for Federal-aid highways shall
24 not apply to obligations under or for—

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

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

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

6 (4) subsections (b) and (j) of section 131 of the
7 Surface Transportation Assistance Act of 1982 (96
8 Stat. 2119);

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

12 (6) sections 1103 through 1108 of the Inter-
13 modal Surface Transportation Efficiency Act of
14 1991 (105 Stat. 2027);

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

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

21 (9) Federal-aid highway programs for which ob-
22 ligation authority was made available under the
23 Transportation Equity Act for the 21st Century
24 (112 Stat. 107) or subsequent Acts for multiple
25 years or to remain available until expended, but only

1 to the extent that the obligation authority has not
2 lapsed or been used;

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

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

13 (12) section 119 of title 23, United States Code
14 (but, for each of fiscal years 2013 through 2018,
15 only in an amount equal to \$639,000,000).

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

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

23 (2) redistribute sufficient amounts to those
24 States able to obligate amounts in addition to those
25 previously distributed during that fiscal year, giving

1 priority to those States having large unobligated bal-
2 ances of funds apportioned under sections 144 (as in
3 effect on the day before the date of enactment of
4 Public Law 112–141) and 104 of title 23, United
5 States Code.

6 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
7 TRANSPORTATION RESEARCH PROGRAMS.—

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

12 (A) chapter 5 of title 23, United States
13 Code; and

14 (B) title VI of the Fixing America’s Sur-
15 face Transportation Act.

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

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

20 (B) be in addition to the amount of any
21 limitation imposed on obligations for Federal-
22 aid highway and highway safety construction
23 programs for future fiscal years.

24 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
25 FUNDS.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of distribution of obligation limitation
3 under subsection (a), the Secretary shall distribute
4 to the States any funds (excluding funds authorized
5 for the program under section 202 of title 23,
6 United States Code) that—

7 (A) are authorized to be appropriated for
8 such fiscal year for Federal-aid highway pro-
9 grams; and

10 (B) the Secretary determines will not be
11 allocated to the States (or will not be appor-
12 tioned to the States under section 204 of title
13 23, United States Code), and will not be avail-
14 able for obligation, for such fiscal year because
15 of the imposition of any obligation limitation for
16 such fiscal year.

17 (2) RATIO.—Funds shall be distributed under
18 paragraph (1) in the same proportion as the dis-
19 tribution of obligation authority under subsection
20 (a)(5).

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

1 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
2 ceived by the Bureau of Transportation Statistics from the
3 sale of data products, for necessary expenses incurred pur-
4 suant to chapter 63 of title 49, United States Code, may
5 be credited to the Federal-aid highways account for the
6 purpose of reimbursing the Bureau for such expenses:
7 *Provided*, That such funds shall be subject to the obliga-
8 tion limitation for Federal-aid highway and highway safety
9 construction programs.

10 SEC. 122. Not less than 15 days prior to waiving,
11 under his or her statutory authority, any Buy America re-
12 quirement for Federal-aid highways projects, the Sec-
13 retary of Transportation shall make an informal public no-
14 tice and comment opportunity on the intent to issue such
15 waiver and the reasons therefor: *Provided*, That the Sec-
16 retary shall provide an annual report to the House and
17 Senate Committees on Appropriations on any waivers
18 granted under the Buy America requirements.

19 SEC. 123. None of the funds provided in this Act to
20 the Department of Transportation may be used to provide
21 credit assistance unless not less than 3 days before any
22 application approval to provide credit assistance under
23 sections 603 and 604 of title 23, United States Code, the
24 Secretary of Transportation provides notification in writ-
25 ing to the following committees: the House and Senate

1 Committees on Appropriations; the Committee on Envi-
2 ronment and Public Works and the Committee on Bank-
3 ing, Housing and Urban Affairs of the Senate; and the
4 Committee on Transportation and Infrastructure of the
5 House of Representatives: *Provided*, That such notifica-
6 tion shall include, but not be limited to, the name of the
7 project sponsor; a description of the project; whether cred-
8 it assistance will be provided as a direct loan, loan guar-
9 antee, or line of credit; and the amount of credit assist-
10 ance.

11 SEC. 124. None of the funds in this Act may be used
12 to make a grant for a project under section 117 of title
13 23, United States Code, unless the Secretary, at least 60
14 days before making a grant under that section, provides
15 written notification to the House and Senate Committees
16 on Appropriations of the proposed grant, including an
17 evaluation and justification for the project and the amount
18 of the proposed grant award: *Provided*, That the written
19 notification required in the previous proviso shall be made
20 no later than 180 days after enactment of this Act.

21 SEC. 125. (a) A State or territory, as defined in sec-
22 tion 165 of title 23, United States Code, may use for any
23 project eligible under section 133(b) of title 23 or section
24 165 of title 23 and located within the boundary of the
25 State or territory any earmarked amount, and any associ-

1 ated obligation limitation: *Provided*, That the Department
2 of Transportation for the State or territory for which the
3 earmarked amount was originally designated or directed
4 notifies the Secretary of Transportation of its intent to
5 use its authority under this section and submits a quar-
6 terly report to the Secretary identifying the projects to
7 which the funding would be applied. Notwithstanding the
8 original period of availability of funds to be obligated
9 under this section, such funds and associated obligation
10 limitation shall remain available for obligation for a period
11 of 3 fiscal years after the fiscal year in which the Sec-
12 retary of Transportation is notified. The Federal share of
13 the cost of a project carried out with funds made available
14 under this section shall be the same as associated with
15 the earmark.

16 (b) In this section, the term “earmarked amount”
17 means—

18 (1) congressionally directed spending, as de-
19 fined in rule XLIV of the Standing Rules of the
20 Senate, identified in a prior law, report, or joint ex-
21 planatory statement, which was administered by the
22 Federal Highway Administration; or

23 (2) a congressional earmark, as defined in rule
24 XXI of the Rules of the House of Representatives
25 identified in a prior law, report, or joint explanatory

1 statement, which was administered by the Federal
2 Highway Administration.

3 (c) The authority under subsection (a) may be exer-
4 cised only for those projects or activities that have obli-
5 gated less than 10 percent of the amount made available
6 for obligation as of October 1 of the current fiscal year,
7 and shall be applied to projects within the same general
8 geographic area within 100 miles for which the funding
9 was designated, except that a State or territory may apply
10 such authority to unexpended balances of funds from
11 projects or activities the State or territory certifies have
12 been closed and for which payments have been made under
13 a final voucher.

14 (d) The Secretary shall submit consolidated reports
15 of the information provided by the States and territories
16 each quarter to the House and Senate Committees on Ap-
17 propriations.

18 SEC. 126. Section 1105(c)(89) of Public Law 102-
19 240, as amended, is amended to read as follows:

20 “(89) I-57 Corridor Extension as follows: In
21 Arkansas, the corridor shall follow United States
22 Route 67 in North Little Rock, Arkansas, from I-
23 40 to United States Route 412, then continuing gen-
24 erally northeast to the State line, and in Missouri,
25 the corridor shall continue generally north from the

1 Arkansas State line to Poplar Bluff, Missouri, and
2 then follow United States Route 60 to I-57.”.

3 SEC. 127. Within 30 days of enactment of this Act,
4 the Secretary shall remove from the National Highway
5 System the 4.3-mile section of Peña Boulevard from High-
6 way E-470 east to the Denver International Airport.

7 SEC. 128. Section 149(m) of title 23, United States
8 Code, is amended by adding “or on a State-Supported
9 Amtrak route with a valid cost-sharing agreement under
10 section 209 of the Passenger Rail Investment and Im-
11 provement Act of 2008 and no current nonattainment
12 areas under subsection (d),” after “2012,”.

13 SEC. 129. Section 1012(e) of Public Law 102-240
14 is amended by inserting “(1)” before “Notwithstanding”
15 and adding at the end the following:

16 “(2) Upon the request of any State Department
17 of Transportation that was authorized to enter into
18 a tolling agreement under section 120(c) of Public
19 Law 100-17 (101 STAT. 159), the Secretary is au-
20 thorized to modify the agreement entered into under
21 Public Law 100-17, as follows. The Secretary shall
22 authorize the use of excess toll revenues for any
23 other purpose for which Federal funds may be obli-
24 gated under title 23, United States Code, provided
25 the State—

1 “(A) certifies annually that the tolled facil-
2 ity is being adequately maintained; and

3 “(B) agrees to comply with the audit re-
4 quirements in section 129(a)(3)(B) of title 23,
5 United States Code.

6 “(3) For the purposes of paragraph (2), ‘excess
7 toll revenues’ means revenues in excess of amounts
8 necessary for operation and maintenance; debt serv-
9 ice; reasonable return on investment of any private
10 person or entity that may be authorized by the State
11 to operate and maintain the facility; and any cost
12 necessary for improvement, including reconstruction,
13 resurfacing, restoration, and rehabilitation.”.

14 SEC. 129A. Section 127 of title 23, United States
15 Code, is amended by adding at the end the following:

16 “(u) VEHICLES IN NORTH DAKOTA.—A vehicle lim-
17 ited or prohibited under this section from operating on a
18 segment of the Interstate System in the State of North
19 Dakota may operate on such a segment if such vehicle—

20 “(1) has a gross vehicle weight of 129,000
21 pounds or less;

22 “(2) other than gross vehicle weight, complies
23 with the single axle, tandem axle, and bridge for-
24 mula limits set forth in subsection (a); and

1 “(3) is authorized to operate on such segment
2 under North Dakota State law.”.

3 SEC. 129B. Notwithstanding the vehicle weight limi-
4 tations set forth in section 127 of title 23, United States
5 Code, effective June 30, 2016, with respect to Interstate
6 Routes 89, 93, and 95 in the State of New Hampshire,
7 a combination of truck-tractor and dump trailer equipped
8 with 6 axles or more with a gross weight of up to 99,000
9 pounds shall be permitted if the distances between the ex-
10 treme axles, excluding the steering axle, is 28 feet or more.

11 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

12 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 For payment of obligations incurred in the implemen-
17 tation, execution and administration of motor carrier safe-
18 ty operations and programs pursuant to section 31110 of
19 title 49, United States Code, as amended by the Fixing
20 America’s Surface Transportation Act, \$283,000,000, to
21 be derived from the Highway Trust Fund (other than the
22 Mass Transit Account), together with advances and reim-
23 bursements received by the Federal Motor Carrier Safety
24 Administration, the sum of which shall remain available
25 until expended: *Provided*, That funds available for imple-

1 mentation, execution or administration of motor carrier
2 safety operations and programs authorized under title 49,
3 United States Code, shall not exceed total obligations of
4 \$283,000,000 for “Motor Carrier Safety Operations and
5 Programs” for fiscal year 2018, of which \$9,073,000, to
6 remain available for obligation until September 30, 2020,
7 is for the research and technology program, and of which
8 \$34,824,000, to remain available for obligation until Sep-
9 tember 30, 2020, is for information management.

10 (RESCISSION)

11 (HIGHWAY TRUST FUND)

12 Of the unobligated balances of funds provided in the
13 Transportation Equity Act for the 21st Century (Public
14 Law 105–178), SAFETEA-LU (Public Law 109–59), or
15 other appropriation or authorization acts prior to fiscal
16 year 2017 for motor carrier safety operations and pro-
17 grams, \$13,914,757 is hereby permanently rescinded.

18 MOTOR CARRIER SAFETY

19 (RESCISSION)

20 (HIGHWAY TRUST FUND)

21 Of the unobligated balances of funds provided in the
22 Transportation Equity Act for the 21st Century (Public
23 Law 105–178) or other appropriation or authorization
24 acts prior to fiscal year 2017 for the motor carrier safety
25 program, \$2,929,772 is hereby permanently rescinded.

1 NATIONAL MOTOR CARRIER SAFETY
2 (RESCISSION)
3 (HIGHWAY TRUST FUND)

4 Of the unobligated balances of funds provided in the
5 Transportation Equity Act for the 21st Century (Public
6 Law 105–178) or other appropriation or authorization
7 acts prior to fiscal year 2017 for the national motor car-
8 rier safety program, \$9,419,390 is hereby permanently re-
9 scinded.

10 MOTOR CARRIER SAFETY GRANTS
11 (LIQUIDATION OF CONTRACT AUTHORIZATION)
12 (LIMITATION ON OBLIGATIONS)
13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in carrying out
15 sections 31102, 31103, 31104, and 31313 of title 49,
16 United States Code, as amended by the Fixing America’s
17 Surface Transportation Act, \$374,800,000, to be derived
18 from the Highway Trust Fund (other than the Mass Tran-
19 sit Account) and to remain available until expended: *Pro-*
20 *vided*, That funds available for the implementation or exe-
21 cution of motor carrier safety programs shall not exceed
22 total obligations of \$374,800,000 in fiscal year 2018 for
23 “Motor Carrier Safety Grants”; of which \$298,900,000
24 shall be available for the motor carrier safety assistance
25 program, \$31,800,000 shall be available for the commer-

1 cial driver's license program implementation program,
2 \$43,100,000 shall be available for the high priority activi-
3 ties program, and \$1,000,000 shall be available for the
4 commercial motor vehicle operators grant program: *Pro-*
5 *vided further*, That of the unobligated amounts provided
6 for Commercial Vehicle Information Systems Network De-
7 velopment or other Motor Carrier Safety grants in the
8 Transportation Equity Act for the 21st Century (Public
9 Law 105–178), SAFETEA-LU (Public Law 109–59), or
10 other appropriation or authorization acts prior to fiscal
11 year 2017, \$87,000,000 in additional obligation limitation
12 is provided for the modernization and maintenance of bor-
13 der facilities, and shall remain available until September
14 30, 2020: *Provided further*, That such funds as necessary
15 for payment of obligations incurred in carrying out this
16 section shall be derived from the Highway Trust Fund
17 (other than the Mass Transit Account), to be available
18 until expended.

19 (RESCISSION)

20 (HIGHWAY TRUST FUND)

21 Of the unobligated balances of funds provided in the
22 Transportation Equity Act for the 21st Century (Public
23 Law 105–178), SAFETEA-LU (Public Law 109–59), or
24 other appropriation or authorization acts prior to fiscal

1 year 2017 for motor carrier safety grants, \$91,451,870
2 is hereby permanently rescinded.

3 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
4 CARRIER SAFETY ADMINISTRATION

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

9 SEC. 131. The Federal Motor Carrier Safety Admin-
10 istration shall send notice of 49 CFR section 385.308 vio-
11 lations by certified mail, registered mail, or another man-
12 ner of delivery, which records the receipt of the notice by
13 the persons responsible for the violations.

14 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
15 OPERATIONS AND RESEARCH

16 For expenses necessary to discharge the functions of
17 the Secretary, with respect to traffic and highway safety
18 authorized under chapter 301 and part C of subtitle VI
19 of title 49, United States Code, \$162,000,000, of which
20 \$20,000,000 shall remain available through September
21 30, 2019.

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

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 403, section 4011 of the
7 FAST Act (Public Law 114–94), and chapter 303 of title
8 49, United States Code, \$149,000,000, to be derived from
9 the Highway Trust Fund (other than the Mass Transit
10 Account) and to remain available until expended: *Pro-*
11 *vided*, That none of the funds in this Act shall be available
12 for the planning or execution of programs the total obliga-
13 tions for which, in fiscal year 2018, are in excess of
14 \$149,000,000, of which \$143,700,000 shall be for pro-
15 grams authorized under 23 U.S.C. 403 and \$5,300,000
16 shall be for the National Driver Register authorized under
17 chapter 303 of title 49, United States Code: *Provided fur-*
18 *ther*, That within the \$149,000,000 obligation limitation
19 for operations and research, \$20,000,000 shall remain
20 available until September 30, 2019, and shall be in addi-
21 tion to the amount of any limitation imposed on obliga-
22 tions for future years.

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

5 For payment of obligations incurred in carrying out
6 provisions of 23 U.S.C. 402, 404, and 405, and section
7 4001(a)(6) of the Fixing America’s Surface Transpor-
8 tation Act, to remain available until expended,
9 \$597,629,000, to be derived from the Highway Trust
10 Fund (other than the Mass Transit Account): *Provided*,
11 That none of the funds in this Act shall be available for
12 the planning or execution of programs the total obligations
13 for which, in fiscal year 2018, are in excess of
14 \$597,629,000 for programs authorized under 23 U.S.C.
15 402, 404, and 405, and section 4001(a)(6) of the Fixing
16 America’s Surface Transportation Act, of which
17 \$261,200,000 shall be for “Highway Safety Programs”
18 under 23 U.S.C. 402; \$280,200,000 shall be for “National
19 Priority Safety Programs” under 23 U.S.C. 405;
20 \$29,900,000 shall be for “High Visibility Enforcement
21 Program” under 23 U.S.C. 404; \$26,329,000 shall be for
22 “Administrative Expenses” under section 4001(a)(6) of
23 the Fixing America’s Surface Transportation Act: *Pro-*
24 *vided further*, That none of these funds shall be used for
25 construction, rehabilitation, or remodeling costs, or for of-

1 fice furnishings and fixtures for State, local or private
2 buildings or structures: *Provided further*, That not to ex-
3 ceed \$500,000 of the funds made available for “National
4 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
5 paired Driving Countermeasures” (as described in sub-
6 section (d) of that section) shall be available for technical
7 assistance to the States: *Provided further*, That with re-
8 spect to the “Transfers” provision under 23 U.S.C.
9 405(a)(8), any amounts transferred to increase the
10 amounts made available under section 402 shall include
11 the obligation authority for such amounts: *Provided fur-*
12 *ther*, That the Administrator shall notify the House and
13 Senate Committees on Appropriations of any exercise of
14 the authority granted under the previous proviso or under
15 23 U.S.C. 405(a)(8) within 5 days.

16 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

17 TRAFFIC SAFETY ADMINISTRATION

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

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

7 FEDERAL RAILROAD ADMINISTRATION

8 SAFETY AND OPERATIONS

9 For necessary expenses of the Federal Railroad Ad-
10 ministration, not otherwise provided for, \$210,000,000, of
11 which \$15,900,000 shall remain available until expended,
12 and of which up to \$350,000 shall be available for the
13 Secretary of Transportation to assist Class II and Class
14 III railroads in preparing to apply and applying for direct
15 loans and loan guarantees for eligible projects pursuant
16 to sections 501 through 504 of the Railroad Revitalization
17 and Regulatory Reform Act of 1976 (Public Law 94–210)
18 to also remain available until expended.

19 RAILROAD RESEARCH AND DEVELOPMENT

20 For necessary expenses for railroad research and de-
21 velopment, \$40,100,000, to remain available until ex-
22 pended.

1 RAILROAD REHABILITATION AND IMPROVEMENT
2 FINANCING PROGRAM

3 The Secretary of Transportation is authorized to
4 issue direct loans and loan guarantees pursuant to sec-
5 tions 501 through 504 of the Railroad Revitalization and
6 Regulatory Reform Act of 1976 (Public Law 94–210), as
7 amended, such authority to exist as long as any such di-
8 rect loan or loan guarantee is outstanding.

9 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
10 IMPROVEMENTS

11 For necessary expenses related to Consolidated Rail
12 Infrastructure and Safety Improvements Grants as au-
13 thorized by section 24407 of title 49, United States Code,
14 \$92,547,000, to remain available until expended, for
15 projects eligible under section 24407 of title 49, United
16 States Code, of which \$35,547,000 shall be available for
17 eligible projects under section 24407(c)(2) of title 49,
18 United States Code, that contribute to the initiation or
19 restoration of intercity passenger rail service: *Provided,*
20 That the Secretary may withhold up to one percent of the
21 amount provided under this heading for the costs of award
22 and project management oversight of grants carried out
23 under section 24407 of title 49, United States Code.

1 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD
2 REPAIR

3 For necessary expenses related to Federal-State
4 Partnership for State of Good Repair Grants as author-
5 ized by section 24911 of title 49, United States Code,
6 \$26,000,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary may withhold up to one percent
8 of the amount provided under this heading for the costs
9 of award and project management oversight of grants car-
10 ried out under section 24911 of title 49, United States
11 Code.

12 RESTORATION AND ENHANCEMENT

13 For necessary expenses related to Restoration and
14 Enhancement Grants, as authorized by section 24408 of
15 title 49, United States Code, \$5,000,000, to remain avail-
16 able until expended: *Provided*, That the Secretary may
17 withhold up to one percent of the funds provided under
18 this heading to fund the costs of award and project man-
19 agement and oversight.

20 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
21 RAILROAD PASSENGER CORPORATION

22 To enable the Secretary of Transportation to make
23 grants to the National Railroad Passenger Corporation for
24 activities associated with the Northeast Corridor as au-
25 thorized by section 11101(a) of the Fixing America's Sur-

1 face Transportation Act (division A of Public Law 114–
 2 94), \$358,400,000, to remain available until expended:
 3 *Provided*, That the Secretary may retain up to one-half
 4 of 1 percent of the funds provided under both this heading
 5 and the “National Network Grants to the National Rail-
 6 road Passenger Corporation” heading to fund the costs
 7 of project management and oversight of activities author-
 8 ized by section 11101(c) of division A of Public Law 114–
 9 94: *Provided further*, That in addition to the project man-
 10 agement oversight funds authorized under section
 11 11101(c) of division A of Public Law 114–94, the Sec-
 12 retary may retain up to an additional \$5,000,000 of the
 13 funds provided under this heading to fund expenses associ-
 14 ated with the Northeast Corridor Commission established
 15 under section 24905 of title 49, United States Code: *Pro-*
 16 *vided further*, That of the amounts made available under
 17 this heading and the “National Network Grants to the Na-
 18 tional Railroad Passenger Corporation” heading, not less
 19 than \$50,000,000 shall be made available to bring Am-
 20 trak-served facilities and stations into compliance with the
 21 Americans with Disabilities Act.

22 NATIONAL NETWORK GRANTS TO THE NATIONAL
 23 RAILROAD PASSENGER CORPORATION

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

1 activities associated with the National Network as author-
2 ized by section 11101(b) of the Fixing America's Surface
3 Transportation Act (division A of Public Law 114–94),
4 \$1,241,600,000, to remain available until expended: *Pro-*
5 *vided*, That the Secretary may retain up to an additional
6 \$2,000,000 of the funds provided under this heading to
7 fund expenses associated with the State-Supported Route
8 Committee established under section 24712 of title 49,
9 United States Code: *Provided further*, That up to
10 \$5,000,000 of the amount provided under this heading
11 shall be available for costs associated with any matters
12 Amtrak may elect to bring before the Surface Transpor-
13 tation Board related to the restoration of passenger rail
14 service over routes previously served by Amtrak.

15 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

16 ADMINISTRATION

17 SEC. 150. None of the funds provided to the National
18 Railroad Passenger Corporation may be used to fund any
19 overtime costs in excess of \$35,000 for any individual em-
20 ployee: *Provided*, That the President of Amtrak may waive
21 the cap set in the previous proviso for specific employees
22 when the President of Amtrak determines such a cap
23 poses a risk to the safety and operational efficiency of the
24 system: *Provided further*, That the President of Amtrak
25 shall report to the House and Senate Committees on Ap-

1 appropriations each quarter within 30 days of such quarter
2 of the calendar year on waivers granted to employees and
3 amounts paid above the cap for each month within such
4 quarter and delineate the reasons each waiver was grant-
5 ed: *Provided further*, That the President of Amtrak shall
6 report to the House and Senate Committees on Appropria-
7 tions by March 1, 2018, a summary of all overtime pay-
8 ments incurred by the Corporation for 2017 and the three
9 prior calendar years: *Provided further*, That such sum-
10 mary shall include the total number of employees that re-
11 ceived waivers and the total overtime payments the Cor-
12 poration paid to those employees receiving waivers for
13 each month for 2017 and for the three prior calendar
14 years.

15 FEDERAL TRANSIT ADMINISTRATION

16 ADMINISTRATIVE EXPENSES

17 For necessary administrative expenses of the Federal
18 Transit Administration's programs authorized by chapter
19 53 of title 49, United States Code, \$113,165,000: *Pro-*
20 *vided*, That none of the funds provided or limited in this
21 Act may be used to create a permanent office of transit
22 security under this heading: *Provided further*, That upon
23 submission to the Congress of the fiscal year 2019 Presi-
24 dent's budget, the Secretary of Transportation shall trans-

1 mit to Congress the annual report on New Starts, includ-
2 ing proposed allocations for fiscal year 2019.

3 TRANSIT FORMULA GRANTS

4 (LIQUIDATION OF CONTRACT AUTHORIZATION)

5 (LIMITATION ON OBLIGATIONS)

6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in the Federal
8 Public Transportation Assistance Program in this ac-
9 count, and for payment of obligations incurred in carrying
10 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
11 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
12 5340, as amended by the Fixing America's Surface Trans-
13 portation Act, and section 20005(b) of Public Law 112-
14 141, and sections 3006(b) and 3028 of the Fixing Amer-
15 ica's Surface Transportation Act, \$10,300,000,000, to be
16 derived from the Mass Transit Account of the Highway
17 Trust Fund and to remain available until expended: *Pro-*
18 *vided*, That funds available for the implementation or exe-
19 cution of programs authorized under 49 U.S.C. 5305,
20 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335,
21 5337, 5339, and 5340, as amended by the Fixing Amer-
22 ica's Surface Transportation Act, and section 20005(b) of
23 Public Law 112-141, and sections 3006(b) and 3028 of
24 the Fixing America's Surface Transportation Act, shall
25 not exceed total obligations of \$9,733,353,407 in fiscal

1 year 2018: *Provided further*, That the Federal share of
2 the cost of activities carried out under section 5312 shall
3 not exceed 80 percent, except that if there is substantial
4 public interest or benefit, the Secretary may approve a
5 greater Federal share.

6 CAPITAL INVESTMENT GRANTS

7 For necessary expenses to carry out 49 U.S.C. 5309
8 and section 3005(b) of the FAST Act, \$2,132,910,000 to
9 remain available until September 30, 2021: *Provided*,
10 That \$8,900,000 in New Starts recoveries from prior year
11 obligations from fiscal years 2000 to 2015 and \$5,500,000
12 in Bus and Bus Facilities recoveries from prior year obli-
13 gations from fiscal years 2000 to 2005 shall remain avail-
14 able until September 30, 2021 to carry out 49 U.S.C.
15 5309: *Provided further*, That of the amounts made avail-
16 able in the previous provisos, \$1,007,910,000 shall be
17 available for payments on previously executed New Starts
18 full funding grant agreements, \$454,000,000 shall be
19 available for new New Starts full funding grant agree-
20 ments, \$200,000,000 shall be available for payments on
21 previously executed Core Capacity full funding grant
22 agreements, \$145,700,000 shall be available for new Core
23 Capacity full funding grant agreements, \$149,900,000
24 shall be available to complete payments on partially fund-
25 ed Small Starts projects, and \$168,400,000 shall be avail-

1 able for new grant agreements for Small Starts projects:
2 *Provided*, That the Secretary shall administer the program
3 and assist project sponsors according to 49 U.S.C. 5309
4 and make payments available to project sponsors in ac-
5 cordance with the report accompanying this Act.

6 GRANTS TO THE WASHINGTON METROPOLITAN AREA

7 TRANSIT AUTHORITY

8 For grants to the Washington Metropolitan Area
9 Transit Authority as authorized under section 601 of divi-
10 sion B of Public Law 110–432, \$150,000,000, to remain
11 available until expended: *Provided*, That the Secretary of
12 Transportation shall approve grants for capital and pre-
13 ventive maintenance expenditures for the Washington
14 Metropolitan Area Transit Authority only after receiving
15 and reviewing a request for each specific project: *Provided*
16 *further*, That prior to approving such grants, the Secretary
17 shall certify that the Washington Metropolitan Area Tran-
18 sit Authority is making progress to improve its safety
19 management system in response to the Federal Transit
20 Administration’s 2015 safety management inspection:
21 *Provided further*, That the Secretary shall determine that
22 the Washington Metropolitan Area Transit Authority has
23 placed the highest priority on those investments that will
24 improve the safety of the system before approving such
25 grants: *Provided further*, That the Secretary, in order to

1 ensure safety throughout the rail system, may waive the
2 requirements of section 601(e)(1) of division B of Public
3 Law 110–432.

4 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT
5 ADMINISTRATION

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

11 SEC. 161. Notwithstanding any other provision of
12 law, any funds appropriated before October 1, 2017, under
13 any section of chapter 53 of title 49, United States Code,
14 that remain available for expenditure, may be transferred
15 to and administered under the most recent appropriation
16 heading for any such section.

17 SAINT LAWRENCE SEAWAY DEVELOPMENT
18 CORPORATION

19 The Saint Lawrence Seaway Development Corpora-
20 tion is hereby authorized to make such expenditures, with-
21 in the limits of funds and borrowing authority available
22 to the Corporation, and in accord with law, and to make
23 such contracts and commitments without regard to fiscal
24 year limitations, as provided by section 104 of the Govern-
25 ment Corporation Control Act, as amended, as may be

1 necessary in carrying out the programs set forth in the
2 Corporation's budget for the current fiscal year.

3 OPERATIONS AND MAINTENANCE

4 (HARBOR MAINTENANCE TRUST FUND)

5 For necessary expenses to conduct the operations,
6 maintenance, and capital asset renewal activities of those
7 portions of the St. Lawrence Seaway owned, operated, and
8 maintained by the Saint Lawrence Seaway Development
9 Corporation, \$36,028,000, to be derived from the Harbor
10 Maintenance Trust Fund, pursuant to Public Law 99-
11 662.

12 MARITIME ADMINISTRATION

13 MARITIME SECURITY PROGRAM

14 For necessary expenses to maintain and preserve a
15 U.S.-flag merchant fleet to serve the national security
16 needs of the United States, \$300,000,000, to remain avail-
17 able until expended.

18 OPERATIONS AND TRAINING

19 For necessary expenses of operations and training ac-
20 tivities authorized by law, \$228,642,000, of which
21 \$22,000,000 shall remain available until expended for
22 maintenance and repair of training ships at State Mari-
23 time Academies, and of which \$50,000,000 shall remain
24 available until expended for the National Security Multi-
25 Mission Vessel, and of which \$2,400,000 shall remain

1 available through September 30, 2019, for the Student In-
2 centive Program at State Maritime Academies, and of
3 which \$1,800,000 shall remain available until expended
4 for training ship fuel assistance payments, and of which
5 \$14,179,000 shall remain available until expended for fa-
6 cilities maintenance and repair, equipment, and capital
7 improvements at the United States Merchant Marine
8 Academy, and of which \$3,000,000 shall remain available
9 through September 30, 2019, for Maritime Environment
10 and Technology Assistance program authorized under sec-
11 tion 50307 of title 46, United States Code, and of which
12 \$7,000,000 shall remain available until expended for the
13 Short Sea Transportation Program (America’s Marine
14 Highways) to make grants for the purposes authorized
15 under sections 55601(b)(1) and (3) of title 46, United
16 States Code: *Provided*, That not later than January 12,
17 2019, the Administrator of the Maritime Administration
18 shall transmit to the House and Senate Committees on
19 Appropriations the annual report on sexual assault and
20 sexual harassment at the United States Merchant Marine
21 Academy as required pursuant to section 3507 of Public
22 Law 110–417.

23 ASSISTANCE TO SMALL SHIPYARDS

24 To make grants to qualified shipyards as authorized
25 under section 54101 of title 46, United States Code, as

1 amended by Public Law 113–281, \$10,000,000 to remain
2 available until expended: *Provided*, That the Secretary
3 shall issue the Notice of Funding Opportunity no later
4 than 15 days after enactment of this Act: *Provided further*,
5 That from applications submitted under the previous pro-
6 viso, the Secretary of Transportation shall make grants
7 no later than 120 days after enactment of this Act in such
8 amounts as the Secretary determines: *Provided further*,
9 That not to exceed 2 percent of the funds appropriated
10 under this heading shall be available for necessary costs
11 of grant administration: *Provided further*, That available
12 balances under this heading from prior year recoveries
13 shall be available to carry out activities authorized under
14 section 54101 of title 46, United States Code, as amended
15 by Public Law 113–281.

16 SHIP DISPOSAL

17 For necessary expenses related to the disposal of ob-
18 solete vessels in the National Defense Reserve Fleet of the
19 Maritime Administration, \$9,000,000, to remain available
20 until expended.

21 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

22 ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For the cost of guaranteed loans, \$30,000,000, of
25 which \$27,000,000 shall remain available until expended:

1 *Provided*, That such costs, including the costs of modi-
2 fying such loans, shall be defined in section 502 of the
3 Congressional Budget Act of 1974, as amended: *Provided*
4 *further*, That not to exceed \$3,000,000 shall be for admin-
5 istrative expenses to carry out the guaranteed loan pro-
6 gram, which shall be transferred to and merged with the
7 appropriations for “Operations and Training”, Maritime
8 Administration.

9 ADMINISTRATIVE PROVISIONS—MARITIME

10 ADMINISTRATION

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

1 PIPELINE AND HAZARDOUS MATERIALS SAFETY
2 ADMINISTRATION
3 OPERATIONAL EXPENSES

4 For necessary operational expenses of the Pipeline
5 and Hazardous Materials Safety Administration,
6 \$23,000,000, of which \$1,500,000 shall be for “Pipeline
7 Safety Information Grants to Communities” as authorized
8 under section 60130 of title 49, United States Code: *Pro-*
9 *vided*, That the Secretary of Transportation shall issue a
10 final rule to expand the applicability of comprehensive oil
11 spill response plans no later than 5 days of enactment of
12 this Act.

13 HAZARDOUS MATERIALS SAFETY

14 For expenses necessary to discharge the hazardous
15 materials safety functions of the Pipeline and Hazardous
16 Materials Safety Administration, \$59,000,000, of which
17 \$7,570,000 shall remain available until September 30,
18 2020: *Provided*, That up to \$800,000 in fees collected
19 under 49 U.S.C. 5108(g) shall be deposited in the general
20 fund of the Treasury as offsetting receipts: *Provided fur-*
21 *ther*, That there may be credited to this appropriation, to
22 be available until expended, funds received from States,
23 counties, municipalities, other public authorities, and pri-
24 vate sources for expenses incurred for training, for reports
25 publication and dissemination, and for travel expenses in-

1 curred in performance of hazardous materials exemptions
2 and approvals functions.

3 PIPELINE SAFETY

4 (PIPELINE SAFETY FUND)

5 (OIL SPILL LIABILITY TRUST FUND)

6 For expenses necessary to conduct the functions of
7 the pipeline safety program, for grants-in-aid to carry out
8 a pipeline safety program, as authorized by 49 U.S.C.
9 60107, and to discharge the pipeline program responsibil-
10 ities of the Oil Pollution Act of 1990, \$162,000,000, of
11 which \$23,000,000 shall be derived from the Oil Spill Li-
12 ability Trust Fund and shall remain available until Sep-
13 tember 30, 2020; and of which \$131,000,000 shall be de-
14 rived from the Pipeline Safety Fund, of which
15 \$64,736,000 shall remain available until September 30,
16 2020; and of which \$8,000,000 shall be derived from the
17 Pipeline Safety Fund as provided in 49 U.S.C. 60302
18 (section 12 of the PIPES Act of 2016 (Public Law 114–
19 183)) from the Underground Natural Gas Storage Facility
20 Safety Account for the purpose of carrying out 49 U.S.C.
21 60141 of such Act (section 12 of the PIPES Act of 2016
22 (Public Law 114–183)), of which \$6,000,000 shall remain
23 available until September 30, 2020: *Provided*, That not
24 less than \$1,058,000 of the funds provided under this
25 heading shall be for the One-Call State grant program.

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 Notwithstanding the fiscal year limitation specified in
4 49 U.S.C. 5116, not more than \$28,318,000 shall be made
5 available for obligation in fiscal year 2018 from amounts
6 made available by 49 U.S.C. 5116(h), and 5128(b) and
7 (c): *Provided*, That notwithstanding 49 U.S.C.
8 5116(h)(4), not more than 4 percent of the amounts made
9 available from this account shall be available to pay ad-
10 ministrative costs: *Provided further*, That none of the
11 funds made available by 49 U.S.C. 5116(h), 5128(b), or
12 5128(c) shall be made available for obligation by individ-
13 uals other than the Secretary of Transportation, or his
14 or her designee.

15 OFFICE OF INSPECTOR GENERAL

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the Inspector
18 General to carry out the provisions of the Inspector Gen-
19 eral Act of 1978, as amended, \$92,100,000: *Provided*,
20 That the Inspector General shall have all necessary au-
21 thority, in carrying out the duties specified in the Inspec-
22 tor General Act, as amended (5 U.S.C. App. 3), to inves-
23 tigate allegations of fraud, including false statements to
24 the government (18 U.S.C. 1001), by any person or entity
25 that is subject to regulation by the Department of Trans-

1 portation: *Provided further*, That the funds made available
2 under this heading may be used to investigate, pursuant
3 to section 41712 of title 49, United States Code: (1) un-
4 fair or deceptive practices and unfair methods of competi-
5 tion by domestic and foreign air carriers and ticket agents;
6 and (2) the compliance of domestic and foreign air carriers
7 with respect to item (1) of this proviso.

8 GENERAL PROVISIONS—DEPARTMENT OF
9 TRANSPORTATION

10 SEC. 180. (a) During the current fiscal year, applica-
11 ble appropriations to the Department of Transportation
12 shall be available for maintenance and operation of air-
13 craft; hire of passenger motor vehicles and aircraft; pur-
14 chase of liability insurance for motor vehicles operating
15 in foreign countries on official department business; and
16 uniforms or allowances therefor, as authorized by law (5
17 U.S.C. 5901–5902).

18 (b) During the current fiscal year, applicable appro-
19 priations to the Department and its operating administra-
20 tions shall be available for the purchase, maintenance, op-
21 eration, and deployment of unmanned aircraft systems
22 that advance the Department's, or its operating adminis-
23 trations', missions.

1 (c) Any unmanned aircraft system purchased or pro-
2 cured by the Department prior to the enactment of this
3 Act shall be deemed authorized.

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

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

15 SEC. 183. (a) No recipient of funds made available
16 in this Act shall disseminate personal information (as de-
17 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
18 ment of motor vehicles in connection with a motor vehicle
19 record as defined in 18 U.S.C. 2725(1), except as provided
20 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
21 2721.

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

1 SEC. 184. Funds received by the Federal Highway
2 Administration and Federal Railroad Administration from
3 States, counties, municipalities, other public authorities,
4 and private sources for expenses incurred for training may
5 be credited respectively to the Federal Highway Adminis-
6 tration’s “Federal-Aid Highways” account and to the Fed-
7 eral Railroad Administration’s “Safety and Operations”
8 account, except for State rail safety inspectors partici-
9 pating in training pursuant to 49 U.S.C. 20105.

10 SEC. 185. (a) None of the funds provided in this Act
11 to the Department of Transportation may be used to make
12 a loan, loan guarantee, line of credit, or discretionary
13 grant unless the Secretary of Transportation notifies the
14 House and Senate Committees on Appropriations not less
15 than 3 full business days before any project competitively
16 selected to receive any discretionary grant award, letter
17 of intent, loan commitment, loan guarantee commitment,
18 line of credit commitment, or full funding grant agreement
19 is announced by the Department or its modal administra-
20 tions: *Provided*, That the Secretary gives concurrent noti-
21 fication to the House and Senate Committees on Appro-
22 priations for any “quick release” of funds from the emer-
23 gency relief program: *Provided further*, That no notifica-
24 tion shall involve funds that are not available for obliga-
25 tion.

1 (b) In addition to the notification required in sub-
2 section (a), none of the funds made available in this Act
3 to the Department of Transportation may be used to make
4 a loan, loan guarantee, line of credit, or discretionary
5 grant unless the Secretary of Transportation provides the
6 House and Senate Committees on Appropriations a com-
7 prehensive list of all such loans, loan guarantees, lines of
8 credit, or discretionary grants that will be announced not
9 less the 3 full business days before such announcement:
10 *Provided*, That the requirement to provide a list in this
11 subsection does not apply to any “quick release” of funds
12 from the emergency relief program: *Provided further*, That
13 no list shall involve funds that are not available for obliga-
14 tion.

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

24 SEC. 187. Amounts made available in this or any
25 prior Act that the Secretary determines represent im-

1 proper payments by the Department of Transportation to
2 a third-party contractor under a financial assistance
3 award, which are recovered pursuant to law, shall be avail-
4 able—

5 (1) to reimburse the actual expenses incurred
6 by the Department of Transportation in recovering
7 improper payments: *Provided*, That amounts made
8 available in this Act shall be available until ex-
9 pended; and

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

15 (A) shall be credited to and merged with
16 the appropriation from which the improper pay-
17 ments were made, and shall be available for the
18 purposes and period for which such appropria-
19 tions are available: *Provided further*, That
20 where specific project or accounting information
21 associated with the improper payment or pay-
22 ments is not readily available, the Secretary
23 may credit an appropriate account, which shall
24 be available for the purposes and period associ-
25 ated with the account so credited; or

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

12 SEC. 188. Notwithstanding any other provision of
13 law, if any funds provided in or limited by this Act are
14 subject to a reprogramming action that requires notice to
15 be provided to the House and Senate Committees on Ap-
16 propriations, transmission of said reprogramming notice
17 shall be provided solely to the House and Senate Commit-
18 tees on Appropriations, and said reprogramming action
19 shall be approved or denied solely by the House and Sen-
20 ate Committees on Appropriations: *Provided*, That the
21 Secretary of Transportation may provide notice to other
22 congressional committees of the action of the House and
23 Senate Committees on Appropriations on such reprogram-
24 ming but not sooner than 30 days following the date on
25 which the reprogramming action has been approved or de-

1 nished by the House and Senate Committees on Appropria-
2 tions.

3 SEC. 189. Funds appropriated in this Act to the
4 modal administrations may be obligated for the Office of
5 the Secretary for the costs related to assessments or reim-
6 bursable agreements only when such amounts are for the
7 costs of goods and services that are purchased to provide
8 a direct benefit to the applicable modal administration or
9 administrations.

10 SEC. 190. The Secretary of Transportation is author-
11 ized to carry out a program that establishes uniform
12 standards for developing and supporting agency transit
13 pass and transit benefits authorized under section 7905
14 of title 5, United States Code, including distribution of
15 transit benefits by various paper and electronic media.

16 SEC. 191. The Department of Transportation may
17 use funds provided by this Act, or any other Act, to assist
18 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
19 geographic, economic, or any other hiring preference not
20 otherwise authorized by law, or to amend a rule, regula-
21 tion, policy or other measure that forbids a recipient of
22 a Federal Highway Administration or Federal Transit Ad-
23 ministration grant from imposing such hiring preference
24 on a contract or construction project with which the De-

1 partment of Transportation is assisting, only if the grant
2 recipient certifies the following:

3 (1) that except with respect to apprentices or
4 trainees, a pool of readily available but unemployed
5 individuals possessing the knowledge, skill, and abil-
6 ity to perform the work that the contract requires
7 resides in the jurisdiction;

8 (2) that the grant recipient will include appro-
9 priate provisions in its bid document ensuring that
10 the contractor does not displace any of its existing
11 employees in order to satisfy such hiring preference;
12 and

13 (3) that any increase in the cost of labor, train-
14 ing, or delays resulting from the use of such hiring
15 preference does not delay or displace any transpor-
16 tation project in the applicable Statewide Transpor-
17 tation Improvement Program or Transportation Im-
18 provement Program.

19 This title may be cited as the “Department of Trans-
20 portation Appropriations Act, 2018”.

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

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$15,645,000: *Provided*, That not to exceed \$25,000 of the
13 amount made available under this heading shall be avail-
14 able to the Secretary for official reception and representa-
15 tion expenses as the Secretary may determine.

16 ADMINISTRATIVE SUPPORT OFFICES

17 For necessary salaries and expenses for Administra-
18 tive Support Offices, \$520,190,000, of which \$52,200,000
19 shall be available for the Office of the Chief Financial Offi-
20 cer; \$95,400,000 shall be available for the Office of the
21 General Counsel; \$206,140,000 shall be available for the
22 Office of Administration; \$39,300,000 shall be available
23 for the Office of the Chief Human Capital Officer;
24 \$53,500,000 shall be available for the Office of Field Pol-
25 icy and Management; \$19,500,000 shall be available for

1 the Office of the Chief Procurement Officer; \$3,800,000
2 shall be available for the Office of Departmental Equal
3 Employment Opportunity; \$4,950,000 shall be available
4 for the Office of Strategic Planning and Management; and
5 \$45,400,000 shall be available for the Office of the Chief
6 Information Officer: *Provided*, That funds provided under
7 this heading may be used for necessary administrative and
8 non-administrative expenses of the Department of Hous-
9 ing and Urban Development, not otherwise provided for,
10 including purchase of uniforms, or allowances therefor, as
11 authorized by 5 U.S.C. 5901–5902; hire of passenger
12 motor vehicles; and services as authorized by 5 U.S.C.
13 3109: *Provided further*, That notwithstanding any other
14 provision of law, funds appropriated under this heading
15 may be used for advertising and promotional activities
16 that directly support program activities funded in this
17 title: *Provided further*, That the Secretary shall provide the
18 House and Senate Committees on Appropriations quar-
19 terly written notification regarding the status of pending
20 congressional reports: *Provided further*, That the Sec-
21 retary shall provide in electronic form all signed reports
22 required by Congress.

1 PROGRAM OFFICE SALARIES AND EXPENSES

2 PUBLIC AND INDIAN HOUSING

3 For necessary salaries and expenses of the Office of
4 Public and Indian Housing, \$222,000,000.

5 COMMUNITY PLANNING AND DEVELOPMENT

6 For necessary salaries and expenses of the Office of
7 Community Planning and Development, \$108,300,000.

8 HOUSING

9 For necessary salaries and expenses of the Office of
10 Housing, \$383,000,000.

11 POLICY DEVELOPMENT AND RESEARCH

12 For necessary salaries and expenses of the Office of
13 Policy Development and Research, \$25,400,000.

14 FAIR HOUSING AND EQUAL OPPORTUNITY

15 For necessary salaries and expenses of the Office of
16 Fair Housing and Equal Opportunity, \$72,400,000.

17 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

18 HOMES

19 For necessary salaries and expenses of the Office of
20 Lead Hazard Control and Healthy Homes, \$8,200,000.

21 WORKING CAPITAL FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the working capital fund for the Department of
24 Housing and Urban Development (referred to in this para-
25 graph as the “Fund”), pursuant, in part, to section 7(f)

1 of the Department of Housing and Urban Development
2 Act (42 U.S.C. 3535(f)), amounts transferred to the Fund
3 under this heading shall be available for Federal shared
4 services used by offices and agencies of the Department,
5 and for such portion of any office or agency's printing,
6 records management, space renovation, furniture, or sup-
7 ply services as the Secretary determines shall be derived
8 from centralized sources made available by the Depart-
9 ment to all offices and agencies and funded through the
10 Fund: *Provided*, That of the amounts made available in
11 this title for salaries and expenses under the headings
12 "Executive Offices", "Administrative Support Offices",
13 "Program Office Salaries and Expenses", and "Govern-
14 ment National Mortgage Association", the Secretary shall
15 transfer to the Fund such amounts, to remain available
16 until expended, as are necessary to fund services, specified
17 in the matter preceding the first proviso, for which the
18 appropriation would otherwise have been available, and
19 may transfer not to exceed an additional \$5,000,000, in
20 aggregate, from all such appropriations, to be merged with
21 the Fund and to remain available until expended for use
22 for any office or agency: *Provided further*, That amounts
23 in the Fund shall be the only amounts available to each
24 office or agency of the Department for the services, or por-
25 tion of services, specified in the matter preceding the first

1 proviso: *Provided further*, That with respect to the Fund,
 2 the authorities and conditions under this heading shall
 3 supplement the authorities and conditions provided under
 4 section 7(f).

5 PUBLIC AND INDIAN HOUSING

6 TENANT-BASED RENTAL ASSISTANCE

7 For activities and assistance for the provision of ten-
 8 ant-based rental assistance authorized under the United
 9 States Housing Act of 1937, as amended (42 U.S.C. 1437
 10 et seq.) (“the Act” herein), not otherwise provided for,
 11 \$17,365,120,000, to remain available until expended, shall
 12 be available on October 1, 2017 (in addition to the
 13 \$4,000,000,000 previously appropriated under this head-
 14 ing that shall be available on October 1, 2017), and
 15 \$4,000,000,000, to remain available until expended, shall
 16 be available on October 1, 2018: *Provided*, That the
 17 amounts made available under this heading are provided
 18 as follows:

19 (1) \$19,370,000,000 shall be available for re-
 20 newals of expiring section 8 tenant-based annual
 21 contributions contracts (including renewals of en-
 22 hanced vouchers under any provision of law author-
 23 izing such assistance under section 8(t) of the Act)
 24 and including renewal of other special purpose incre-
 25 mental vouchers: *Provided*, That notwithstanding

1 any other provision of law, from amounts provided
2 under this paragraph and any carryover, the Sec-
3 retary for the calendar year 2018 funding cycle shall
4 provide renewal funding for each public housing
5 agency based on validated voucher management sys-
6 tem (VMS) leasing and cost data for the prior cal-
7 endar year and by applying an inflation factor as es-
8 tablished by the Secretary, by notice published in
9 the Federal Register, and by making any necessary
10 adjustments for the costs associated with the first-
11 time renewal of vouchers under this paragraph in-
12 cluding tenant protection, HOPE VI, and Choice
13 Neighborhoods vouchers: *Provided further*, That
14 none of the funds provided under this paragraph
15 may be used to fund a total number of unit months
16 under lease which exceeds a public housing agency's
17 authorized level of units under contract, except for
18 public housing agencies participating in the MTW
19 demonstration, which are instead governed by the
20 terms and conditions of their MTW agreements:
21 *Provided further*, That the Secretary shall, to the ex-
22 tent necessary to stay within the amount specified
23 under this paragraph (except as otherwise modified
24 under this paragraph), prorate each public housing
25 agency's allocation otherwise established pursuant to

1 this paragraph: *Provided further*, That except as
2 provided in the following provisos, the entire amount
3 specified under this paragraph (except as otherwise
4 modified under this paragraph) shall be obligated to
5 the public housing agencies based on the allocation
6 and pro rata method described above, and the Sec-
7 retary shall notify public housing agencies of their
8 annual budget by the latter of 60 days after enact-
9 ment of this Act or March 1, 2018: *Provided further*,
10 That the Secretary may extend the notification pe-
11 riod with the prior written approval of the House
12 and Senate Committees on Appropriations: *Provided*
13 *further*, That public housing agencies participating
14 in the MTW demonstration shall be funded pursuant
15 to their MTW agreements and shall be subject to
16 the same pro rata adjustments under the previous
17 provisos: *Provided further*, That the Secretary may
18 offset public housing agencies' calendar year 2018
19 allocations based on the excess amounts of public
20 housing agencies' net restricted assets accounts, in-
21 cluding HUD-held programmatic reserves (in ac-
22 cordance with VMS data in calendar year 2017 that
23 is verifiable and complete), as determined by the
24 Secretary: *Provided further*, That public housing
25 agencies participating in the MTW demonstration

1 shall also be subject to the offset, as determined by
2 the Secretary, excluding amounts subject to the sin-
3 gle fund budget authority provisions of their MTW
4 agreements, from the agencies' calendar year 2018
5 MTW funding allocation: *Provided further*, That the
6 Secretary shall use any offset referred to in the pre-
7 vious two provisos throughout the calendar year to
8 prevent the termination of rental assistance for fam-
9 ilies as the result of insufficient funding, as deter-
10 mined by the Secretary, and to avoid or reduce the
11 proration of renewal funding allocations: *Provided*
12 *further*, That up to \$75,000,000 shall be available
13 only: (1) for adjustments in the allocations for public
14 housing agencies, after application for an adjust-
15 ment by a public housing agency that experienced a
16 significant increase, as determined by the Secretary,
17 in renewal costs of vouchers resulting from unfore-
18 seen circumstances or from portability under section
19 8(r) of the Act; (2) for vouchers that were not in use
20 during the previous 12-month period in order to be
21 available to meet a commitment pursuant to section
22 8(o)(13) of the Act; (3) for adjustments for costs as-
23 sociated with HUD-Veterans Affairs Supportive
24 Housing (HUD-VASH) vouchers; and (4) for public
25 housing agencies that despite taking reasonable cost

1 savings measures, as determined by the Secretary,
2 would otherwise be required to terminate rental as-
3 sistance for families as a result of insufficient fund-
4 ing: *Provided further*, That the Secretary shall allo-
5 cate amounts under the previous proviso based on
6 need, as determined by the Secretary;

7 (2) \$75,000,000 shall be for section 8 rental as-
8 sistance for relocation and replacement of housing
9 units that are demolished or disposed of pursuant to
10 section 18 of the Act, conversion of section 23
11 projects to assistance under section 8, the family
12 unification program under section 8(x) of the Act,
13 relocation of witnesses in connection with efforts to
14 combat crime in public and assisted housing pursu-
15 ant to a request from a law enforcement or prosecu-
16 tion agency, enhanced vouchers under any provision
17 of law authorizing such assistance under section 8(t)
18 of the Act, HOPE VI and Choice Neighborhood
19 vouchers, mandatory and voluntary conversions, and
20 tenant protection assistance including replacement
21 and relocation assistance or for project-based assist-
22 ance to prevent the displacement of unassisted elder-
23 ly tenants currently residing in section 202 prop-
24 erties financed between 1959 and 1974 that are re-fi-
25 nanced pursuant to Public Law 106–569, as amend-

1 ed, or under the authority as provided under this
2 Act: *Provided*, That when a public housing develop-
3 ment is submitted for demolition or disposition
4 under section 18 of the Act, the Secretary may pro-
5 vide section 8 rental assistance when the units pose
6 an imminent health and safety risk to residents:
7 *Provided further*, That the Secretary may only pro-
8 vide replacement vouchers for units that were occu-
9 pied within the previous 24 months that cease to be
10 available as assisted housing, subject only to the
11 availability of funds: *Provided further*, That of the
12 amounts made available under this paragraph,
13 \$5,000,000 may be available to provide tenant pro-
14 tection assistance, not otherwise provided under this
15 paragraph, to residents residing in low vacancy
16 areas and who may have to pay rents greater than
17 30 percent of household income, as the result of: (A)
18 the maturity of a HUD-insured, HUD-held or sec-
19 tion 202 loan that requires the permission of the
20 Secretary prior to loan prepayment; (B) the expira-
21 tion of a rental assistance contract for which the
22 tenants are not eligible for enhanced voucher or ten-
23 ant protection assistance under existing law; or (C)
24 the expiration of affordability restrictions accom-
25 panying a mortgage or preservation program admin-

1 istered by the Secretary: *Provided further*, That such
2 tenant protection assistance made available under
3 the previous proviso may be provided under the au-
4 thority of section 8(t) or section 8(o)(13) of the
5 United States Housing Act of 1937 (42 U.S.C.
6 1437f(t)): *Provided further*, That any tenant protec-
7 tion voucher made available from amounts under
8 this paragraph shall not be reissued by any public
9 housing agency, except the replacement vouchers as
10 defined by the Secretary by notice, when the initial
11 family that received any such voucher no longer re-
12 ceives such voucher, and the authority for any public
13 housing agency to issue any such voucher shall cease
14 to exist: *Provided further*, That the Secretary may
15 provide section 8 rental assistance from amounts
16 made available under this paragraph for units as-
17 sisted under a project-based subsidy contract funded
18 under the “Project-Based Rental Assistance” head-
19 ing under this title where the owner has received a
20 Notice of Default and the units pose an imminent
21 health and safety risk to residents: *Provided further*,
22 That to the extent that the Secretary determines
23 that such units are not feasible for continued rental
24 assistance payments or transfer of the subsidy con-
25 tract associated with such units to another project

1 or projects and owner or owners, any remaining
2 amounts associated with such units under such con-
3 tract shall be recaptured and used to reimburse
4 amounts used under this paragraph for rental assist-
5 ance under the preceding proviso;

6 (3) \$1,725,000,000 shall be for administrative
7 and other expenses of public housing agencies in ad-
8 ministering the section 8 tenant-based rental assist-
9 ance program, of which up to \$10,000,000 shall be
10 available to the Secretary to allocate to public hous-
11 ing agencies that need additional funds to admin-
12 ister their section 8 programs, including fees associ-
13 ated with section 8 tenant protection rental assist-
14 ance, the administration of disaster related vouchers,
15 Veterans Affairs Supportive Housing vouchers, and
16 other special purpose incremental vouchers: *Pro-*
17 *vided*, That no less than \$1,715,000,000 of the
18 amount provided in this paragraph shall be allocated
19 to public housing agencies for the calendar year
20 2018 funding cycle based on section 8(q) of the Act
21 (and related Appropriation Act provisions) as in ef-
22 fect immediately before the enactment of the Quality
23 Housing and Work Responsibility Act of 1998 (Pub-
24 lic Law 105–276): *Provided further*, That if the
25 amounts made available under this paragraph are

1 insufficient to pay the amounts determined under
2 the previous proviso, the Secretary may decrease the
3 amounts allocated to agencies by a uniform percent-
4 age applicable to all agencies receiving funding
5 under this paragraph or may, to the extent nec-
6 essary to provide full payment of amounts deter-
7 mined under the previous proviso, utilize unobligated
8 balances, including recaptures and carryovers, re-
9 maining from funds appropriated to the Department
10 of Housing and Urban Development under this
11 heading from prior fiscal years, excluding special
12 purpose vouchers, notwithstanding the purposes for
13 which such amounts were appropriated: *Provided*
14 *further*, That all public housing agencies partici-
15 pating in the MTW demonstration shall be funded
16 pursuant to their MTW agreements, and shall be
17 subject to the same uniform percentage decrease as
18 under the previous proviso: *Provided further*, That
19 amounts provided under this paragraph shall be only
20 for activities related to the provision of tenant-based
21 rental assistance authorized under section 8, includ-
22 ing related development activities;

23 (4) \$130,120,000 for the renewal of tenant-
24 based assistance contracts under section 811 of the
25 Cranston-Gonzalez National Affordable Housing Act

1 (42 U.S.C. 8013), including necessary administra-
2 tive expenses: *Provided*, That administrative and
3 other expenses of public housing agencies in admin-
4 istering the special purpose vouchers in this para-
5 graph shall be funded under the same terms and be
6 subject to the same pro rata reduction as the per-
7 cent decrease for administrative and other expenses
8 to public housing agencies under paragraph (3) of
9 this heading: *Provided further*, That any amounts
10 provided under this paragraph in this Act or prior
11 Acts, remaining available after funding renewals and
12 administrative expenses under this paragraph, shall
13 be available for incremental tenant-based assistance
14 contracts under such section 811, including nec-
15 essary administrative expenses;

16 (5) \$5,000,000 shall be for rental assistance
17 and associated administrative fees for Tribal HUD-
18 VA Supportive Housing to serve Native American
19 veterans that are homeless or at-risk of homeless-
20 ness living on or near a reservation or other Indian
21 areas: *Provided*, That such amount shall be made
22 available for renewal grants to recipients that re-
23 ceived assistance under prior Acts under the Tribal
24 HUD-VA Supportive Housing program: *Provided*
25 *further*, That the Secretary shall be authorized to

1 specify criteria for renewal grants, including data on
2 the utilization of assistance reported by grant recipi-
3 ents: *Provided further*, That such assistance shall be
4 administered in accordance with program require-
5 ments under the Native American Housing Assist-
6 ance and Self-Determination Act of 1996 and mod-
7 eled after the HUD–VASH program: *Provided fur-*
8 *ther*, That the Secretary shall be authorized to
9 waive, or specify alternative requirements for any
10 provision of any statute or regulation that the Sec-
11 retary administers in connection with the use of
12 funds made available under this paragraph (except
13 for requirements related to fair housing, non-
14 discrimination, labor standards, and the environ-
15 ment), upon a finding by the Secretary that any
16 such waivers or alternative requirements are nec-
17 essary for the effective delivery and administration
18 of such assistance: *Provided further*, That grant re-
19 cipients shall report to the Secretary on utilization
20 of such rental assistance and other program data, as
21 prescribed by the Secretary: *Provided further*, That
22 the Secretary may reallocate, as determined by the
23 Secretary, amounts returned or recaptured from
24 awards under prior acts;

1 (6) \$40,000,000 for incremental rental voucher
2 assistance for use through a supported housing pro-
3 gram administered in conjunction with the Depart-
4 ment of Veterans Affairs as authorized under section
5 8(o)(19) of the United States Housing Act of 1937:
6 *Provided*, That the Secretary of Housing and Urban
7 Development shall make such funding available, not-
8 withstanding section 203 (competition provision) of
9 this title, to public housing agencies that partner
10 with eligible VA Medical Centers or other entities as
11 designated by the Secretary of the Department of
12 Veterans Affairs, based on geographical need for
13 such assistance as identified by the Secretary of the
14 Department of Veterans Affairs, public housing
15 agency administrative performance, and other fac-
16 tors as specified by the Secretary of Housing and
17 Urban Development in consultation with the Sec-
18 retary of the Department of Veterans Affairs: *Pro-*
19 *vided further*, That the Secretary of Housing and
20 Urban Development may waive, or specify alter-
21 native requirements for (in consultation with the
22 Secretary of the Department of Veterans Affairs),
23 any provision of any statute or regulation that the
24 Secretary of Housing and Urban Development ad-
25 ministers in connection with the use of funds made

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

10 (7) \$20,000,000 shall be made available for
11 new incremental voucher assistance through the
12 family unification program as authorized by section
13 8(x) of the Act: *Provided*, That the assistance made
14 available under this paragraph shall continue to re-
15 main available for family unification upon turnover:
16 *Provided further*, That for any public housing agency
17 administering voucher assistance appropriated in a
18 prior Act under the family unification program that
19 determines that it no longer has an identified need
20 for such assistance upon turnover, such agency shall
21 notify the Secretary, and the Secretary shall recap-
22 ture such assistance from the agency and reallocate
23 it to any other public housing agency or agencies
24 based on need for voucher assistance in connection
25 with such program; and

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

3 HOUSING CERTIFICATE FUND

4 (INCLUDING RESCISSIONS)

5 Unobligated balances, including recaptures and car-
6 ryover, remaining from funds appropriated to the Depart-
7 ment of Housing and Urban Development under this
8 heading, the heading “Annual Contributions for Assisted
9 Housing” and the heading “Project-Based Rental Assist-
10 ance”, for fiscal year 2018 and prior years may be used
11 for renewal of or amendments to section 8 project-based
12 contracts and for performance-based contract administra-
13 tors, notwithstanding the purposes for which such funds
14 were appropriated: *Provided*, That any obligated balances
15 of contract authority from fiscal year 1974 and prior that
16 have been terminated shall be rescinded: *Provided further*,
17 That amounts heretofore recaptured, or recaptured during
18 the current fiscal year, from section 8 project-based con-
19 tracts from source years fiscal year 1975 through fiscal
20 year 1987 are hereby rescinded, and an amount of addi-
21 tional new budget authority, equivalent to the amount re-
22 scinded is hereby appropriated, to remain available until
23 expended, for the purposes set forth under this heading,
24 in addition to amounts otherwise available.

1 PUBLIC HOUSING CAPITAL FUND

2 For the Public Housing Capital Fund Program to
3 carry out capital and management activities for public
4 housing agencies, as authorized under section 9 of the
5 United States Housing Act of 1937 (42 U.S.C. 1437g)
6 (the “Act”) \$1,945,000,000, to remain available until
7 September 30, 2021: *Provided*, That notwithstanding any
8 other provision of law or regulation, during fiscal year
9 2018, the Secretary of Housing and Urban Development
10 may not delegate to any Department official other than
11 the Deputy Secretary and the Assistant Secretary for
12 Public and Indian Housing any authority under paragraph
13 (2) of section 9(j) regarding the extension of the time peri-
14 ods under such section: *Provided further*, That for pur-
15 poses of such section 9(j), the term “obligate” means, with
16 respect to amounts, that the amounts are subject to a
17 binding agreement that will result in outlays, immediately
18 or in the future: *Provided further*, That up to \$8,300,000
19 shall be to support ongoing public housing financial and
20 physical assessment activities: *Provided further*, That up
21 to \$1,000,000 shall be to support the costs of administra-
22 tive and judicial receiverships: *Provided further*, That of
23 the total amount provided under this heading, not to ex-
24 ceed \$21,500,000 shall be available for the Secretary to
25 make grants, notwithstanding section 203 of this Act, to

1 public housing agencies for emergency capital needs in-
2 cluding safety and security measures necessary to address
3 crime and drug-related activity as well as needs resulting
4 from unforeseen or unpreventable emergencies and nat-
5 ural disasters excluding Presidentially declared emer-
6 gencies and natural disasters under the Robert T. Stafford
7 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
8 seq.) occurring in fiscal year 2018: *Provided further*, That
9 of the amount made available under the previous proviso,
10 not less than \$5,000,000 shall be for safety and security
11 measures: *Provided further*, That in addition to the
12 amount in the previous proviso for such safety and secu-
13 rity measures, any amounts that remain available, after
14 all applications received on or before September 30, 2019,
15 for emergency capital needs have been processed, shall be
16 allocated to public housing agencies for such safety and
17 security measures: *Provided further*, That of the total
18 amount provided under this heading, \$25,000,000 shall be
19 for supportive services, service coordinators and con-
20 gregate services as authorized by section 34 of the Act
21 (42 U.S.C. 1437z-6) and the Native American Housing
22 Assistance and Self-Determination Act of 1996 (25 U.S.C.
23 4101 et seq.): *Provided further*, That of the total amount
24 made available under this heading, \$15,000,000 shall be
25 for a Jobs-Plus initiative modeled after the Jobs-Plus

1 demonstration: *Provided further*, That the funding pro-
2 vided under the previous proviso shall provide competitive
3 grants to partnerships between public housing authorities,
4 local workforce investment boards established under sec-
5 tion 117 of the Workforce Investment Act of 1998, and
6 other agencies and organizations that provide support to
7 help public housing residents obtain employment and in-
8 crease earnings: *Provided further*, That applicants must
9 demonstrate the ability to provide services to residents,
10 partner with workforce investment boards, and leverage
11 service dollars: *Provided further*, That the Secretary may
12 allow public housing agencies to request exemptions from
13 rent and income limitation requirements under sections 3
14 and 6 of the United States Housing Act of 1937 as nec-
15 essary to implement the Jobs-Plus program, on such
16 terms and conditions as the Secretary may approve upon
17 a finding by the Secretary that any such waivers or alter-
18 native requirements are necessary for the effective imple-
19 mentation of the Jobs-Plus initiative as a voluntary pro-
20 gram for residents: *Provided further*, That the Secretary
21 shall publish by notice in the Federal Register any waivers
22 or alternative requirements pursuant to the preceding pro-
23 viso no later than 10 days before the effective date of such
24 notice: *Provided further*, That for funds provided under
25 this heading, the limitation in section 9(g)(1) of the Act

1 shall be 25 percent: *Provided further*, That the Secretary
2 may waive the limitation in the previous proviso to allow
3 public housing agencies to fund activities authorized under
4 section 9(e)(1)(C) of the Act: *Provided further*, That the
5 Secretary shall notify public housing agencies requesting
6 waivers under the previous proviso if the request is ap-
7 proved or denied within 14 days of submitting the request:
8 *Provided further*, That from the funds made available
9 under this heading, the Secretary shall provide bonus
10 awards in fiscal year 2018 to public housing agencies that
11 are designated high performers: *Provided further*, That the
12 Department shall notify public housing agencies of their
13 formula allocation within 60 days of enactment of this Act.

14 PUBLIC HOUSING OPERATING FUND

15 For 2018 payments to public housing agencies for the
16 operation and management of public housing, as author-
17 ized by section 9(e) of the United States Housing Act of
18 1937 (42 U.S.C. 1437g(e)), \$4,500,000,000, to remain
19 available until September 30, 2019.

20 CHOICE NEIGHBORHOODS INITIATIVE

21 For competitive grants under the Choice Neighbor-
22 hoods Initiative (subject to section 24 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
24 specified under this heading), for transformation, rehabili-
25 tation, and replacement housing needs of both public and

1 HUD-assisted housing and to transform neighborhoods of
2 poverty into functioning, sustainable mixed income neigh-
3 borhoods with appropriate services, schools, public assets,
4 transportation and access to jobs, \$50,000,000, to remain
5 available until September 30, 2020: *Provided*, That grant
6 funds may be used for resident and community services,
7 community development, and affordable housing needs in
8 the community, and for conversion of vacant or foreclosed
9 properties to affordable housing: *Provided further*, That
10 the use of funds made available under this heading shall
11 not be deemed to be public housing notwithstanding sec-
12 tion 3(b)(1) of such Act: *Provided further*, That grantees
13 shall commit to an additional period of affordability deter-
14 mined by the Secretary of not fewer than 20 years: *Pro-*
15 *vided further*, That grantees shall provide a match in
16 State, local, other Federal or private funds: *Provided fur-*
17 *ther*, That grantees may include local governments, tribal
18 entities, public housing agencies, and nonprofits: *Provided*
19 *further*, That for-profit developers may apply jointly with
20 a public entity: *Provided further*, That for purposes of en-
21 vironmental review, a grantee shall be treated as a public
22 housing agency under section 26 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437x), and grants under
24 this heading shall be subject to the regulations issued by
25 the Secretary to implement such section: *Provided further*,

1 That of the amount provided, not less than \$25,000,000
2 shall be awarded to public housing agencies: *Provided fur-*
3 *ther*, That such grantees shall create partnerships with
4 other local organizations including assisted housing own-
5 ers, service agencies, and resident organizations: *Provided*
6 *further*, That the Secretary shall consult with the Secre-
7 taries of Education, Labor, Transportation, Health and
8 Human Services, Agriculture, and Commerce, the Attor-
9 ney General, and the Administrator of the Environmental
10 Protection Agency to coordinate and leverage other appro-
11 priate Federal resources: *Provided further*, That no more
12 than \$5,000,000 of funds made available under this head-
13 ing may be provided as grants to undertake comprehensive
14 local planning with input from residents and the commu-
15 nity: *Provided further*, That unobligated balances, includ-
16 ing recaptures and remaining from funds appropriated
17 under the heading “Revitalization of Severely Distressed
18 Public Housing (HOPE VI)” in fiscal year 2011 and prior
19 fiscal years may be used for purposes under this heading,
20 notwithstanding the purposes for which such amounts
21 were appropriated.

22 FAMILY SELF-SUFFICIENCY

23 For the Family Self-Sufficiency program to support
24 family self-sufficiency coordinators under section 23 of the
25 United States Housing Act of 1937, to promote the devel-

1 opment of local strategies to coordinate the use of assist-
2 ance under sections 8(o) and 9 of such Act with public
3 and private resources, and enable eligible families to
4 achieve economic independence and self-sufficiency,
5 \$75,000,000, to remain available until September 30,
6 2019: *Provided*, That the Secretary may, by Federal Reg-
7 ister notice, waive or specify alternative requirements
8 under sections b(3), b(4), b(5), or c(1) of section 23 of
9 such Act in order to facilitate the operation of a unified
10 self-sufficiency program for individuals receiving assist-
11 ance under different provisions of the Act, as determined
12 by the Secretary: *Provided further*, That owners of a pri-
13 vately owned multifamily property with a section 8 con-
14 tract may voluntarily make a Family Self-Sufficiency pro-
15 gram available to the assisted tenants of such property
16 in accordance with procedures established by the Sec-
17 retary: *Provided further*, That such procedures established
18 pursuant to the previous proviso shall permit participating
19 tenants to accrue escrow funds in accordance with section
20 23(d)(2) and shall allow owners to use funding from resid-
21 ual receipt accounts to hire coordinators for their own
22 Family Self-Sufficiency program.

23 NATIVE AMERICAN HOUSING BLOCK GRANTS

24 For the Native American Housing Block Grants pro-
25 gram, as authorized under title I of the Native American

1 Housing Assistance and Self-Determination Act of 1996
2 (NAHASDA) (25 U.S.C. 4111 et seq.), \$655,000,000, to
3 remain available until September 30, 2022: *Provided*,
4 That, notwithstanding NAHASDA, to determine the
5 amount of the allocation under title I of such Act for each
6 Indian tribe, the Secretary shall apply the formula under
7 section 302 of such Act with the need component based
8 on single-race census data and with the need component
9 based on multi-race census data, and the amount of the
10 allocation for each Indian tribe shall be the greater of the
11 two resulting allocation amounts: *Provided further*, That
12 of the amounts made available under this heading,
13 \$7,000,000 shall be for providing training and technical
14 assistance to Indian housing authorities and tribally des-
15 ignated housing entities, to support the inspection of In-
16 dian housing units, contract expertise, and for training
17 and technical assistance related to funding provided under
18 this heading and other headings under this Act for the
19 needs of Native American families and Indian country:
20 *Provided further*, That amounts made available under the
21 previous proviso may be used, contracted, or competed as
22 determined by the Secretary: *Provided further*, That of the
23 amount provided under this heading, \$2,000,000 shall be
24 made available for the cost of guaranteed notes and other
25 obligations, as authorized by title VI of NAHASDA: *Pro-*

1 *vided further*, That such costs, including the costs of modi-
2 fying such notes and other obligations, shall be as defined
3 in section 502 of the Congressional Budget Act of 1974,
4 as amended: *Provided further*, That these funds are avail-
5 able to subsidize the total principal amount of any notes
6 and other obligations, any part of which is to be guaran-
7 teed, not to exceed \$17,391,304: *Provided further*, That
8 the Department will notify grantees of their formula allo-
9 cation within 60 days of the date of enactment of this Act:
10 *Provided further*, That no Indian tribe shall receive an al-
11 location amount greater than 10 percent of the total
12 amount made available under this paragraph.

13 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
14 ACCOUNT

15 For the cost of guaranteed loans, as authorized by
16 section 184 of the Housing and Community Development
17 Act of 1992 (12 U.S.C. 1715z-13a), \$1,000,000, to re-
18 main available until expended: *Provided*, That such costs,
19 including the costs of modifying such loans, shall be as
20 defined in section 502 of the Congressional Budget Act
21 of 1974: *Provided further*, That these funds are available
22 to subsidize total loan principal, any part of which is to
23 be guaranteed, up to \$270,270,270, to remain available
24 until expended: *Provided further*, That up to \$750,000 of
25 this amount may be for administrative contract expenses

1 including management processes and systems to carry out
 2 the loan guarantee program.

3 NATIVE HAWAIIAN HOUSING BLOCK GRANT

4 For the Native Hawaiian Housing Block Grant pro-
 5 gram, as authorized under title VIII of the Native Amer-
 6 ican Housing Assistance and Self-Determination Act of
 7 1996 (25 U.S.C. 4111 et seq.), \$1,000,000 to remain
 8 available until September 30, 2019: *Provided*, That not-
 9 withstanding section 812(b) of such Act, the Department
 10 of Hawaiian Home Lands may not invest grant amounts
 11 provided under this heading in investment securities and
 12 other obligations: *Provided further*, That the language
 13 under the first proviso under the heading “Native Hawai-
 14 ian Housing Block Grant” in the Department of Housing
 15 and Urban Development Appropriations Act, 2015 (Public
 16 Law 113–235) is amended by striking “Hawaii-based”:
 17 *Provided further*, That amounts made available under this
 18 heading in this and prior fiscal years may be used to pro-
 19 vide rental assistance to eligible Native Hawaiian families
 20 both on and off the Hawaiian Home Lands, notwith-
 21 standing any other provision of law.

22 COMMUNITY PLANNING AND DEVELOPMENT

23 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

24 For carrying out the Housing Opportunities for Per-
 25 sons with AIDS program, as authorized by the AIDS

1 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
2 \$330,000,000, to remain available until September 30,
3 2019, except that amounts allocated pursuant to section
4 854(c)(5) of such Act shall remain available until Sep-
5 tember 30, 2020: *Provided*, That the Secretary shall renew
6 all expiring contracts for permanent supportive housing
7 that initially were funded under competitive grants from
8 funds made available under this heading in fiscal year
9 2010 and prior fiscal years that meet all program require-
10 ments before awarding funds for new contracts under sec-
11 tion 854(c)(5) of such Act: *Provided further*, That the De-
12 partment shall notify grantees of their formula allocation
13 within 60 days of enactment of this Act.

14 COMMUNITY DEVELOPMENT FUND

15 For assistance to units of State and local govern-
16 ment, and to other entities, for economic and community
17 development activities, and for other purposes,
18 \$3,060,000,000, to remain available until September 30,
19 2020, unless otherwise specified: *Provided*, That of the
20 total amount provided, \$3,000,000,000 is for carrying out
21 the community development block grant program under
22 title I of the Housing and Community Development Act
23 of 1974, as amended (“the Act” herein) (42 U.S.C. 5301
24 et seq.): *Provided further*, That unless explicitly provided
25 for under this heading, not to exceed 20 percent of any

1 grant made with funds appropriated under this heading
2 shall be expended for planning and management develop-
3 ment and administration: *Provided further*, That a metro-
4 politan city, urban county, unit of general local govern-
5 ment, Indian tribe, or insular area that directly or indi-
6 rectly receives funds under this heading may not sell,
7 trade, or otherwise transfer all or any portion of such
8 funds to another such entity in exchange for any other
9 funds, credits or non-Federal considerations, but must use
10 such funds for activities eligible under title I of the Act:
11 *Provided further*, That notwithstanding section 105(e)(1)
12 of the Act, no funds provided under this heading may be
13 provided to a for-profit entity for an economic develop-
14 ment project under section 105(a)(17) unless such project
15 has been evaluated and selected in accordance with guide-
16 lines required under subparagraph (e)(2): *Provided fur-*
17 *ther*, That the Department shall notify grantees of their
18 formula allocation within 60 days of enactment of this Act:
19 *Provided further*, That of the total amount provided under
20 this heading, \$60,000,000 shall be for grants to Indian
21 tribes notwithstanding section 106(a)(1) of such Act, of
22 which, notwithstanding any other provision of law (includ-
23 ing section 203 of this Act), up to \$4,000,000 may be
24 used for emergencies that constitute imminent threats to
25 health and safety.

1 *further*, That the Department shall notify grantees of their
2 formula allocation within 60 days of enactment of this Act.

3 SELF-HELP AND ASSISTED HOMEOWNERSHIP

4 OPPORTUNITY PROGRAM

5 For the Self-Help and Assisted Homeownership Op-
6 portunity Program, as authorized under section 11 of the
7 Housing Opportunity Program Extension Act of 1996, as
8 amended, \$50,000,000, to remain available until Sep-
9 tember 30, 2020: *Provided*, That of the total amount pro-
10 vided under this heading, \$10,000,000 shall be made
11 available to the Self-Help Homeownership Opportunity
12 Program as authorized under section 11 of the Housing
13 Opportunity Program Extension Act of 1996, as amended:
14 *Provided further*, That of the total amount provided under
15 this heading, \$35,000,000 shall be made available for the
16 second, third, and fourth capacity building activities au-
17 thorized under section 4(a) of the HUD Demonstration
18 Act of 1993 (42 U.S.C. 9816 note), of which not less than
19 \$5,000,000 shall be made available for rural capacity
20 building activities: *Provided further*, That of the total
21 amount provided under this heading, \$5,000,000 shall be
22 made available for capacity building by national rural
23 housing organizations with experience assessing national
24 rural conditions and providing financing, training, tech-
25 nical assistance, information, and research to local non-

1 profits, local governments, and Indian Tribes serving high
2 need rural communities: *Provided further*, That an addi-
3 tional \$4,000,000, to remain available until expended,
4 shall be for a program to rehabilitate and modify homes
5 of disabled or low-income veterans, as authorized under
6 section 1079 of Public Law 113–291.

7 HOMELESS ASSISTANCE GRANTS

8 For the Emergency Solutions Grants program as au-
9 thorized under subtitle B of title IV of the McKinney-
10 Vento Homeless Assistance Act, as amended; the Con-
11 tinuum of Care program as authorized under subtitle C
12 of title IV of such Act; and the Rural Housing Stability
13 Assistance program as authorized under subtitle D of title
14 IV of such Act, \$2,456,000,000, to remain available until
15 September 30, 2020: *Provided*, That any rental assistance
16 amounts that are recaptured under such Continuum of
17 Care program shall remain available until expended: *Pro-*
18 *vided further*, That not less than \$270,000,000 of the
19 funds appropriated under this heading shall be available
20 for such Emergency Solutions Grants program: *Provided*
21 *further*, That not less than \$2,099,000,000 of the funds
22 appropriated under this heading shall be available for such
23 Continuum of Care and Rural Housing Stability Assist-
24 ance programs: *Provided further*, That of the amounts
25 made available under this heading, up to \$25,000,000

1 shall be made available for grants for rapid re-housing
2 projects and supportive service projects providing coordi-
3 nated entry, and for eligible activities the Secretary deter-
4 mines to be critical in order to assist survivors of domestic
5 violence, dating violence, and stalking: *Provided further,*
6 That such projects shall be eligible for renewal under the
7 continuum of care program subject to the same terms and
8 conditions as other renewal applicants: *Provided further,*
9 That up to \$7,000,000 of the funds appropriated under
10 this heading shall be available for the national homeless
11 data analysis project: *Provided further,* That all funds
12 awarded for supportive services under the Continuum of
13 Care program and the Rural Housing Stability Assistance
14 program shall be matched by not less than 25 percent in
15 cash or in kind by each grantee: *Provided further,* That
16 for all match requirements applicable to funds made avail-
17 able under this heading for this fiscal year and prior years,
18 a grantee may use (or could have used) as a source of
19 match funds other funds administered by the Secretary
20 and other Federal agencies unless there is (or was) a spe-
21 cific statutory prohibition on any such use of any such
22 funds: *Provided further,* That the Secretary shall collect
23 system performance measures for each continuum of care,
24 and that relative to fiscal year 2015, under the Continuum
25 of Care competition with respect to funds made available

1 under this heading, the Secretary shall base an increasing
2 share of the score on performance criteria: *Provided fur-*
3 *ther*, That none of the funds provided under this heading
4 shall be available to provide funding for new projects, ex-
5 cept for projects created through reallocation, unless the
6 Secretary determines that the continuum of care has dem-
7 onstrated that projects are evaluated and ranked based
8 on the degree to which they improve the continuum of
9 care's system performance: *Provided further*, That the
10 Secretary shall prioritize funding under the Continuum of
11 Care program to continuums of care that have dem-
12 onstrated a capacity to reallocate funding from lower per-
13 forming projects to higher performing projects: *Provided*
14 *further*, That all awards of assistance under this heading
15 shall be required to coordinate and integrate homeless pro-
16 grams with other mainstream health, social services, and
17 employment programs for which homeless populations
18 may be eligible: *Provided further*, That any unobligated
19 amounts remaining from funds appropriated under this
20 heading in fiscal year 2012 and prior years for project-
21 based rental assistance for rehabilitation projects with 10-
22 year grant terms may be used for purposes under this
23 heading, notwithstanding the purposes for which such
24 funds were appropriated: *Provided further*, That all bal-
25 ances for Shelter Plus Care renewals previously funded

1 from the Shelter Plus Care Renewal account and trans-
2 ferred to this account shall be available, if recaptured, for
3 Continuum of Care renewals in fiscal year 2018: *Provided*
4 *further*, That the Department shall notify grantees of their
5 formula allocation from amounts allocated (which may
6 represent initial or final amounts allocated) for the Emer-
7 gency Solutions Grant program within 60 days of enact-
8 ment of this Act: *Provided further*, That up to
9 \$55,000,000 of the funds appropriated under this heading
10 shall be to implement projects to demonstrate how a com-
11 prehensive approach to serving homeless youth, age 24
12 and under, in up to 15 communities, including at least
13 five communities with substantial rural populations, can
14 dramatically reduce youth homelessness: *Provided further*,
15 That of the amount made available under the previous
16 proviso, up to \$5,000,000 shall be available to provide
17 technical assistance on youth homelessness, and collection,
18 analysis, and reporting of data and performance measures
19 under the comprehensive approaches to serve homeless
20 youth, in addition to and in coordination with other tech-
21 nical assistance funds provided under this title: *Provided*
22 *further*, That such projects shall be eligible for renewal
23 under the continuum of care program subject to the same
24 terms and conditions as other renewal applicants: *Pro-*
25 *vided further*, That youth aged 24 and under seeking as-

1 sistance under this heading shall not be required to pro-
2 vide third party documentation to establish their eligibility
3 under 42 U.S.C. 11302(a) or (b) to receive services: *Pro-*
4 *vided further*, That unaccompanied youth aged 24 and
5 under or families headed by youth aged 24 and under who
6 are living in unsafe situations may be served by youth-
7 serving providers funded under this heading.

8 HOUSING PROGRAMS

9 RENTAL ASSISTANCE DEMONSTRATION

10 For continuing activities under the heading “Rental
11 Assistance Demonstration” in the Department of Housing
12 and Urban Development Appropriations Act, 2012 (Public
13 Law 112–55), \$4,000,000, to remain available until Sep-
14 tember 30, 2021: *Provided*, That such funds shall only be
15 available to properties converting from assistance under
16 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
17 1701q(c)(2)).

18 PROJECT-BASED RENTAL ASSISTANCE

19 For activities and assistance for the provision of
20 project-based subsidy contracts under the United States
21 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
22 Act”), not otherwise provided for, \$11,107,000,000, to re-
23 main available until expended, shall be available on Octo-
24 ber 1, 2017 (in addition to the \$400,000,000 previously
25 appropriated under this heading that became available Oc-

1 tober 1, 2017), and \$400,000,000, to remain available
2 until expended, shall be available on October 1, 2018: *Pro-*
3 *vided*, That the amounts made available under this head-
4 ing shall be available for expiring or terminating section
5 8 project-based subsidy contracts (including section 8
6 moderate rehabilitation contracts), for amendments to sec-
7 tion 8 project-based subsidy contracts (including section
8 8 moderate rehabilitation contracts), for contracts entered
9 into pursuant to section 441 of the McKinney-Vento
10 Homeless Assistance Act (42 U.S.C. 11401), for renewal
11 of section 8 contracts for units in projects that are subject
12 to approved plans of action under the Emergency Low In-
13 come Housing Preservation Act of 1987 or the Low-In-
14 come Housing Preservation and Resident Homeownership
15 Act of 1990, and for administrative and other expenses
16 associated with project-based activities and assistance
17 funded under this paragraph: *Provided further*, That of
18 the total amounts provided under this heading, not to ex-
19 ceed \$285,000,000 shall be available for performance-
20 based contract administrators for section 8 project-based
21 assistance, for carrying out 42 U.S.C. 1437(f): *Provided*
22 *further*, That the Secretary of Housing and Urban Devel-
23 opment may also use such amounts in the previous proviso
24 for performance-based contract administrators for the ad-
25 ministration of: interest reduction payments pursuant to

1 section 236(a) of the National Housing Act (12 U.S.C.
2 1715z-1(a)); rent supplement payments pursuant to sec-
3 tion 101 of the Housing and Urban Development Act of
4 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assist-
5 ance payments (12 U.S.C. 1715z-1(f)(2)); project rental
6 assistance contracts for the elderly under section
7 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q);
8 project rental assistance contracts for supportive housing
9 for persons with disabilities under section 811(d)(2) of the
10 Cranston-Gonzalez National Affordable Housing Act (42
11 U.S.C. 8013(d)(2)); project assistance contracts pursuant
12 to section 202(h) of the Housing Act of 1959 (Public Law
13 86-372; 73 Stat. 667); and loans under section 202 of
14 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
15 667): *Provided further*, That amounts recaptured under
16 this heading, the heading “Annual Contributions for As-
17 sisted Housing”, or the heading “Housing Certificate
18 Fund”, may be used for renewals of or amendments to
19 section 8 project-based contracts or for performance-based
20 contract administrators, notwithstanding the purposes for
21 which such amounts were appropriated: *Provided further*,
22 That, notwithstanding any other provision of law, upon
23 the request of the Secretary of Housing and Urban Devel-
24 opment, project funds that are held in residual receipts
25 accounts for any project subject to a section 8 project-

1 based Housing Assistance Payments contract that author-
2 izes HUD or a Housing Finance Agency to require that
3 surplus project funds be deposited in an interest-bearing
4 residual receipts account and that are in excess of an
5 amount to be determined by the Secretary, shall be remit-
6 ted to the Department and deposited in this account, to
7 be available until expended: *Provided further*, That
8 amounts deposited pursuant to the previous proviso shall
9 be available in addition to the amount otherwise provided
10 by this heading for uses authorized under this heading.

11 HOUSING FOR THE ELDERLY

12 For amendments to capital advance contracts, for
13 housing for the elderly, as authorized by section 202 of
14 the Housing Act of 1959, as amended, and for project
15 rental assistance for the elderly under section 202(c)(2)
16 of such Act, including amendments to contracts for such
17 assistance and renewal of expiring contracts for such as-
18 sistance for up to a 1-year term, and for senior preserva-
19 tion rental assistance contracts, including renewals, as au-
20 thorized by section 811(e) of the American Housing and
21 Economic Opportunity Act of 2000, as amended, and for
22 supportive services associated with the housing,
23 \$573,000,000 to remain available until September 30,
24 2021: *Provided*, That of the amount provided under this
25 heading, up to \$90,000,000 shall be for service coordina-

1 tors and the continuation of existing congregate service
2 grants for residents of assisted housing projects: *Provided*
3 *further*, That amounts under this heading shall be avail-
4 able for Real Estate Assessment Center inspections and
5 inspection-related activities associated with section 202
6 projects: *Provided further*, That the Secretary may waive
7 the provisions of section 202 governing the terms and con-
8 ditions of project rental assistance, except that the initial
9 contract term for such assistance shall not exceed 5 years
10 in duration: *Provided further*, That upon request of the
11 Secretary of Housing and Urban Development, project
12 funds that are held in residual receipts accounts for any
13 project subject to a section 202 project rental assistance
14 contract, and that upon termination of such contract are
15 in excess of an amount to be determined by the Secretary,
16 shall be remitted to the Department and deposited in this
17 account, to be available until September 30, 2021: *Pro-*
18 *vided further*, That amounts deposited in this account pur-
19 suant to the previous proviso shall be available, in addition
20 to the amounts otherwise provided by this heading, for
21 amendments and renewals: *Provided further*, That unobli-
22 gated balances, including recaptures and carryover, re-
23 maining from funds transferred to or appropriated under
24 this heading shall be available for amendments and renew-

1 als notwithstanding the purposes for which such funds
2 originally were appropriated.

3 HOUSING FOR PERSONS WITH DISABILITIES

4 For amendments to capital advance contracts for
5 supportive housing for persons with disabilities, as author-
6 ized by section 811 of the Cranston-Gonzalez National Af-
7 fordable Housing Act (42 U.S.C. 8013), for project rental
8 assistance for supportive housing for persons with disabil-
9 ities under section 811(d)(2) of such Act, for project as-
10 sistance contracts pursuant to section 202(h) of the Hous-
11 ing Act of 1959 (Public Law 86–372; 73 Stat. 667), in-
12 cluding amendments to contracts for such assistance and
13 renewal of expiring contracts for such assistance for up
14 to a 1-year term, for project rental assistance to State
15 housing finance agencies and other appropriate entities,
16 as authorized under section 811(b)(3) of the Cranston-
17 Gonzalez National Housing Act, and for supportive serv-
18 ices associated with the housing for persons with disabil-
19 ities, as authorized by section 811(b)(1) of such Act,
20 \$147,00,000, to remain available until September 30,
21 2021: *Provided*, That amounts made available under this
22 heading shall be available for Real Estate Assessment
23 Center inspections and inspection-related activities associ-
24 ated with section 811 projects: *Provided further*, That, in
25 this fiscal year, upon the request of the Secretary of Hous-

1 ing and Urban Development, project funds that are held
2 in residual receipts accounts for any project subject to a
3 section 811 project rental assistance contract and that
4 upon termination of such contract are in excess of an
5 amount to be determined by the Secretary shall be remit-
6 ted to the Department and deposited in this account, to
7 be available until September 30, 2021: *Provided further*,
8 That amounts deposited in this account pursuant to the
9 previous proviso shall be available in addition to the
10 amounts otherwise provided by this heading for amend-
11 ments and renewals: *Provided further*, That unobligated
12 balances, including recaptures and carryover, remaining
13 from funds transferred to or appropriated under this
14 heading shall be used for amendments and renewals not-
15 withstanding the purposes for which such funds originally
16 were appropriated.

17 HOUSING COUNSELING ASSISTANCE

18 For contracts, grants, and other assistance excluding
19 loans, as authorized under section 106 of the Housing and
20 Urban Development Act of 1968, as amended,
21 \$47,000,000, to remain available until September 30,
22 2019, including up to \$4,500,000 for administrative con-
23 tract services: *Provided*, That grants made available from
24 amounts provided under this heading shall be awarded
25 within 180 days of enactment of this Act: *Provided further*,

1 That funds shall be used for providing counseling and ad-
2 vice to tenants and homeowners, both current and pro-
3 spective, with respect to property maintenance, financial
4 management or literacy, and such other matters as may
5 be appropriate to assist them in improving their housing
6 conditions, meeting their financial needs, and fulfilling the
7 responsibilities of tenancy or homeownership; for program
8 administration; and for housing counselor training: *Pro-*
9 *vided further*, That for purposes of providing such grants
10 from amounts provided under this heading, the Secretary
11 may enter into multiyear agreements, as appropriate, sub-
12 ject to the availability of annual appropriations.

13 RENTAL HOUSING ASSISTANCE

14 For amendments to contracts under section 101 of
15 the Housing and Urban Development Act of 1965 (12
16 U.S.C. 1701s) and section 236(f)(2) of the National
17 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-
18 insured rental housing projects, \$14,000,000, to remain
19 available until expended: *Provided*, That such amount, to-
20 gether with unobligated balances from recaptured
21 amounts appropriated prior to fiscal year 2006 from ter-
22 minated contracts under such sections of law, and any un-
23 obligated balances, including recaptures and carryover, re-
24 maining from funds appropriated under this heading after
25 fiscal year 2005, shall also be available for extensions of

1 up to one year for expiring contracts under such sections
2 of law.

3 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
4 FUND

5 For necessary expenses as authorized by the National
6 Manufactured Housing Construction and Safety Stand-
7 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
8 \$11,000,000, to remain available until expended, of which
9 \$11,000,000 is to be derived from the Manufactured
10 Housing Fees Trust Fund: *Provided*, That not to exceed
11 the total amount appropriated under this heading shall be
12 available from the general fund of the Treasury to the ex-
13 tent necessary to incur obligations and make expenditures
14 pending the receipt of collections to the Fund pursuant
15 to section 620 of such Act: *Provided further*, That the
16 amount made available under this heading from the gen-
17 eral fund shall be reduced as such collections are received
18 during fiscal year 2018 so as to result in a final fiscal
19 year 2018 appropriation from the general fund estimated
20 at zero, and fees pursuant to such section 620 shall be
21 modified as necessary to ensure such a final fiscal year
22 2018 appropriation: *Provided further*, That for the dispute
23 resolution and installation programs, the Secretary of
24 Housing and Urban Development may assess and collect
25 fees from any program participant: *Provided further*, That

1 such collections shall be deposited into the Fund, and the
2 Secretary, as provided herein, may use such collections,
3 as well as fees collected under section 620, for necessary
4 expenses of such Act: *Provided further*, That, notwith-
5 standing the requirements of section 620 of such Act, the
6 Secretary may carry out responsibilities of the Secretary
7 under such Act through the use of approved service pro-
8 viders that are paid directly by the recipients of their serv-
9 ices.

10 FEDERAL HOUSING ADMINISTRATION

11 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

12 New commitments to guarantee single family loans
13 insured under the Mutual Mortgage Insurance Fund shall
14 not exceed \$400,000,000,000, to remain available until
15 September 30, 2019: *Provided*, That during fiscal year
16 2018, obligations to make direct loans to carry out the
17 purposes of section 204(g) of the National Housing Act,
18 as amended, shall not exceed \$5,000,000: *Provided fur-*
19 *ther*, That the foregoing amount in the previous proviso
20 shall be for loans to nonprofit and governmental entities
21 in connection with sales of single family real properties
22 owned by the Secretary and formerly insured under the
23 Mutual Mortgage Insurance Fund: *Provided further*, That
24 for administrative contract expenses of the Federal Hous-
25 ing Administration, \$130,000,000, to remain available

1 until September 30, 2019: *Provided further*, That to the
2 extent guaranteed loan commitments exceed
3 \$200,000,000,000 on or before April 1, 2018, an addi-
4 tional \$1,400 for administrative contract expenses shall be
5 available for each \$1,000,000 in additional guaranteed
6 loan commitments (including a pro rata amount for any
7 amount below \$1,000,000), but in no case shall funds
8 made available by this proviso exceed \$30,000,000.

9 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

10 New commitments to guarantee loans insured under
11 the General and Special Risk Insurance Funds, as author-
12 ized by sections 238 and 519 of the National Housing Act
13 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
14 \$30,000,000,000 in total loan principal, any part of which
15 is to be guaranteed, to remain available until September
16 30, 2019: *Provided*, That during fiscal year 2018, gross
17 obligations for the principal amount of direct loans, as au-
18 thorized by sections 204(g), 207(l), 238, and 519(a) of
19 the National Housing Act, shall not exceed \$5,000,000,
20 which shall be for loans to nonprofit and governmental en-
21 tities in connection with the sale of single family real prop-
22 erties owned by the Secretary and formerly insured under
23 such Act.

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

4 New commitments to issue guarantees to carry out
5 the purposes of section 306 of the National Housing Act,
6 as amended (12 U.S.C. 1721(g)), shall not exceed
7 \$500,000,000,000, to remain available until September
8 30, 2019: *Provided*, That \$24,000,000 shall be available
9 for necessary salaries and expenses of the Office of Gov-
10 ernment National Mortgage Association: *Provided further*,
11 That to the extent that guaranteed loan commitments ex-
12 ceed \$155,000,000,000 on or before April 1, 2018, an ad-
13 ditional \$100 for necessary salaries and expenses shall be
14 available until expended for each \$1,000,000 in additional
15 guaranteed loan commitments (including a pro rata
16 amount for any amount below \$1,000,000), but in no case
17 shall funds made available by this proviso exceed
18 \$3,000,000: *Provided further*, That receipts from Commit-
19 ment and Multiclass fees collected pursuant to title III of
20 the National Housing Act, as amended, shall be credited
21 as offsetting collections to this account.

22 POLICY DEVELOPMENT AND RESEARCH
23 RESEARCH AND TECHNOLOGY

24 For contracts, grants, and necessary expenses of pro-
25 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized
2 by title V of the Housing and Urban Development Act
3 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
4 out the functions of the Secretary of Housing and Urban
5 Development under section 1(a)(1)(i) of Reorganization
6 Plan No. 2 of 1968, and for technical assistance,
7 \$85,000,000, to remain available until September 30,
8 2019: *Provided*, That with respect to amounts made avail-
9 able under this heading, notwithstanding section 203 of
10 this title, the Secretary may enter into cooperative agree-
11 ments funded with philanthropic entities, other Federal
12 agencies, State or local governments and their agencies,
13 or colleges or universities for research projects: *Provided*
14 *further*, That with respect to the previous proviso, such
15 partners to the cooperative agreements must contribute at
16 least a 50 percent match toward the cost of the project:
17 *Provided further*, That for non-competitive agreements en-
18 tered into in accordance with the previous two provisos,
19 the Secretary of Housing and Urban Development shall
20 comply with section 2(b) of the Federal Funding Account-
21 ability and Transparency Act of 2006 (Public Law 109-
22 282, 31 U.S.C. note) in lieu of compliance with section
23 102(a)(4)(C) with respect to documentation of award deci-
24 sions: *Provided further*, That prior to obligation of tech-
25 nical assistance funding, the Secretary shall submit a

1 plan, for approval, to the House and Senate Committees
2 on Appropriations on how it will allocate funding for this
3 activity: *Provided further*, That none of the funds provided
4 under this heading may be available for the doctoral dis-
5 sertation research grant program.

6 FAIR HOUSING AND EQUAL OPPORTUNITY

7 FAIR HOUSING ACTIVITIES

8 For contracts, grants, and other assistance, not oth-
9 erwise provided for, as authorized by title VIII of the Civil
10 Rights Act of 1968, as amended by the Fair Housing
11 Amendments Act of 1988, and section 561 of the Housing
12 and Community Development Act of 1987, as amended,
13 \$65,300,000, to remain available until September 30,
14 2019: *Provided*, That notwithstanding 31 U.S.C. 3302,
15 the Secretary may assess and collect fees to cover the costs
16 of the Fair Housing Training Academy, and may use such
17 funds to provide such training: *Provided further*, That no
18 funds made available under this heading shall be used to
19 lobby the executive or legislative branches of the Federal
20 Government in connection with a specific contract, grant,
21 or loan: *Provided further*, That of the funds made available
22 under this heading, \$300,000 shall be available to the Sec-
23 retary of Housing and Urban Development for the cre-
24 ation and promotion of translated materials and other pro-
25 grams that support the assistance of persons with limited

1 English proficiency in utilizing the services provided by
2 the Department of Housing and Urban Development.

3 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
4 HOMES
5 LEAD HAZARD REDUCTION

6 For the Lead Hazard Reduction Program, as author-
7 ized by section 1011 of the Residential Lead-Based Paint
8 Hazard Reduction Act of 1992, \$160,000,000, to remain
9 available until September 30, 2019, of which \$30,000,000
10 shall be for the Healthy Homes Initiative pursuant to sec-
11 tions 501 and 502 of the Housing and Urban Develop-
12 ment Act of 1970, that shall include research, studies,
13 testing, and demonstration efforts, including education
14 and outreach concerning lead-based paint poisoning and
15 other housing-related diseases and hazards: *Provided*,
16 That for purposes of environmental review, pursuant to
17 the National Environmental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.) and other provisions of the law that further
19 the purposes of such Act, a grant under the Healthy
20 Homes Initiative, or the Lead Technical Studies program
21 under this heading or under prior appropriations Acts for
22 such purposes under this heading, shall be considered to
23 be funds for a special project for purposes of section
24 305(e) of the Multifamily Housing Property Disposition
25 Reform Act of 1994: *Provided further*, That not less than

1 \$65,000,000 of the amounts made available under this
2 heading for the award of grants pursuant to section 1011
3 of the Residential Lead-Based Paint Hazard Reduction
4 Act of 1992 shall be provided to areas with the highest
5 lead-based paint abatement needs: *Provided further*, That
6 each applicant shall certify adequate capacity that is ac-
7 ceptable to the Secretary to carry out the proposed use
8 of funds pursuant to a notice of funding availability: *Pro-*
9 *vided further*, That amounts made available under this
10 heading in this or prior appropriations Acts, and that still
11 remain available, may be used for any purpose under this
12 heading notwithstanding the purpose for which such
13 amounts were appropriated if a program competition is
14 undersubscribed and there are other program competitions
15 under this heading that are oversubscribed.

16 INFORMATION TECHNOLOGY FUND

17 For the development of, modifications to, and infra-
18 structure for Department-wide and program-specific infor-
19 mation technology systems, for the continuing operation
20 and maintenance of both Department-wide and program-
21 specific information systems, and for program-related
22 maintenance activities, \$250,000,000, shall remain avail-
23 able until September 30, 2019: *Provided*, That any
24 amounts transferred to this Fund under this Act shall re-
25 main available until expended: *Provided further*, That any

1 amounts transferred to this Fund from amounts appro-
2 priated by previously enacted appropriations Acts may be
3 used for the purposes specified under this Fund, in addi-
4 tion to any other information technology purposes for
5 which such amounts were appropriated.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary salaries and expenses of the Office of
8 Inspector General in carrying out the Inspector General
9 Act of 1978, as amended, \$126,000,000: *Provided*, That
10 the Inspector General shall have independent authority
11 over all personnel issues within this office.

12 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
13 URBAN DEVELOPMENT

14 (INCLUDING TRANSFER OF FUNDS)

15 (INCLUDING RESCISSION)

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

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

9 SEC. 202. None of the amounts made available under
10 this Act may be used during fiscal year 2018 to investigate
11 or prosecute under the Fair Housing Act any otherwise
12 lawful activity engaged in by one or more persons, includ-
13 ing the filing or maintaining of a nonfrivolous legal action,
14 that is engaged in solely for the purpose of achieving or
15 preventing action by a Government official or entity, or
16 a court of competent jurisdiction.

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

23 SEC. 204. Funds of the Department of Housing and
24 Urban Development subject to the Government Corpora-
25 tion Control Act or section 402 of the Housing Act of

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

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

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

1 forth in the budget for 2018 for such corporation or agen-
2 cy except as hereinafter provided: *Provided*, That collec-
3 tions of these corporations and agencies may be used for
4 new loan or mortgage purchase commitments only to the
5 extent expressly provided for in this Act (unless such loans
6 are in support of other forms of assistance provided for
7 in this or prior appropriations Acts), except that this pro-
8 viso shall not apply to the mortgage insurance or guaranty
9 operations of these corporations, or where loans or mort-
10 gage purchases are necessary to protect the financial in-
11 terest of the United States Government.

12 SEC. 207. The Secretary of Housing and Urban De-
13 velopment shall provide quarterly reports to the House
14 and Senate Committees on Appropriations regarding all
15 uncommitted, unobligated, recaptured and excess funds in
16 each program and activity within the jurisdiction of the
17 Department and shall submit additional, updated budget
18 information to these Committees upon request.

19 SEC. 208. The President's formal budget request for
20 fiscal year 2019, as well as the Department of Housing
21 and Urban Development's congressional budget justifica-
22 tions to be submitted to the Committees on Appropriations
23 of the House of Representatives and the Senate, shall use
24 the identical account and sub-account structure provided
25 under this Act.

1 SEC. 209. No funds provided under this title may be
2 used for an audit of the Government National Mortgage
3 Association that makes applicable requirements under the
4 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

5 SEC. 210. (a) Notwithstanding any other provision
6 of law, subject to the conditions listed under this section,
7 for fiscal years 2018 and 2019, the Secretary of Housing
8 and Urban Development may authorize the transfer of
9 some or all project-based assistance, debt held or insured
10 by the Secretary and statutorily required low-income and
11 very low-income use restrictions if any, associated with one
12 or more multifamily housing project or projects to another
13 multifamily housing project or projects.

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

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

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

24 (A) For occupied units in the transferring
25 project: The number of low-income and very

1 low-income units and the configuration (i.e.,
2 bedroom size) provided by the transferring
3 project shall be no less than when transferred
4 to the receiving project or projects and the net
5 dollar amount of Federal assistance provided to
6 the transferring project shall remain the same
7 in the receiving project or projects.

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

16 (2) The transferring project shall, as deter-
17 mined by the Secretary, be either physically obsolete
18 or economically nonviable.

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

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

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

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

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

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

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

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

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

11 (d) For purposes of this section—

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

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

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

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

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959, as amended
3 by section 801 of the Cranston-Gonzales Na-
4 tional Affordable Housing Act;

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

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

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

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

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

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

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

1 (D) interest reduction payments under sec-
2 tion 236 and/or additional assistance payments
3 under section 236(f)(2) of the National Hous-
4 ing Act;

5 (E) assistance payments made under sec-
6 tion 202(c)(2) of the Housing Act of 1959; and

7 (F) assistance payments made under sec-
8 tion 811(d)(2) of the Cranston-Gonzalez Na-
9 tional Affordable Housing Act;

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

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

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

23 (e) RESEARCH REPORT.—The Secretary shall con-
24 duct an evaluation of the transfer authority under this sec-
25 tion, including the effect of such transfers on the oper-

1 ational efficiency, contract rents, physical and financial
2 conditions, and long-term preservation of the affected
3 properties.

4 SEC. 211. (a) No assistance shall be provided under
5 section 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f) to any individual who—

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

11 (2) is under 24 years of age;

12 (3) is not a veteran;

13 (4) is unmarried;

14 (5) does not have a dependent child;

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

20 (7) is not a youth who left foster care at age
21 14 or older and is at risk of becoming homeless; and

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

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

12 SEC. 212. The funds made available for Native Alas-
13 kans under the heading “Native American Housing Block
14 Grants” in title II of this Act shall be allocated to the
15 same Native Alaskan housing block grant recipients that
16 received funds in fiscal year 2005.

17 SEC. 213. Notwithstanding the limitation in the first
18 sentence of section 255(g) of the National Housing Act
19 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and
20 Urban Development may, until September 30, 2018, in-
21 sure and enter into commitments to insure mortgages
22 under such section 255 only to the extent that the net
23 credit subsidy cost for such insurance does not exceed
24 zero.

1 SEC. 214. Notwithstanding any other provision of
2 law, in fiscal year 2018, in managing and disposing of any
3 multifamily property that is owned or has a mortgage held
4 by the Secretary of Housing and Urban Development, and
5 during the process of foreclosure on any property with a
6 contract for rental assistance payments under section 8
7 of the United States Housing Act of 1937 or other Fed-
8 eral programs, the Secretary shall maintain any rental as-
9 sistance payments under section 8 of the United States
10 Housing Act of 1937 and other programs that are at-
11 tached to any dwelling units in the property. To the extent
12 the Secretary determines, in consultation with the tenants
13 and the local government, that such a multifamily prop-
14 erty owned or held by the Secretary is not feasible for con-
15 tinued rental assistance payments under such section 8
16 or other programs, based on consideration of (1) the costs
17 of rehabilitating and operating the property and all avail-
18 able Federal, State, and local resources, including rent ad-
19 justments under section 524 of the Multifamily Assisted
20 Housing Reform and Affordability Act of 1997
21 (“MAHRAA”) and (2) environmental conditions that can-
22 not be remedied in a cost-effective fashion, the Secretary
23 may, in consultation with the tenants of that property,
24 contract for project-based rental assistance payments with
25 an owner or owners of other existing housing properties,

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

13 SEC. 215. The commitment authority funded by fees
14 as provided under the heading “Community Development
15 Loan Guarantees Program Account” may be used to guar-
16 antee, or make commitments to guarantee, notes, or other
17 obligations issued by any State on behalf of non-entitle-
18 ment communities in the State in accordance with the re-
19 quirements of section 108 of the Housing and Community
20 Development Act of 1974: *Provided*, That any State re-
21 ceiving such a guarantee or commitment shall distribute
22 all funds subject to such guarantee to the units of general
23 local government in non-entitlement areas that received
24 the commitment.

1 SEC. 216. Public housing agencies that own and oper-
2 ate 400 or fewer public housing units may elect to be ex-
3 empt from any asset management requirement imposed by
4 the Secretary of Housing and Urban Development in con-
5 nection with the operating fund rule: *Provided*, That an
6 agency seeking a discontinuance of a reduction of subsidy
7 under the operating fund formula shall not be exempt
8 from asset management requirements.

9 SEC. 217. With respect to the use of amounts pro-
10 vided in this Act and in future Acts for the operation, cap-
11 ital improvement and management of public housing as
12 authorized by sections 9(d) and 9(e) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
14 Secretary shall not impose any requirement or guideline
15 relating to asset management that restricts or limits in
16 any way the use of capital funds for central office costs
17 pursuant to section 9(g)(1) or 9(g)(2) of the United States
18 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
19 *vided*, That a public housing agency may not use capital
20 funds authorized under section 9(d) for activities that are
21 eligible under section 9(e) for assistance with amounts
22 from the operating fund in excess of the amounts per-
23 mitted under section 9(g)(1) or 9(g)(2).

24 SEC. 218. No official or employee of the Department
25 of Housing and Urban Development shall be designated

1 as an allotment holder unless the Office of the Chief Fi-
2 nancial Officer has determined that such allotment holder
3 has implemented an adequate system of funds control and
4 has received training in funds control procedures and di-
5 rectives. The Chief Financial Officer shall ensure that
6 there is a trained allotment holder for each HUD sub-
7 office under the accounts “Executive Offices” and “Ad-
8 ministrative Support Offices,” as well as each account re-
9 ceiving appropriations for “Program Office Salaries and
10 Expenses”, “Government National Mortgage Associa-
11 tion—Guarantees of Mortgage-Backed Securities Loan
12 Guarantee Program Account”, and “Office of Inspector
13 General” within the Department of Housing and Urban
14 Development.

15 SEC. 219. The Secretary of the Department of Hous-
16 ing and Urban Development shall, for fiscal year 2018,
17 notify the public through the Federal Register and other
18 means, as determined appropriate, of the issuance of a no-
19 tice of the availability of assistance or notice of funding
20 availability (NOFA) for any program or discretionary
21 fund administered by the Secretary that is to be competi-
22 tively awarded. Notwithstanding any other provision of
23 law, for fiscal year 2018, the Secretary may make the
24 NOFA available only on the Internet at the appropriate

1 Government web site or through other electronic media,
2 as determined by the Secretary.

3 SEC. 220. Payment of attorney fees in program-re-
4 lated litigation shall be paid from the individual program
5 office and Office of General Counsel salaries and expenses
6 appropriations. The annual budget submission for the pro-
7 gram offices and the Office of General Counsel shall in-
8 clude any such projected litigation costs for attorney fees
9 as a separate line item request. No funds provided in this
10 title may be used to pay any such litigation costs for attor-
11 ney fees until the Department submits for review a spend-
12 ing plan for such costs to the House and Senate Commit-
13 tees on Appropriations.

14 SEC. 221. The Secretary is authorized to transfer up
15 to 10 percent or \$5,000,000, whichever is less, of funds
16 appropriated for any office under the heading “Adminis-
17 trative Support Offices” or for any account under the gen-
18 eral heading “Program Office Salaries and Expenses” to
19 any other such office or account: *Provided*, That no appro-
20 priation for any such office or account shall be increased
21 or decreased by more than 10 percent or \$5,000,000,
22 whichever is less, without prior written approval of the
23 House and Senate Committees on Appropriations: *Pro-*
24 *vided further*, That the Secretary shall provide notification
25 to such Committees three business days in advance of any

1 such transfers under this section up to 10 percent or
2 \$5,000,000, whichever is less.

3 SEC. 222. (a) Any entity receiving housing assistance
4 payments shall maintain decent, safe, and sanitary condi-
5 tions, as determined by the Secretary of Housing and
6 Urban Development (in this section referred to as the
7 “Secretary”), and comply with any standards under appli-
8 cable State or local laws, rules, ordinances, or regulations
9 relating to the physical condition of any property covered
10 under a housing assistance payment contract.

11 (b) The Secretary shall take action under subsection
12 (c) when a multifamily housing project with a section 8
13 contract or contract for similar project-based assistance—

14 (1) receives a Uniform Physical Condition
15 Standards (UPCS) score of 60 or less; or

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

20 Such requirements shall apply to insured and noninsured
21 projects with assistance attached to the units under sec-
22 tion 8 of the United States Housing Act of 1937 (42
23 U.S.C. 1437f), but do not apply to such units assisted
24 under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to
25 public housing units assisted with capital or operating

1 funds under section 9 of the United States Housing Act
2 of 1937 (42 U.S.C. 1437g).

3 (c)(1) Within 15 days of the issuance of the REAC
4 inspection, the Secretary must provide the owner with a
5 Notice of Default with a specified timetable, determined
6 by the Secretary, for correcting all deficiencies. The Sec-
7 retary must also provide a copy of the Notice of Default
8 to the tenants, the local government, any mortgagees, and
9 any contract administrator. If the owner's appeal results
10 in a UPCS score of 60 or above, the Secretary may with-
11 draw the Notice of Default. Thirty days following the
12 issuance of a Notice of Default for failure to provide de-
13 cent, safe and sanitary conditions or notice of violation
14 of a regulatory agreement for failure to maintain a prop-
15 erty in accordance with HUD regulations, and when a
16 physical inspection score underlying such notices has not
17 been successfully appealed, the project owner shall pay to
18 residents occupying units 25 percent of the HUD contract
19 rent for such unit each month until owner has certified
20 to HUD that the project has been restored to decent, safe
21 and sanitary condition. These payments cannot be made
22 from Federal funds including housing assistance payments
23 by HUD. Projects exempted from this provision are those
24 under a HUD-approved corrective action plan of a third
25 party sale. Owners shall post in the management office

1 all notices of violation and-or default by HUD, owner's
2 HUD-approved corrective action plan and owners certifi-
3 cation that the property is decent, safe and sanitary. This
4 creates a private right of action limited to enforcing pay-
5 ment of 25 percent of HUD contract rent for residents
6 of these properties.

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

10 (A) require immediate replacement of project
11 management with a management agent approved by
12 the Secretary;

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

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

21 (D) pursue transfer of the project to an owner,
22 approved by the Secretary under established proce-
23 dures, which will be obligated to promptly make all
24 required repairs and to accept renewal of the assist-
25 ance contract as long as such renewal is offered;

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

3 (F) pursue exclusionary sanctions, including
4 suspensions or debarments from Federal programs;

5 (G) seek judicial appointment of a receiver to
6 manage the property and cure all project deficiencies
7 or seek a judicial order of specific performance re-
8 quiring the owner to cure all project deficiencies;

9 (H) work with the owner, lender, or other re-
10 lated party to stabilize the property in an attempt
11 to preserve the property through compliance, trans-
12 fer of ownership, or an infusion of capital provided
13 by a third-party that requires time to effectuate; or

14 (I) take any other regulatory or contractual
15 remedies available as deemed necessary and appro-
16 priate by the Secretary.

17 (3) For purposes of this section and notwithstanding
18 any provision of law, the amount of the civil money pen-
19 alties under paragraph (2) shall be the higher of one per-
20 cent of the housing assistance payment contract budget
21 authority for such project or the applicable civil money
22 penalty under current law.

23 (d) The Secretary shall also take appropriate steps
24 to ensure that project-based contracts remain in effect,
25 subject to the exercise of contractual abatement remedies

1 to assist relocation of tenants for major threats to health
2 and safety after written notice to the affected tenants. To
3 the extent the Secretary determines, in consultation with
4 the tenants and the local government, that the property
5 is not feasible for continued rental assistance payments
6 under such section 8 or other programs, based on consid-
7 eration of—

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

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

19 (e) The Secretary shall report quarterly on all prop-
20 erties covered by this section that are assessed through
21 the Real Estate Assessment Center and have UPCS phys-
22 ical inspection scores of less than 60 or have received an
23 unsatisfactory management and occupancy review within
24 the past 36 months. The report shall include—

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

6 (2) actions that the Department of Housing
7 and Urban Development is taking to protect tenants
8 of such identified properties; and

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

13 This report shall be due to the Senate and House Commit-
14 tees on Appropriations no later than 30 days after the
15 enactment of this Act, and on the first business day of
16 each Federal fiscal year quarter thereafter while this sec-
17 tion remains in effect. For each day after the due dates
18 herein that this report has not been submitted to such
19 Committees, the appropriations under this title for the
20 “Executive Offices” account, the “Housing” account, and
21 for the Office of the Chief Financial Officer under the
22 “Administrative Support Offices” account shall each be
23 reduced by \$50,000.

24 SEC. 223. None of the funds made available by this
25 Act, or any other Act, for purposes authorized under sec-

1 tion 8 (only with respect to the tenant-based rental assist-
2 ance program) and section 9 of the United States Housing
3 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
4 any public housing agency for any amount of salary, in-
5 cluding bonuses, for the chief executive officer of which,
6 or any other official or employee of which, that exceeds
7 the annual rate of basic pay payable for a position at level
8 IV of the Executive Schedule at any time during any pub-
9 lic housing agency fiscal year 2018.

10 SEC. 224. Section 24 of the United States Housing
11 Act of 1937 (42 U.S.C. 1437v) is amended—

12 (1) in subsection (m)(1), by striking “fiscal
13 year” and all that follows through the period at the
14 end and inserting “fiscal year 2018.”; and

15 (2) in subsection (o), by striking “September”
16 and all that follows through the period at the end
17 and inserting “September 30, 2018.”.

18 SEC. 225. None of the funds in this Act provided to
19 the Department of Housing and Urban Development may
20 be used to make a grant award unless the Secretary noti-
21 fies the House and Senate Committees on Appropriations
22 not less than 3 full business days before any project,
23 State, locality, housing authority, tribe, nonprofit organi-
24 zation, or other entity selected to receive a grant award
25 is announced by the Department or its offices.

1 SEC. 226. None of the funds made available by this
2 Act may be used to require or enforce the Physical Needs
3 Assessment (PNA).

4 SEC. 227. None of the funds made available in this
5 Act shall be used by the Federal Housing Administration,
6 the Government National Mortgage Administration, or the
7 Department of Housing and Urban Development to in-
8 sure, securitize, or establish a Federal guarantee of any
9 mortgage or mortgage backed security that refinances or
10 otherwise replaces a mortgage that has been subject to
11 eminent domain condemnation or seizure, by a State, mu-
12 nicipality, or any other political subdivision of a State.

13 SEC. 228. None of the funds made available by this
14 Act may be used to terminate the status of a unit of gen-
15 eral local government as a metropolitan city (as defined
16 in section 102 of the Housing and Community Develop-
17 ment Act of 1974 (42 U.S.C. 5302)) with respect to
18 grants under section 106 of such Act (42 U.S.C. 5306).

19 SEC. 229. Amounts made available under this Act
20 which are either appropriated, allocated, advanced on a
21 reimbursable basis, or transferred to the Office of Policy
22 Development and Research in the Department of Housing
23 and Urban Development and functions thereof, for re-
24 search, evaluation, or statistical purposes, and which are
25 unexpended at the time of completion of a contract, grant,

1 or cooperative agreement, may be deobligated and shall
2 immediately become available and may be reobligated in
3 that fiscal year or the subsequent fiscal year for the re-
4 search, evaluation, or statistical purposes for which the
5 amounts are made available to that Office subject to re-
6 programming requirements in section 405 of this Act.

7 SEC. 230. None of the funds provided in this Act or
8 any other act may be used for awards, including perform-
9 ance, special act, or spot, for any employee of the Depart-
10 ment of Housing and Urban Development who has been
11 subject to administrative discipline in fiscal years 2017 or
12 2018, including suspension from work.

13 SEC. 231. Funds made available in this title under
14 the heading “Homeless Assistance Grants” may be used
15 by the Secretary to participate in Performance Partner-
16 ship Pilots authorized under section 526 of division H of
17 Public Law 113–76, section 524 of division G of Public
18 Law 113–235, section 525 of division H of Public Law
19 114–113, and such authorities as are enacted for Perform-
20 ance Partnership Pilots in an appropriations Act for fiscal
21 year 2018: *Provided*, That such participation shall be lim-
22 ited to no more than 10 continuums of care and housing
23 activities to improve outcomes for disconnected youth.

24 SEC. 232. With respect to grant amounts awarded
25 under the heading “Homeless Assistance Grants” for fis-

1 cal years 2015, 2016, 2017, and 2018 for the continuum
2 of care (CoC) program as authorized under subtitle C of
3 title IV of the McKinney-Vento Homeless Assistance Act,
4 costs paid by program income of grant recipients may
5 count toward meeting the recipient's matching require-
6 ments, provided the costs are eligible CoC costs that sup-
7 plement the recipient's CoC program.

8 SEC. 233. (a) From amounts made available under
9 this title under the heading "Homeless Assistance
10 Grants", the Secretary may award 1-year transition
11 grants to recipients of funds for activities under subtitle
12 C of the McKinney-Vento Homeless Assistance Act (42
13 U.S.C. 11381 et seq.) to transition from one CoC program
14 component to another.

15 (b) No more than 50 percent of each transition grant
16 may be used for costs of eligible activities of the program
17 component originally funded.

18 (c) Transition grants made under this section are eli-
19 gible for renewal in subsequent fiscal years for the eligible
20 activities of the new program component.

21 (d) In order to be eligible to receive a transition
22 grant, the funding recipient must have the consent of the
23 CoC and meet standards determined by the Secretary.

24 SEC. 234. Section 218(g) of the Cranston-Gonzalez
25 National Affordable Housing Act (42 U.S.C. 12748(g))

1 shall not apply with respect to the right of a jurisdiction
2 to draw funds from its HOME Investment Trust Fund
3 that otherwise expired or would expire in 2016, 2017,
4 2018, 2019, or 2020 under that section.

5 SEC. 235. None of the funds made available by this
6 Act may be used by the Department of Housing and
7 Urban Development to direct a grantee to undertake spe-
8 cific changes to existing zoning laws as part of carrying
9 out the final rule entitled “Affirmatively Furthering Fair
10 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
11 notice entitled “Affirmatively Furthering Fair Housing
12 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
13 2014)).

14 SEC. 236. The language under the heading “Rental
15 Assistance Demonstration” in the Department of Housing
16 and Urban Development Appropriations Act, 2012 (Public
17 Law 112–55), as amended by Public Law 113–76, Public
18 Law 113–235, Public Law 114–113, and Public Law 115–
19 31, is amended—

20 (1) in the second proviso, by striking “until
21 September 30, 2018” and inserting “for fiscal year
22 2012 and thereafter”;

23 (2) in matter preceding the first proviso, by in-
24 serting the following before the colon: “(herein the
25 ‘First Component’)”;

1 (3) by striking the fourth proviso;

2 (4) in the thirteenth proviso, as reordered
3 above, by—

4 (A) inserting “or nonprofit” before “entity,
5 then a capable entity,”; and

6 (B) striking “preserves its interest” and
7 inserting “or a nonprofit entity preserves an in-
8 terest”;

9 (5) in the seventeenth proviso, as reordered
10 above, by—

11 (A) inserting “or with a project rental as-
12 sistance contract under section 202(c)(2) of the
13 Housing Act of 1959,” after “section 8(o) of
14 the Act,”;

15 (B) inserting “the subordination, restruc-
16 turing, or both, of any mortgage or other agree-
17 ments securing a capital advance previously
18 provided by the Secretary under section
19 202(c)(1) of the Housing Act of 1959 in con-
20 nection with the conversion of assistance,” fol-
21 lowing “including but not limited to”;

22 (C) inserting “or assistance contracts”
23 after “for such vouchers”; and

24 (D) inserting the following before the
25 colon: “(herein the ‘Second Component’)”;

1 (6) by inserting the following provisos after the
2 seventeenth proviso, as reordered above:

3 “ *Provided further*, That contracts provided to properties
4 converting assistance from section 101 of the Housing and
5 Urban Development Act of 1965 or section 236(f)(2) of
6 the National Housing Act located in high-cost areas shall
7 have initial rents set at comparable market rents for the
8 market area: *Provided further*, That conversions of assist-
9 ance under the Second Component may not be the basis
10 for re-screening or termination of assistance or eviction
11 of any tenant family in a property participating in the
12 demonstration and such a family shall not be considered
13 a new admission for any purpose, including compliance
14 with income targeting.”;

15 (7) in the twentieth proviso, as reordered above,
16 by striking “the previous proviso” and all that fol-
17 lows through the end of the proviso and inserting
18 “the Second Component shall be available for
19 project-based subsidy contracts entered into pursu-
20 ant to the Second Component.”;

21 (8) in the twenty-first proviso, as reordered
22 above, by striking “the previous two provisos” and
23 inserting “the Second Component, except for conver-
24 sion of section 202 project rental assistance con-
25 tracts.”;

1 (9) in the twenty-second proviso, as reordered
2 above, by striking “the three previous provisos” and
3 inserting “the Second Component, except for conver-
4 sion of section 202 project rental assistance con-
5 tracts,”;

6 (10) by inserting the following proviso before
7 the final proviso:

8 “ *Provided further*, That the Secretary may transfer
9 amounts made available under the headings ‘Housing for
10 the Elderly’ and ‘Rental Assistance Demonstration’ to the
11 accounts under the headings ‘Project-Based Rental Assist-
12 ance’ or ‘Tenant-Based Rental Assistance’ to facilitate any
13 section 202 project rental assistance contract conversion
14 under the Second Component, and any increase in cost
15 for ‘Project-Based Rental Assistance’ or ‘Tenant-Based
16 Rental Assistance’ associated with such conversion shall
17 be equal to amounts so transferred:”; and

18 (11) in the final proviso, by striking “the pre-
19 vious four provisos” and inserting “the Second Com-
20 ponent”.

21 SEC. 237. None of the funds made available under
22 this Act may be used to interfere with State and local in-
23 spections of public housing dwelling units.

24 SEC. 238. The Promise Zone designations and Prom-
25 ise Zone Designation Agreements entered into pursuant

1 to such designations, made by the Secretary of Housing
2 and Urban Development in prior fiscal years, shall remain
3 in effect in accordance with the terms and conditions of
4 such agreements.

5 This title may be cited as the “Department of Hous-
6 ing and Urban Development Appropriations Act, 2018”.

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

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$8,190,000: *Provided*, That, notwithstanding
8 any other provision of law, there may be credited to this
9 appropriation funds received for publications and training
10 expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
16 cluding services as authorized by 5 U.S.C. 3109; hire of
17 passenger motor vehicles as authorized by 31 U.S.C.
18 1343(b); and uniforms or allowances therefore, as author-
19 ized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That
20 not to exceed \$2,000 shall be available for official recep-
21 tion and representation expenses.

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

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978, as amended, \$23,274,000: *Provided*, That the In-
8 spector General shall have all necessary authority, in car-
9 rying out the duties specified in the Inspector General Act,
10 as amended (5 U.S.C. App. 3), to investigate allegations
11 of fraud, including false statements to the government (18
12 U.S.C. 1001), by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the Corporation: *Pro-*

1 *vided further*, That concurrent with the President's budget
2 request for fiscal year 2019, the Inspector General shall
3 submit to the House and Senate Committees on Appro-
4 priations a budget request for fiscal year 2019 in similar
5 format and substance to those submitted by executive
6 agencies of the Federal Government.

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Transpor-
10 tation Safety Board, including hire of passenger motor ve-
11 hicles and aircraft; services as authorized by 5 U.S.C.
12 3109, but at rates for individuals not to exceed the per
13 diem rate equivalent to the rate for a GS-15; uniforms,
14 or allowances therefor, as authorized by law (5 U.S.C.
15 5901-5902), \$110,400,000, of which not to exceed \$2,000
16 may be used for official reception and representation ex-
17 penses. The amounts made available to the National
18 Transportation Safety Board in this Act include amounts
19 necessary to make lease payments on an obligation in-
20 curred in fiscal year 2001 for a capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
 2 tion Act (42 U.S.C. 8101–8107), \$140,000,000, of which
 3 \$5,000,000 shall be for a multi-family rental housing pro-
 4 gram.

5 SURFACE TRANSPORTATION BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the Surface Transpor-
 8 tation Board, including services authorized by 5 U.S.C.
 9 3109, \$37,100,000: *Provided*, That notwithstanding any
 10 other provision of law, not to exceed \$1,250,000 from fees
 11 established by the Chairman of the Surface Transpor-
 12 tation Board shall be credited to this appropriation as off-
 13 setting collections and used for necessary and authorized
 14 expenses under this heading: *Provided further*, That the
 15 sum herein appropriated from the general fund shall be
 16 reduced on a dollar-for-dollar basis as such offsetting col-
 17 lections are received during fiscal year 2018, to result in
 18 a final appropriation from the general fund estimated at
 19 no more than \$35,850,000.

20 UNITED STATES INTERAGENCY COUNCIL ON

21 HOMELESSNESS

22 OPERATING EXPENSES

23 For necessary expenses (including payment of sala-
 24 ries, authorized travel, hire of passenger motor vehicles,
 25 the rental of conference rooms, and the employment of ex-

1 SEC. 403. The expenditure of any appropriation
2 under this Act for any consulting service through a pro-
3 curement contract pursuant to section 3109 of title 5,
4 United States Code, shall be limited to those contracts
5 where such expenditures are a matter of public record and
6 available for public inspection, except where otherwise pro-
7 vided under existing law, or under existing Executive order
8 issued pursuant to existing law.

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

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

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

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

21 (4) contains any methods or content associated
22 with religious or quasi-religious belief systems or
23 “new age” belief systems as defined in Equal Em-
24 ployment Opportunity Commission Notice N-
25 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

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

7 SEC. 405. Except as otherwise provided in this Act,
8 none of the funds provided in this Act, provided by pre-
9 vious appropriations Acts to the agencies or entities fund-
10 ed in this Act that remain available for obligation or ex-
11 penditure in fiscal year 2018, or provided from any ac-
12 counts in the Treasury derived by the collection of fees
13 and available to the agencies funded by this Act, shall be
14 available for obligation or expenditure through a re-
15 programming of funds that—

16 (1) creates a new program;

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

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

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

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

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

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

23 (A) a table for each appropriation with a
24 separate column to display the prior year en-
25 acted level, the President's budget request, ad-

1 justments made by Congress, adjustments due
2 to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

4 (B) a delineation in the table for each ap-
5 propriation and its respective prior year enacted
6 level by object class and program, project, and
7 activity as detailed in the budget appendix for
8 the respective appropriation; and

9 (C) an identification of items of special
10 congressional interest.

11 SEC. 406. Except as otherwise specifically provided
12 by law, not to exceed 50 percent of unobligated balances
13 remaining available at the end of fiscal year 2018 from
14 appropriations made available for salaries and expenses
15 for fiscal year 2018 in this Act, shall remain available
16 through September 30, 2019, for each such account for
17 the purposes authorized: *Provided*, That a request shall
18 be submitted to the House and Senate Committees on Ap-
19 propriations for approval prior to the expenditure of such
20 funds: *Provided further*, That these requests shall be made
21 in compliance with reprogramming guidelines under sec-
22 tion 405 of this Act.

23 SEC. 407. No funds in this Act may be used to sup-
24 port any Federal, State, or local projects that seek to use
25 the power of eminent domain, unless eminent domain is

1 employed only for a public use: *Provided*, That for pur-
2 poses of this section, public use shall not be construed to
3 include economic development that primarily benefits pri-
4 vate entities: *Provided further*, That any use of funds for
5 mass transit, railroad, airport, seaport or highway
6 projects, as well as utility projects which benefit or serve
7 the general public (including energy-related, communica-
8 tion-related, water-related and wastewater-related infra-
9 structure), other structures designated for use by the gen-
10 eral public or which have other common-carrier or public-
11 utility functions that serve the general public and are sub-
12 ject to regulation and oversight by the government, and
13 projects for the removal of an immediate threat to public
14 health and safety or brownfields as defined in the Small
15 Business Liability Relief and Brownfields Revitalization
16 Act (Public Law 107–118) shall be considered a public
17 use for purposes of eminent domain.

18 SEC. 408. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government, except
21 pursuant to a transfer made by, or transfer authority pro-
22 vided in, this Act or any other appropriations Act.

23 SEC. 409. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any person
25 filling a position, other than a temporary position, for-

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

11 SEC. 410. No funds appropriated pursuant to this
12 Act may be expended by an entity unless the entity agrees
13 that in expending the assistance the entity will comply
14 with sections 2 through 4 of the Act of March 3, 1933
15 (41 U.S.C. 8301–8305, popularly known as the “Buy
16 American Act”).

17 SEC. 411. No funds appropriated or otherwise made
18 available under this Act shall be made available to any
19 person or entity that has been convicted of violating the
20 Buy American Act (41 U.S.C. 8301–8305).

21 SEC. 412. None of the funds made available in this
22 Act may be used for first-class airline accommodations in
23 contravention of sections 301–10.122 and 301–10.123 of
24 title 41, Code of Federal Regulations.

1 SEC. 413. (a) None of the funds made available by
2 this Act may be used to approve a new foreign air carrier
3 permit under sections 41301 through 41305 of title 49,
4 United States Code, or exemption application under sec-
5 tion 40109 of that title of an air carrier already holding
6 an air operators certificate issued by a country that is
7 party to the U.S.-E.U.-Iceland-Norway Air Transport
8 Agreement where such approval would contravene United
9 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
10 way Air Transport Agreement.

11 (b) Nothing in this section shall prohibit, restrict or
12 otherwise preclude the Secretary of Transportation from
13 granting a foreign air carrier permit or an exemption to
14 such an air carrier where such authorization is consistent
15 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
16 ment and United States law.

17 SEC. 414. None of the funds made available in this
18 Act may be used to send or otherwise pay for the attend-
19 ance of more than 50 employees of a single agency or de-
20 partment of the United States Government, who are sta-
21 tioned in the United States, at any single international
22 conference unless the relevant Secretary reports to the
23 House and Senate Committees on Appropriations at least
24 5 days in advance that such attendance is important to
25 the national interest: *Provided*, That for purposes of this

1 section the term “international conference” shall mean a
2 conference occurring outside of the United States attended
3 by representatives of the United States Government and
4 of foreign governments, international organizations, or
5 nongovernmental organizations.

6 SEC. 415. None of the funds made available by this
7 Act may be used by the Department of Transportation,
8 the Department of Housing and Urban Development, or
9 any other Federal agency to lease or purchase new light
10 duty vehicles for any executive fleet, or for an agency’s
11 fleet inventory, except in accordance with Presidential
12 Memorandum—Federal Fleet Performance, dated May
13 24, 2011.

14 SEC. 416. None of the funds appropriated or other-
15 wise made available under this Act may be used by the
16 Surface Transportation Board to charge or collect any fil-
17 ing fee for rate or practice complaints filed with the Board
18 in an amount in excess of the amount authorized for dis-
19 trict court civil suit filing fees under section 1914 of title
20 28, United States Code.

21 SEC. 417. None of the funds in this Act shall be used
22 to plan, design, or implement the privatization of the air
23 traffic organization functions of the Federal Aviation Ad-
24 ministration.

1 SEC. 418. (a) None of the funds made available in
2 this Act may be used to deny an Inspector General funded
3 under this Act timely access to any records, documents,
4 or other materials available to the department or agency
5 over which that Inspector General has responsibilities
6 under the Inspector General Act of 1978 (5 U.S.C. App.),
7 or to prevent or impede that Inspector General's access
8 to such records, documents, or other materials, under any
9 provision of law, except a provision of law that expressly
10 refers to the Inspector General and expressly limits the
11 Inspector General's right of access.

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

16 (c) Each Inspector General shall ensure compliance
17 with statutory limitations on disclosure relevant to the in-
18 formation provided by the establishment over which that
19 Inspector General has responsibilities under the Inspector
20 General Act of 1978 (5 U.S.C. App.).

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

1 This Act may be cited as the “Transportation, Hous-
2 ing and Urban Development, and Related Agencies Appro-
3 priations Act, 2018”.

Calendar No. 185

115TH CONGRESS
1ST Session

S. 1655

[Report No. 115-138]

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

JULY 27, 2017

Read twice and placed on the calendar