

117TH CONGRESS
1ST SESSION

S. 3045

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

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

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban
6 Development, and related agencies for the fiscal year end-
7 ing September 30, 2022, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF TRANSPORTATION
3 OFFICE OF THE SECRETARY
4 SALARIES AND EXPENSES
5 For necessary expenses of the Office of the Secretary,
6 \$140,948,000, of which not to exceed \$3,513,000 shall be
7 available for the immediate Office of the Secretary; not
8 to exceed \$1,254,000 shall be available for the immediate
9 Office of the Deputy Secretary; not to exceed \$25,352,000
10 shall be available for the Office of the General Counsel;
11 not to exceed \$14,069,000 shall be available for the Office
12 of the Under Secretary of Transportation for Policy; not
13 to exceed \$18,291,000 shall be available for the Office of
14 the Assistant Secretary for Budget and Programs; not to
15 exceed \$3,791,000 shall be available for the Office of the
16 Assistant Secretary for Governmental Affairs; not to ex-
17 ceed \$34,899,000 shall be available for the Office of the
18 Assistant Secretary for Administration; not to exceed
19 \$3,095,000 shall be available for the Office of Public Af-
20 fairs; not to exceed \$2,116,000 shall be available for the
21 Office of the Executive Secretariat; not to exceed
22 \$14,821,000 shall be available for the Office of Intel-
23 ligence, Security, and Emergency Response; and not to ex-
24 ceed \$19,747,000 shall be available for the Office of the
25 Chief Information Officer: *Provided*, That the Secretary

1 of Transportation (referred to in this title as the “Sec-
2 retary”) is authorized to transfer funds appropriated for
3 any office of the Office of the Secretary to any other office
4 of the Office of the Secretary: *Provided further*, That no
5 appropriation for any office shall be increased or de-
6 creased by more than 7 percent by all such transfers: *Pro-*
7 *vided further*, That notice of any change in funding greater
8 than 7 percent shall be submitted for approval to the
9 House and Senate Committees on Appropriations: *Pro-*
10 *vided further*, That not to exceed \$70,000 shall be for allo-
11 cation within the Department for official reception and
12 representation expenses as the Secretary may determine:
13 *Provided further*, That notwithstanding any other provi-
14 sion of law, there may be credited to this appropriation
15 up to \$2,500,000 in funds received in user fees: *Provided*
16 *further*, That none of the funds provided in this Act shall
17 be available for the position of Assistant Secretary for
18 Public Affairs.

19 RESEARCH AND TECHNOLOGY

20 For necessary expenses related to the Office of the
21 Assistant Secretary for Research and Technology,
22 \$48,363,000, of which \$44,718,000 shall remain available
23 until expended: *Provided*, That there may be credited to
24 this appropriation, to be available until expended, funds
25 received from States, counties, municipalities, other public

1 authorities, and private sources for expenses incurred for
2 training: *Provided further*, That any reference in law, reg-
3 ulation, judicial proceedings, or elsewhere to the Research
4 and Innovative Technology Administration shall continue
5 to be deemed to be a reference to the Office of the Assist-
6 ant Secretary for Research and Technology of the Depart-
7 ment of Transportation.

8 NATIONAL INFRASTRUCTURE INVESTMENTS

9 (INCLUDING TRANSFER OF FUNDS)

10 For capital investments in surface transportation in-
11 frastructure, \$1,090,000,000 to remain available until
12 September 30, 2025: *Provided*, That the Secretary shall
13 distribute amounts made available under this heading as
14 discretionary grants to be awarded to a State, local or
15 tribal government, U.S. territory, transit agency, port au-
16 thority, metropolitan planning organization, political sub-
17 division of a State or local government, or a collaboration
18 among such entities on a competitive basis for projects
19 that will have a significant local or regional impact: *Pro-*
20 *vided further*, That projects eligible for amounts made
21 available under this heading shall include, but not be lim-
22 ited to, highway or bridge projects eligible under title 23,
23 United States Code; public transportation projects eligible
24 under chapter 53 of title 49, United States Code; pas-
25 senger and freight rail transportation projects; port infra-

1 structure investments (including inland port infrastruc-
2 ture and land ports of entry); and projects investing in
3 surface transportation facilities that are located on tribal
4 land and for which title or maintenance responsibility is
5 vested in the Federal Government: *Provided further*, That
6 of the amount made available under this heading, the Sec-
7 retary shall use an amount not more than \$35,000,000
8 for competitive grants or cooperative agreements to de-
9 velop and implement technical assistance, capacity build-
10 ing, planning, preparation or design of projects eligible for
11 amounts made available under this heading, of which not
12 less than \$15,000,000 is for projects eligible for amounts
13 made available under this heading located in or to directly
14 benefit areas of persistent poverty or disadvantaged com-
15 munities as defined in section 193 of this Act: *Provided*
16 *further*, That grants awarded under the preceding proviso
17 shall not be subject to a minimum grant size: *Provided*
18 *further*, That the Secretary may use up to 20 percent of
19 the amounts made available under this heading for the
20 purpose of paying the subsidy and administrative costs of
21 projects eligible for Federal credit assistance under chap-
22 ter 6 of title 23, United States Code, or sections 501
23 through 504 of the Railroad Revitalization and Regulatory
24 Reform Act of 1976 (Public Law 94–210), if the Secretary
25 finds that such use of the funds would advance the pur-

1 poses of this heading: *Provided further*, That in distrib-
2 uting amounts made available under this heading, the Sec-
3 retary shall take such measures so as to ensure an equi-
4 table geographic distribution of funds, an appropriate bal-
5 ance in addressing the needs of urban and rural areas,
6 including tribal areas, and the investment in a variety of
7 transportation modes: *Provided further*, That a grant
8 award under this heading shall be not less than
9 \$5,000,000 and not greater than \$30,000,000: *Provided*
10 *further*, That not more than 10 percent of the amounts
11 made available under this heading may be awarded to
12 projects in a single State: *Provided further*, That the Fed-
13 eral share of the costs for which an amount is provided
14 under this heading shall be, at the option of the recipient,
15 up to 80 percent: *Provided further*, That the Secretary
16 shall give priority to projects that require a contribution
17 of Federal funds in order to complete an overall financing
18 package: *Provided further*, That an award under this head-
19 ing is an urban award if it is to a project located within
20 or on the boundary of an Urbanized Area (UA), as des-
21 ignated by the Bureau of the Census, that had a popu-
22 lation greater than 200,000 in the 2010 decennial census:
23 *Provided further*, That for the purpose of determining if
24 an award for planning, preparation or design is an urban
25 award, the project location is the location of the project

1 being planned, prepared or designed: *Provided further,*
2 That each award under this heading that is not an urban
3 award is a rural award: *Provided further,* That of the
4 amounts awarded under this heading, not more than 50
5 percent shall be awarded as urban awards and rural
6 awards, respectively: *Provided further,* That for rural
7 awards, the minimum grant size shall be \$1,000,000: *Pro-*
8 *vided further,* That for rural awards, and awards to areas
9 of persistent poverty or disadvantaged communities, the
10 Secretary may increase the Federal share of costs above
11 80 percent: *Provided further,* That projects conducted
12 using amounts made available under this heading shall
13 comply with the requirements of subchapter IV of chapter
14 31 of title 40, United States Code: *Provided further,* That
15 the Secretary shall conduct a new competition to select
16 the grants and credit assistance awarded under this head-
17 ing: *Provided further,* That the Secretary may retain up
18 to \$20,000,000 of the amounts made available under this
19 heading, and may transfer portions of such amounts to
20 the Administrators of the Federal Highway Administra-
21 tion, the Federal Transit Administration, the Federal
22 Railroad Administration and the Maritime Administration
23 to fund the award and oversight of grants and credit as-
24 sistance made under the National Infrastructure Invest-
25 ments program: *Provided further,* That none of the

1 amounts made available in the preceding proviso may be
2 used to hire additional personnel: *Provided further*, That
3 the Secretary shall consider and award projects based sole-
4 ly on the selection criteria from the fiscal year 2017 Notice
5 of Funding Opportunity: *Provided further*, That, notwith-
6 standing the preceding proviso, the Secretary shall not use
7 the Federal share or an applicant's ability to generate
8 non-Federal revenue as a selection criteria in awarding
9 projects: *Provided further*, That the Secretary shall issue
10 the Notice of Funding Opportunity no later than 120 days
11 after enactment of this Act: *Provided further*, That such
12 Notice of Funding Opportunity shall require application
13 submissions 90 days after the publishing of such Notice:
14 *Provided further*, That of the applications submitted under
15 the preceding two provisos, the Secretary shall make
16 grants no later than 330 days after enactment of this Act
17 in such amounts that the Secretary determines.

18 BUILDING RESILIENT INFRASTRUCTURE THROUGH
19 INNOVATIVE SOLUTIONS
20 (INCLUDING TRANSFER OF FUNDS)

21 For capital investments to improve the resilience of
22 coastal transportation infrastructure vulnerable to current
23 and future weather events and natural disasters, including
24 sea level rise, coastal erosion, extreme weather, earth-
25 quakes, flooding, and permafrost thaw, \$300,000,000, to

1 remain available until expended: *Provided*, That the Sec-
2 retary shall distribute amounts made available under this
3 heading as competitive grants to be awarded to a State,
4 local or tribal government, territory, transit agency, port
5 authority, metropolitan planning organization, political
6 subdivision of a State or local government, or a collabora-
7 tion among such entities or in partnership with a univer-
8 sity or university transportation center: *Provided further*,
9 That the Secretary shall prioritize grant awards for: (1)
10 coastal infrastructure projects to address long-term risk
11 of sea level rise; (2) projects located in geographically iso-
12 lated areas with limited alternatives for the movement of
13 freight and people; and (3) projects that use innovative
14 solutions to improve resiliency, including, but not limited
15 to, the use of innovative materials, nature-based solutions,
16 and other innovative solutions developed through research
17 conducted at university transportation centers: *Provided*
18 *further*, That projects eligible for amounts made available
19 under this heading shall include, but not be limited to,
20 highway or bridge projects eligible under title 23, United
21 States Code; public transportation projects eligible under
22 chapter 53 of title 49, United States Code; airport
23 projects; passenger and freight rail transportation
24 projects; port infrastructure investments (including inland
25 port infrastructure and land ports of entry); projects in-

1 vesting in surface transportation facilities that are located
2 on tribal land and for which title or maintenance responsi-
3 bility is vested in the Federal Government; and projects
4 constructing, improving, or rehabilitating infrastructure
5 that has the primary purpose of protecting transportation
6 infrastructure: *Provided further*, That of the amount made
7 available under this heading, the Secretary may use not
8 more than \$10,000,000 for the planning, preparation or
9 design of projects eligible for amounts made available
10 under this heading: *Provided further*, That of the amounts
11 awarded under this heading, not less than 25 percent shall
12 be awarded as rural awards, as defined under the “Na-
13 tional Infrastructure Investments” heading in this Act:
14 *Provided further*, That of the amounts awarded under this
15 heading, not less than 10 percent may be awarded for
16 projects that directly benefit areas of persistent poverty
17 and disadvantaged communities as defined under section
18 193 of this Act: *Provided further*, That for rural awards,
19 awards to areas of persistent poverty, or to disadvantaged
20 communities, the Secretary may increase the Federal
21 share of costs above 80 percent: *Provided further*, That
22 projects conducted using amounts made available under
23 this heading shall comply with the requirements of sub-
24 chapter IV of chapter 31 of title 40, United States Code:
25 *Provided further*, That the Secretary shall apply to

1 projects under this heading the Federal requirements that
2 the Secretary determines are appropriate based on the
3 purpose of the building resilient infrastructure through in-
4 novative solutions program, the requirements expressly
5 stated under this heading, and the Federal requirements
6 applicable to comparable projects supported by other De-
7 partment of Transportation financial assistance programs:
8 *Provided further*, That the Secretary may retain up to 2
9 percent of the amounts made available under this heading,
10 and may transfer a portion of such amounts to the Admin-
11 istrators of the Federal Aviation Administration, Federal
12 Highway Administration, the Federal Transit Administra-
13 tion, the Federal Railroad Administration, and the Mari-
14 time Administration to fund the award and oversight of
15 grants made under the building resilient infrastructure
16 through innovative solutions program.

17 SAFE AND ACCESSIBLE ROADWAYS FOR ALL

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out a safe and acces-
20 sible roadways for all grant program to support local ini-
21 tiatives to prevent death and serious injury for all users
22 on all public roads and streets, \$50,000,000, to remain
23 available until September 30, 2025: *Provided*, That funds
24 made available under this heading may be made available
25 to develop a comprehensive safety action plan; to conduct

1 planning, design, development, and activities for projects
2 and strategies identified in a comprehensive safety action
3 plan; or to carry out infrastructure projects and strategies
4 identified in a comprehensive safety action plan: *Provided*
5 *further*, That the Secretary shall distribute amounts made
6 available under this heading on a competitive basis to a
7 State, local or tribal government, territory, political sub-
8 division of a State or local government, metropolitan plan-
9 ning organization on behalf of one or more political sub-
10 divisions of a State or territory, including counties, cities,
11 towns, and villages; a unit of local government, including
12 a county or special district; a federally-recognized tribe or
13 a consortium of federally-recognized tribes; or a multi-
14 jurisdictional group of the entities described in this pro-
15 viso: *Provided further*, That to be eligible for a grant from
16 amounts made available under this heading, an entity de-
17 scribed in the preceding proviso shall submit to the Sec-
18 retary an application in such form, at such time, and con-
19 taining such information as the Secretary determines is
20 appropriate: *Provided further*, That funds made available
21 under this heading shall be prioritized to entities and
22 projects that: (1) are shown to have the potential to reduce
23 or eliminate transportation-related fatalities and serious
24 injuries involving various road users, including pedes-
25 trians, bicyclists, public transportation users, motorists,

1 and commercial operators, and any other transportation
2 user type appropriate to the context, within the timeframe
3 proposed by the eligible entity; (2) demonstrate engage-
4 ment with a variety of public and private stakeholders, in-
5 cluding underserved communities; (3) seek to adopt inno-
6 vative technologies or strategies to promote safety; (4) em-
7 ploy low-cost, high-impact strategies that can improve
8 safety over a wider geographical area; (5) ensure, or will
9 ensure, equitable investment in the safety needs of under-
10 served or rural communities in preventing transportation-
11 related fatalities and injuries, including to address the
12 safety and mobility needs of communities with elderly pop-
13 ulations; (6) include evidence-based projects or strategies;
14 and (7) meet other safety priorities as determined by the
15 Secretary: *Provided further*, That not more than 15 per-
16 cent of the funds made available under this heading may
17 be awarded to eligible projects in a single State: *Provided*
18 *further*, That up to 40 percent of the funds made available
19 under this heading may be awarded to projects to develop
20 a comprehensive safety action plan: *Provided further*, That
21 not less than 25 percent of the funds made available under
22 this heading shall be awarded as rural awards, as defined
23 under the “National Infrastructure Investments” heading
24 in this Act: *Provided further*, That of the amounts award-
25 ed under this heading, not less than 10 percent may be

1 awarded for projects that directly benefit areas of per-
2 sistent poverty and disadvantaged communities as defined
3 under section 193 of this Act: *Provided further*, That the
4 Federal share of the cost of an eligible project carried out
5 using a grant provided under this heading shall not exceed
6 80 percent, unless the Secretary determines that a higher
7 Federal share would be in the public interest: *Provided*
8 *further*, That for rural awards, and awards to areas of per-
9 sistent poverty or to disadvantaged communities, the Sec-
10 retary may increase the Federal share of costs above 80
11 percent: *Provided further*, That projects conducted using
12 amounts made available under this heading shall comply
13 with the requirements of subchapter IV of chapter 31 of
14 title 40, United States Code: *Provided further*, That the
15 Secretary shall apply to projects under this heading the
16 Federal requirements that the Secretary determines are
17 appropriate based on the purpose of the safe and acces-
18 sible roadways for all program, the requirements expressly
19 stated under this heading, and the Federal requirements
20 applicable to comparable projects supported by other De-
21 partment of Transportation financial assistance programs:
22 *Provided further*, That the Secretary may retain up to 2
23 percent of the amounts made available under this heading,
24 and may transfer a portion of such amounts to the Admin-
25 istrator of the Federal Highways Administration, Federal

1 Railroad Administration, or Federal Transit Administra-
2 tion to fund the award, oversight, and administrative ex-
3 penses of the program.

4 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
5 FINANCE BUREAU

6 For necessary expenses of the National Surface
7 Transportation and Innovative Finance Bureau as author-
8 ized by 49 U.S.C. 116, \$3,800,000, to remain available
9 until expended: *Provided*, That the Secretary may collect
10 and spend fees, as authorized by title 23, United States
11 Code, to cover the costs of services of expert firms, includ-
12 ing counsel, in the field of municipal and project finance
13 to assist in the underwriting and servicing of Federal cred-
14 it instruments and all or a portion of the costs to the Fed-
15 eral Government of servicing such credit instruments: *Pro-*
16 *vided further*, That such fees are available until expended
17 to pay for such costs: *Provided further*, That such amounts
18 are in addition to other amounts made available for such
19 purposes and are not subject to any obligation limitation
20 or the limitation on administrative expenses under section
21 608 of title 23, United States Code.

22 RAILROAD REHABILITATION AND IMPROVEMENT
23 FINANCING PROGRAM

24 The Secretary is authorized to issue direct loans and
25 loan guarantees pursuant to sections 501 through 504 of

1 the Railroad Revitalization and Regulatory Reform Act of
2 1976 (Public Law 94–210), as amended, such authority
3 shall exist as long as any such direct loan or loan guar-
4 antee is outstanding.

5 FINANCIAL MANAGEMENT CAPITAL

6 For necessary expenses for upgrading and enhancing
7 the Department of Transportation’s financial systems and
8 re-engineering business processes, \$5,000,000, to remain
9 available through September 30, 2023.

10 CYBER SECURITY INITIATIVES

11 For necessary expenses for cyber security initiatives,
12 including necessary upgrades to network and information
13 technology infrastructure, improvement of identity man-
14 agement and authentication capabilities, securing and pro-
15 tecting data, implementation of Federal cyber security ini-
16 tiatives, and implementation of enhanced security controls
17 on agency computers and mobile devices, \$39,440,000, to
18 remain available until September 30, 2023.

19 OFFICE OF CIVIL RIGHTS

20 For necessary expenses of the Office of Civil Rights,
21 \$11,564,000.

1 velopment” included in the explanatory statement accom-
2 panying this Act.

3 WORKING CAPITAL FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for operating costs and cap-
6 ital outlays of the Working Capital Fund, not to exceed
7 \$419,173,000, shall be paid from appropriations made
8 available to the Department of Transportation: *Provided*,
9 That such services shall be provided on a competitive basis
10 to entities within the Department of Transportation
11 (DOT): *Provided further*, That the limitation in the pre-
12 ceding proviso on operating expenses shall not apply to
13 non-DOT entities: *Provided further*, That no funds made
14 available by this Act to an agency of the Department shall
15 be transferred to the Working Capital Fund without ma-
16 jority approval of the Working Capital Fund Steering
17 Committee and approval of the Secretary: *Provided fur-*
18 *ther*, That no assessments may be levied against any pro-
19 gram, budget activity, subactivity, or project funded by
20 this Act unless notice of such assessments and the basis
21 therefor are presented to the House and Senate Commit-
22 tees on Appropriations and are approved by such Commit-
23 tees.

1 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
2 OUTREACH

3 For necessary expenses for small and disadvantaged
4 business utilization and outreach activities, \$4,977,000, to
5 remain available until September 30, 2023: *Provided*,
6 That notwithstanding section 332 of title 49, United
7 States Code, such amounts may be used for business op-
8 portunities related to any mode of transportation: *Pro-*
9 *vided further*, That appropriations made available under
10 this heading shall be available for any purpose consistent
11 with prior year appropriations that were made available
12 under the heading “Office of the Secretary—Minority
13 Business Resource Center Program”.

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

16 In addition to funds made available from any other
17 source to carry out the essential air service program under
18 sections 41731 through 41742 of title 49, United States
19 Code, \$317,700,000, to be derived from the Airport and
20 Airway Trust Fund, to remain available until expended:
21 *Provided*, That in determining between or among carriers
22 competing to provide service to a community, the Sec-
23 retary may consider the relative subsidy requirements of
24 the carriers: *Provided further*, That basic essential air
25 service minimum requirements shall not include the 15-

1 passenger capacity requirement under section 41732(b)(3)
2 of title 49, United States Code: *Provided further*, That
3 amounts authorized to be distributed for the essential air
4 service program under section 41742(b) of title 49, United
5 States Code, shall be made available immediately from
6 amounts otherwise provided to the Administrator of the
7 Federal Aviation Administration: *Provided further*, That
8 the Administrator may reimburse such amounts from fees
9 credited to the account established under section 45303
10 of title 49, United States Code.

11 ELECTRIC VEHICLE FLEET

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses to transition to the General
14 Services Administration's leased vehicle fleet, for the pur-
15 chase of electric passenger motor vehicles, and to provide
16 necessary charging infrastructure, \$11,000,000, to remain
17 available until expended: *Provided*, That such amounts
18 made available under this heading may be transferred to
19 other accounts of the Department of Transportation for
20 the purposes specified under this heading: *Provided fur-*
21 *ther*, That such transfer authority is in addition to any
22 other transfer authority provided by law.

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

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

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

18 SEC. 103. In addition to authority provided by section
19 327 of title 49, United States Code, the Department's
20 Working Capital Fund is authorized to provide partial or
21 full payments in advance and accept subsequent reim-
22 bursements from all Federal agencies from available funds
23 for transit benefit distribution services that are necessary
24 to carry out the Federal transit pass transportation fringe
25 benefit program under Executive Order No. 13150 and

1 section 3049 of SAFETEA-LU (5 U.S.C. 7905 note):
2 *Provided*, That the Department shall maintain a reason-
3 able operating reserve in the Working Capital Fund, to
4 be expended in advance to provide uninterrupted transit
5 benefits to Government employees: *Provided further*, That
6 such reserve shall not exceed 1 month of benefits payable
7 and may be used only for the purpose of providing for
8 the continuation of transit benefits: *Provided further*, That
9 the Working Capital Fund shall be fully reimbursed by
10 each customer agency from available funds for the actual
11 cost of the transit benefit.

12 SEC. 104. Receipts collected in the Department's
13 Working Capital Fund, as authorized by section 327 of
14 title 49, United States Code, for unused van pool benefits,
15 in an amount not to exceed 10 percent of fiscal year 2022
16 collections, shall be available until expended in the Depart-
17 ment's Working Capital Fund to provide contractual serv-
18 ices in support of section 190 of this Act: *Provided*, That
19 obligations in fiscal year 2022 of such collections shall not
20 exceed \$1,000,000.

21 SEC. 105. None of the funds in this Act may be obli-
22 gated or expended for retention or senior executive bo-
23 nuses for an employee of the Department of Transpor-
24 tation without the prior written approval of the Assistant
25 Secretary for Administration.

1 SEC. 106. In addition to authority provided by section
2 327 of title 49, United States Code, the Department's Ad-
3 ministrative Working Capital Fund is hereby authorized
4 to transfer information technology equipment, software,
5 and systems from Departmental sources or other entities
6 and collect and maintain a reserve at rates which will re-
7 turn full cost of transferred assets.

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

24 SEC. 108. For an additional amount for "Railroad
25 Rehabilitation and Improvement Financing Program" for

1 the cost of modifications, as defined by section 502 of the
2 Federal Credit Reform Act of 1990, of direct loans issued
3 pursuant to sections 501 through 504 of the Railroad Re-
4 vitalization and Regulatory Reform Act of 1976 (Public
5 Law 94–210), as amended, and included in cohort 3, as
6 defined by the Department of Transportation’s memo-
7 randum to the Office of Management and Budget dated
8 November 5, 2018, \$10,000,000, to remain available until
9 expended: *Provided*, That for a direct loan included in co-
10 hort 3, as defined in the memorandum described in the
11 preceding proviso, that has satisfied all obligations at-
12 tached to such loan, the Secretary shall repay the credit
13 risk premiums of such loan, with interest accrued thereon,
14 not later than 60 days after the enactment of this Act
15 or, for a direct loan included in cohort 3 with obligations
16 that have not yet been satisfied, not later than 60 days
17 after the date on which all obligations attached to such
18 loan have been satisfied.

19 SEC. 109. Section 312(a) of title 49 United States
20 Code, shall be modified by striking “land-based,” after
21 “operation of a”.

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS
3 (AIRPORT AND AIRWAY TRUST FUND)

4 For necessary expenses of the Federal Aviation Ad-
5 ministration, not otherwise provided for, including oper-
6 ations and research activities related to commercial space
7 transportation, administrative expenses for research and
8 development, establishment of air navigation facilities, the
9 operation (including leasing) and maintenance of aircraft,
10 subsidizing the cost of aeronautical charts and maps sold
11 to the public, the lease or purchase of passenger motor
12 vehicles for replacement only, \$11,434,100,000, to remain
13 available until September 30, 2023, of which
14 \$8,434,100,000 to be derived from the Airport and Airway
15 Trust Fund: *Provided*, That of the amounts made avail-
16 able under this heading—

17 (1) not less than \$1,536,298,000 shall be avail-
18 able for aviation safety activities;

19 (2) \$8,489,585,000 shall be available for air
20 traffic organization activities;

21 (3) \$32,470,000 shall be available for commer-
22 cial space transportation activities;

23 (4) \$892,216,000 shall be available for finance
24 and management activities;

1 (5) \$63,955,000 shall be available for NextGen
2 and operations planning activities;

3 (6) \$139,466,000 shall be available for security
4 and hazardous materials safety; and

5 (7) \$280,110,000 shall be available for staff of-
6 fices:

7 *Provided further*, That not to exceed 5 percent of any
8 budget activity, except for aviation safety budget activity,
9 may be transferred to any budget activity under this head-
10 ing: *Provided further*, That no transfer may increase or
11 decrease any appropriation under this heading by more
12 than 5 percent: *Provided further*, That any transfer in ex-
13 cess of 5 percent shall be treated as a reprogramming of
14 funds under section 405 of this Act and shall not be avail-
15 able for obligation or expenditure except in compliance
16 with the procedures set forth in that section: *Provided fur-*
17 *ther*, That not later than 60 days after the submission of
18 the budget request, the Administrator of the Federal Avia-
19 tion Administration shall transmit to Congress an annual
20 update to the report submitted to Congress in December
21 2004 pursuant to section 221 of the Vision 100-Century
22 of Aviation Reauthorization Act (49 U.S.C. 40101 note):
23 *Provided further*, That the amounts made available under
24 this heading shall be reduced by \$100,000 for each day
25 after 60 days after the submission of the budget request

1 that such report has not been transmitted to Congress:
2 *Provided further*, That not later than 60 days after the
3 submission of the budget request, the Administrator shall
4 transmit to Congress a companion report that describes
5 a comprehensive strategy for staffing, hiring, and training
6 flight standards and aircraft certification staff in a format
7 similar to the one utilized for the controller staffing plan,
8 including stated attrition estimates and numerical hiring
9 goals by fiscal year: *Provided further*, That the amounts
10 made available under this heading shall be reduced by
11 \$100,000 for each day after the date that is 60 days after
12 the submission of the budget request that such report has
13 not been submitted to Congress: *Provided further*, That
14 funds may be used to enter into a grant agreement with
15 a nonprofit standard-setting organization to assist in the
16 development of aviation safety standards: *Provided fur-*
17 *ther*, That none of the funds made available by this Act
18 shall be available for new applicants for the second career
19 training program: *Provided further*, That none of the
20 funds made available by this Act shall be available for the
21 Federal Aviation Administration to finalize or implement
22 any regulation that would promulgate new aviation user
23 fees not specifically authorized by law after the date of
24 the enactment of this Act: *Provided further*, That there
25 may be credited to this appropriation, as offsetting collec-

1 tions, funds received from States, counties, municipalities,
2 foreign authorities, other public authorities, and private
3 sources for expenses incurred in the provision of agency
4 services, including receipts for the maintenance and oper-
5 ation of air navigation facilities, and for issuance, renewal
6 or modification of certificates, including airman, aircraft,
7 and repair station certificates, or for tests related thereto,
8 or for processing major repair or alteration forms: *Pro-*
9 *vided further*, That of the amounts made available under
10 this heading, not less than \$178,400,000 shall be used to
11 fund direct operations of the current air traffic control
12 towers in the contract tower program, including the con-
13 tract tower cost share program, and any airport that is
14 currently qualified or that will qualify for the program
15 during the fiscal year: *Provided further*, That none of the
16 funds made available by this Act for aeronautical charting
17 and cartography are available for activities conducted by,
18 or coordinated through, the Working Capital Fund: *Pro-*
19 *vided further*, That none of the funds appropriated or oth-
20 erwise made available by this Act or any other Act may
21 be used to eliminate the Contract Weather Observers pro-
22 gram at any airport.

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for acquisition, establishment, technical support services,
5 improvement by contract or purchase, and hire of national
6 airspace systems and experimental facilities and equip-
7 ment, as authorized under part A of subtitle VII of title
8 49, United States Code, including initial acquisition of
9 necessary sites by lease or grant; engineering and service
10 testing, including construction of test facilities and acqui-
11 sition of necessary sites by lease or grant; construction
12 and furnishing of quarters and related accommodations
13 for officers and employees of the Federal Aviation Admin-
14 istration stationed at remote localities where such accom-
15 modations are not available; and the purchase, lease, or
16 transfer of aircraft from funds made available under this
17 heading, including aircraft for aviation regulation and cer-
18 tification; to be derived from the Airport and Airway Trust
19 Fund, \$3,200,000,000, of which \$550,000,000 shall re-
20 main available until September 30, 2023, \$2,264,280,200
21 shall remain available until September 30, 2024, and
22 \$385,719,800 shall remain available until September 30,
23 2028: *Provided*, That there may be credited to this appro-
24 priation funds received from States, counties, municipali-
25 ties, other public authorities, and private sources, for ex-

1 penses incurred in the establishment, improvement, and
2 modernization of national airspace systems: *Provided fur-*
3 *ther*, That not later than 60 days after submission of the
4 budget request, the Secretary of Transportation shall
5 transmit to the Congress an investment plan for the Fed-
6 eral Aviation Administration which includes funding for
7 each budget line item for fiscal years 2023 through 2027,
8 with total funding for each year of the plan constrained
9 to the funding targets for those years as estimated and
10 approved by the Office of Management and Budget.

11 RESEARCH, ENGINEERING, AND DEVELOPMENT

12 (AIRPORT AND AIRWAY TRUST FUND)

13 For necessary expenses, not otherwise provided for,
14 for research, engineering, and development, as authorized
15 under part A of subtitle VII of title 49, United States
16 Code, including construction of experimental facilities and
17 acquisition of necessary sites by lease or grant,
18 \$258,500,000, to be derived from the Airport and Airway
19 Trust Fund and to remain available until September 30,
20 2024: *Provided*, That there may be credited to this appro-
21 priation as offsetting collections, funds received from
22 States, counties, municipalities, other public authorities,
23 and private sources, which shall be available for expenses
24 incurred for research, engineering, and development: *Pro-*
25 *vided further*, That amounts made available under this

1 heading shall be used in accordance with the explanatory
 2 statement accompanying this Act: *Provided further*, That
 3 not to exceed 10 percent of any funding level specified
 4 under this heading in the explanatory statement accom-
 5 panying this Act may be transferred to any other funding
 6 level specified under this heading in the explanatory state-
 7 ment accompanying this Act: *Provided further*, That no
 8 transfer may increase or decrease any funding level by
 9 more than 10 percent: *Provided further*, That any transfer
 10 in excess of 10 percent shall be treated as a reprogram-
 11 ming of funds under section 405 of this Act and shall not
 12 be available for obligation or expenditure except in compli-
 13 ance with the procedures set forth in that section.

14 GRANTS-IN-AID FOR AIRPORTS

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (LIMITATION ON OBLIGATIONS)

17 (AIRPORT AND AIRWAY TRUST FUND)

18 (INCLUDING TRANSFER OF FUNDS)

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

1 and systems at airports of such title; for grants authorized
2 under section 41743 of title 49, United States Code; and
3 for inspection activities and administration of airport safe-
4 ty programs, including those related to airport operating
5 certificates under section 44706 of title 49, United States
6 Code, \$3,350,000,000, to be derived from the Airport and
7 Airway Trust Fund and to remain available until ex-
8 pended: *Provided*, That none of the amounts made avail-
9 able under this heading shall be available for the planning
10 or execution of programs the obligations for which are in
11 excess of \$3,350,000,000, in fiscal year 2022, notwith-
12 standing section 47117(g) of title 49, United States Code:
13 *Provided further*, That none of the amounts made available
14 under this heading shall be available for the replacement
15 of baggage conveyor systems, reconfiguration of terminal
16 baggage areas, or other airport improvements that are
17 necessary to install bulk explosive detection systems: *Pro-*
18 *vided further*, That notwithstanding section 47109(a) of
19 title 49, United States Code, the Government's share of
20 allowable project costs under paragraph (2) of such sec-
21 tion for subgrants or paragraph (3) of such section shall
22 be 95 percent for a project at other than a large or me-
23 dium hub airport that is a successive phase of a multi-
24 phased construction project for which the project sponsor
25 received a grant in fiscal year 2011 for the construction

1 project: *Provided further*, That notwithstanding any other
2 provision of law, of amounts limited under this heading,
3 not more than \$127,165,000 shall be available for admin-
4 istration, not less than \$15,000,000 shall be available for
5 the Airport Cooperative Research Program, not less than
6 \$40,961,000 shall be available for Airport Technology Re-
7 search, and \$10,000,000, to remain available until ex-
8 pended, shall be available and transferred to “Office of
9 the Secretary, Salaries and Expenses” to carry out the
10 Small Community Air Service Development Program: *Pro-*
11 *vided further*, That in addition to airports eligible under
12 section 41743 of title 49, United States Code, such pro-
13 gram may include the participation of an airport that
14 serves a community or consortium that is not larger than
15 a small hub airport, according to FAA hub classifications
16 effective at the time the Office of the Secretary issues a
17 request for proposals.

18 GRANTS-IN-AID FOR AIRPORTS

19 For an additional amount for “Grants-In-Aid for Air-
20 ports”, to enable the Secretary of Transportation to make
21 grants for projects as authorized by subchapter 1 of chap-
22 ter 471 and subchapter 1 of chapter 475 of title 49,
23 United States Code, \$603,471,000, to remain available
24 through September 30, 2024: *Provided*, That amounts
25 made available under this heading shall be derived from

1 the general fund, and such funds shall not be subject to
 2 apportionment formulas, special apportionment categories,
 3 or minimum percentages under chapter 471 of title 49,
 4 United States Code: *Provided further*, That of the amounts
 5 made available under this heading, \$203,471,000 shall be
 6 made available for the purposes, and in amounts, specified
 7 for Congressionally directed spending in the table entitled
 8 “Incorporation of Congressionally Directed Spending for
 9 Airport Improvement Program” included in the explana-
 10 tory statement accompanying this Act: *Provided further*,
 11 That any remaining funds available after the distribution
 12 of funds under the preceding proviso shall be available to
 13 the Secretary to distribute as discretionary grants to air-
 14 ports: *Provided further*, That the amounts made available
 15 under this heading shall not be subject to any limitation
 16 on obligations for the Grants-in-Aid for Airports program
 17 set forth in any Act: *Provided further*, That the Adminis-
 18 trator of the Federal Aviation Administration may retain
 19 up to 0.5 percent of the amounts made available under
 20 this heading to fund the award and oversight by the Ad-
 21 ministrator of grants made under this heading.

22 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

23 ADMINISTRATION

24 SEC. 110. None of the funds made available by this
 25 Act may be used to compensate in excess of 600 technical

1 staff-years under the federally funded research and devel-
2 opment center contract between the Federal Aviation Ad-
3 ministration and the Center for Advanced Aviation Sys-
4 tems Development during fiscal year 2022.

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

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

1 able to satisfy section 41742(a)(1) of title 49, United
2 States Code, for the subsequent fiscal year.

3 SEC. 113. Amounts collected under section 40113(e)
4 of title 49, United States Code, shall be credited to the
5 appropriation current at the time of collection, to be
6 merged with and available for the same purposes as such
7 appropriation.

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

14 SEC. 115. None of the funds made available by this
15 Act may be obligated or expended for an employee of the
16 Federal Aviation Administration to purchase a store gift
17 card or gift certificate through use of a Government-issued
18 credit card.

19 SEC. 116. Notwithstanding any other provision of
20 law, none of the funds made available under this Act or
21 any prior Act may be used to implement or to continue
22 to implement any limitation on the ability of any owner
23 or operator of a private aircraft to obtain, upon a request
24 to the Administrator of the Federal Aviation Administra-
25 tion, a blocking of that owner's or operator's aircraft reg-

1 istration number, Mode S transponder code, flight identi-
2 fication, call sign, or similar identifying information from
3 any ground based display to the public that would allow
4 the real-time or near real-time flight tracking of that air-
5 craft's movements, except data made available to a Gov-
6 ernment agency, for the noncommercial flights of that
7 owner or operator.

8 SEC. 117. None of the funds made available by this
9 Act shall be available for salaries and expenses of more
10 than nine political and Presidential appointees in the Fed-
11 eral Aviation Administration.

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

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

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

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

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

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

1 SEC. 119E. Of the funds provided under the heading
2 “Grants-in-aid for Airports”, up to \$3,500,000 shall be
3 for necessary expenses, including an independent
4 verification regime, to provide reimbursement to airport
5 sponsors that do not provide gateway operations and pro-
6 viders of general aviation ground support services, or other
7 aviation tenants, located at those airports closed during
8 a temporary flight restriction (TFR) for any residence of
9 the President that is designated or identified to be secured
10 by the United States Secret Service, and for direct and
11 incremental financial losses incurred while such airports
12 are closed solely due to the actions of the Federal Govern-
13 ment: *Provided*, That no funds shall be obligated or dis-
14 tributed to airport sponsors that do not provide gateway
15 operations and providers of general aviation ground sup-
16 port services until an independent audit is completed: *Pro-*
17 *vided further*, That losses incurred as a result of violations
18 of law, or through fault or negligence, of such operators
19 and service providers or of third parties (including air-
20 ports) are not eligible for reimbursements: *Provided fur-*
21 *ther*, That obligation and expenditure of funds are condi-
22 tional upon full release of the United States Government
23 for all claims for financial losses resulting from such ac-
24 tions.

1 SEC. 119F. In this fiscal year and each fiscal year
2 thereafter, none of the funds appropriated or otherwise
3 made available to the FAA may be used to carry out the
4 FAA's obligations under section 44502(e) of title 49,
5 United States Code, unless the eligible air traffic system
6 or equipment to be transferred to the FAA under section
7 44502(e) of title 49, United States Code, was purchased
8 by the transferor airport—

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

11 (2) on or after January 1, 2022 for transferor
12 airports located in a non-contiguous states.

13 FEDERAL HIGHWAY ADMINISTRATION

14 LIMITATION ON ADMINISTRATIVE EXPENSES

15 (HIGHWAY TRUST FUND)

16 (INCLUDING TRANSFER OF FUNDS)

17 Not to exceed \$492,000,000 together with advances
18 and reimbursements received by the Federal Highway Ad-
19 ministration, shall be obligated for necessary expenses for
20 administration and operation of the Federal Highway Ad-
21 ministration: *Provided*, That in addition, \$3,248,000 shall
22 be transferred to the Appalachian Regional Commission
23 in accordance with section 104(a) of title 23, United
24 States Code.

1 FEDERAL-AID HIGHWAYS
2 (LIMITATION ON OBLIGATIONS)
3 (HIGHWAY TRUST FUND)

4 Funds available for the implementation or execution
5 of Federal-aid highway and highway safety construction
6 programs authorized under titles 23 and 49, United States
7 Code, and the provisions of the Fixing America's Surface
8 Transportation (FAST) Act (Public Law 114–94) shall
9 not exceed total obligations of \$46,365,092,000 for fiscal
10 year 2022.

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)
12 (HIGHWAY TRUST FUND)

13 For the payment of obligations incurred in carrying
14 out Federal-aid highway and highway safety construction
15 programs authorized under title 23, United States Code,
16 \$47,104,092,000 derived from the Highway Trust Fund
17 (other than the Mass Transit Account), to remain avail-
18 able until expended.

19 HIGHWAY INFRASTRUCTURE PROGRAMS
20 (INCLUDING TRANSFER OF FUNDS)

21 There is hereby appropriated to the Secretary
22 \$2,839,611,000: *Provided*, That the funds made available
23 under this heading shall be derived from the general fund,
24 shall be in addition to any funds provided for fiscal year
25 2022 in this or any other Act for: (1) “Federal-aid High-

1 ways” under chapter 1 of title 23, United States Code;
2 (2) the Appalachian Development Highway System as au-
3 thorized under section 1069(y) of Public Law 102–240;
4 or (3) the Norther Border Regional Commission (40
5 U.S.C. 15101 et seq.), and shall not affect the distribution
6 or amount of funds provided in any other Act: *Provided*
7 *further*, That, except for funds made available under this
8 heading for the Northern Border Regional Commission,
9 section 1101(b) of Public Law 114–94 shall apply to funds
10 made available under this heading: *Provided further*, That
11 unless otherwise specified, amounts made available under
12 this heading shall be available until September 30, 2025:
13 *Provided further*, That of the funds made available under
14 this heading—

15 (1) \$499,611,000 shall be made available for
16 the purposes, and in the amounts, specified for Con-
17 gressionally directed spending in the table entitled
18 “Incorporation of Congressionally Directed Spending
19 for Highway Infrastructure Programs” included in
20 the explanatory statement accompanying this Act;

21 (2) \$640,680,000 shall be for activities eligible
22 under section 133(b) of title 23, United States Code,
23 and to provide necessary charging infrastructure
24 along corridor-ready or corridor-pending alternative

1 fuel corridors designated pursuant to section 151 of
2 title 23, United States Code;

3 (3) \$2,670,000 shall be for activities eligible
4 under the Puerto Rico Highway Program as de-
5 scribed in section 165(b)(2)(C) of title 23, United
6 States Code;

7 (4) \$650,000 shall be for activities eligible
8 under the Territorial Highway Program, as de-
9 scribed in section 165(c)(6) of title 23, United
10 States Code;

11 (5) \$100,000,000 shall be for the nationally
12 significant Federal lands and tribal projects program
13 under section 1123 of the FAST Act;

14 (6) \$1,345,000,000 shall be for a bridge re-
15 placement and rehabilitation program;

16 (7) \$125,000,000 shall be for a competitive
17 highway bridge program;

18 (8) \$100,000,000 shall be for necessary ex-
19 penses for construction of the Appalachian Develop-
20 ment Highway System as authorized under section
21 1069(y) of Public Law 102–240;

22 (9) \$16,000,000 shall be for the national scenic
23 byways program under section 162 of title 23,
24 United States Code; and

1 (10) \$10,000,000 shall be transferred to the
2 Northern Border Regional Commission (40 U.S.C.
3 15101 et seq.) to make grants to carry out pilot
4 projects that demonstrate the capabilities of wood-
5 based infrastructure projects:

6 *Provided further*, That for the purposes of funds made
7 available under this heading, in paragraphs (2) and (7)
8 of the fourth proviso, the term “State” means any of the
9 50 States or the District of Columbia: *Provided further*,
10 That the funds made available under this heading, in
11 paragraph (2) of the fourth proviso, shall be suballocated
12 in the manner described in section 133(d) of title 23,
13 United States Code, except that the set-aside described in
14 section 133(h) of such title shall not apply to funds made
15 available under this heading, in paragraph (2) of the
16 fourth proviso: *Provided further*, That, except as otherwise
17 provided under this heading, the funds made available
18 under this heading, in paragraphs (1), (2), (6), (7), and
19 (9) of the fourth proviso, shall be administered as if appor-
20 tioned under chapter 1 of such title: *Provided further*,
21 That the funds made available under this heading, in
22 paragraph (1) of the fourth proviso, that are used for
23 Tribal projects shall be administered as if allocated under
24 chapter 2 of title 23, United States Code, except that the
25 set-asides described in subparagraph (C) of section

1 202(b)(3) of title 23, United States Code, and subsections
2 (a)(6), (c), (d), and (e) of section 202 of such title shall
3 not apply to such funds: *Provided further*, That, the funds
4 made available under this heading, in paragraph (2) of
5 the fourth proviso, shall be apportioned to the States in
6 the same ratio as the obligation limitation for fiscal year
7 2022 is distributed among the States in section 120(a)(5)
8 of this Act: *Provided further*, That, except as provided in
9 the following proviso, the funds made available under this
10 heading, in paragraph (3) of the fourth proviso, for activi-
11 ties eligible under the Puerto Rico Highway Program and,
12 in paragraph (4) of the fourth proviso, for activities eligi-
13 ble under the Territorial Highway Program shall be ad-
14 ministered as if allocated under sections 165(b) and
15 165(c), respectively, of title 23, United States Code: *Pro-*
16 *vided further*, That the funds made available under this
17 heading, in paragraph (3) of the fourth proviso, for activi-
18 ties eligible under the Puerto Rico Highway Program shall
19 not be subject to the requirements of sections
20 165(b)(2)(A) or 165(b)(2)(B) of such title: *Provided fur-*
21 *ther*, That not less than 25 percent of the funds made
22 available under this heading, in paragraph (5) of the
23 fourth proviso, for the nationally significant Federal lands
24 and tribal projects program under section 1123 of the
25 FAST Act shall be for competitive grants to tribal govern-

1 ments: *Provided further*, That for the purposes of funds
2 made available under this heading, in paragraph (6) of
3 the fourth proviso, for a bridge replacement and rehabili-
4 tation program, (1) the term “State” means any of the
5 50 States or the District of Columbia, and (2) the term
6 “qualifying State” means any State in which the percent-
7 age of total deck area of bridges classified as in poor con-
8 dition in such State is at least 5 percent or in which the
9 percentage of total bridges classified as in poor condition
10 in such State is at least 5 percent: *Provided further*, That,
11 of the funds made available under this heading, in para-
12 graph (6) of the fourth proviso, for a bridge replacement
13 and rehabilitation program, the Secretary shall reserve
14 \$6,000,000 for each State that does not meet the defini-
15 tion of a qualifying State: *Provided further*, That, after
16 making the reservations under the preceding proviso, the
17 Secretary shall distribute the remaining funds made avail-
18 able under this heading, in paragraph (6) of the fourth
19 proviso, for a bridge replacement and rehabilitation pro-
20 gram to each qualifying State by the proportion that the
21 percentage of total deck area of bridges classified as in
22 poor condition in such qualifying State bears to the sum
23 of the percentages of total deck area of bridges classified
24 as in poor condition in all qualifying States: *Provided fur-*
25 *ther*, That, of the funds made available under this heading,

1 in paragraph (6) of the fourth proviso, for the bridge re-
2 placement and rehabilitation program:

3 (1) no qualifying State shall receive more than
4 \$60,000,000;

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

7 (3) after calculating the distribution of funds
8 pursuant to the preceding proviso, any amount in
9 excess of \$60,000,000 shall be redistributed equally
10 among each State that does not meet the definition
11 of a qualifying State:

12 *Provided further*, That funds made available under this
13 heading, in paragraph (6) of the fourth proviso, provided
14 to States that do not meet the definition of a qualifying
15 State for the bridge replacement and rehabilitation pro-
16 gram under this heading shall be: (1) merged with
17 amounts made available to such State under this heading,
18 in paragraph (2) of the fourth proviso; (2) available for
19 activities eligible under paragraph (2) of the fourth pro-
20 viso; and (3) administered as if apportioned under chapter
21 1 of title 23, United States Code: *Provided further*, That,
22 except as provided in the preceding proviso, the funds
23 made available under this heading, in paragraph (6) of
24 the fourth proviso, for a bridge replacement and rehabili-
25 tation program shall be used for highway bridge replace-

1 ment or rehabilitation projects on public roads: *Provided*
2 *further*, That for purposes of this heading for the bridge
3 replacement and rehabilitation program, the Secretary
4 shall calculate the percentages of total deck area of
5 bridges (including the percentages of total deck area clas-
6 sified as in poor condition) and the percentages of total
7 bridge counts (including the percentages of total bridges
8 classified as in poor condition) based on the National
9 Bridge Inventory as of December 31, 2018: *Provided fur-*
10 *ther*, That for the purposes of funds made available under
11 this heading, in paragraph (7) of the fourth proviso, for
12 a competitive highway bridge program, the Secretary shall
13 provide competitive grants for replacement, rehabilitation,
14 preservation, protection, and construction of bridges on
15 public roads: *Provided further*, That for the purposes of
16 funds made available under this heading, in paragraph (7)
17 of the fourth proviso, for a competitive highway bridge
18 program, the Secretary shall prioritize grant awards for
19 bridge projects that are located in: (1) States with high
20 bridge replacement unit costs; or (2) rural areas that are
21 geographically isolated or do not have alternate roadways
22 to access a community: *Provided further*, That for the pur-
23 poses of funds made available under this heading, in para-
24 graph (8) of the fourth proviso, for construction of the
25 Appalachian Development Highway System, the term

1 “Appalachian State” means a State that contains 1 or
2 more counties (including any political subdivision located
3 within the area) in the Appalachian region as defined in
4 section 14102(a) of title 40, United States Code: *Provided*
5 *further*, That funds made available under this heading for
6 construction of the Appalachian Development Highway
7 System shall remain available until expended: *Provided*
8 *further*, That a project carried out with funds made avail-
9 able under this heading for construction of the Appa-
10 lachian Development Highway System shall be carried out
11 in the same manner as a project under section 14501 of
12 title 40, United States Code: *Provided further*, That sub-
13 ject to the following proviso, funds made available under
14 this heading for construction of the Appalachian Develop-
15 ment Highway System shall be apportioned to Appa-
16 lachian States according to the percentages derived from
17 the 2012 Appalachian Development Highway System
18 Cost-to-Complete Estimate, adopted in Appalachian Re-
19 gional Commission Resolution Number 736, and con-
20 firmed as each Appalachian State’s relative share of the
21 estimated remaining need to complete the Appalachian
22 Development Highway System, adjusted to exclude those
23 corridors that such States have no current plans to com-
24 plete, as reported in the 2013 Appalachian Development
25 Highway System Completion Report, unless those States

1 have modified and assigned a higher priority for comple-
 2 tion of an Appalachian Development Highway System cor-
 3 ridor, as reported in the 2020 Appalachian Development
 4 Highway System Future Outlook: *Provided further*, That
 5 the Secretary shall adjust apportionments made under the
 6 preceding proviso so that no Appalachian State shall be
 7 apportioned an amount in excess of 30 percent of the
 8 amount made available for construction of the Appa-
 9 lachian Development Highway System under this heading:
 10 *Provided further*, That the Secretary shall consult with the
 11 Appalachian Regional Commission in making adjustments
 12 under the preceding two provisos: *Provided further*, That
 13 the Federal share of the costs for which an expenditure
 14 is made for construction of the Appalachian Development
 15 Highway System under this heading shall be up to 100
 16 percent: *Provided further*, That a grant made with funds
 17 made available under this heading, in paragraph (10) of
 18 the fourth proviso, shall be administered in the same man-
 19 ner as a grant made under subtitle V of title 40, United
 20 States Code.

21 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

22 ADMINISTRATION

23 SEC. 120. (a) For fiscal year 2022, the Secretary of
 24 Transportation shall—

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

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

6 (B) amounts authorized for the Bureau of
7 Transportation Statistics;

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

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

19 (B) for which obligation limitation was
20 provided in a previous fiscal year;

21 (3) determine the proportion that—

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

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

13 (4) distribute the obligation limitation for Fed-
14 eral-aid highways, less the aggregate amounts not
15 distributed under paragraphs (1) and (2), for each
16 of the programs (other than programs to which
17 paragraph (1) applies) that are allocated by the Sec-
18 retary under the Fixing America's Surface Trans-
19 portation Act and title 23, United States Code, or
20 apportioned by the Secretary under sections 202 or
21 204 of that title, by multiplying—

22 (A) the proportion determined under para-
23 graph (3); by

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

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

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

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

1 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

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

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

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

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

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

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

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

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

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

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

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

18 (12) section 119 of title 23, United States Code
19 (but, for each of fiscal years 2013 through 2022,
20 only in an amount equal to \$639,000,000).

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

24 (1) revise a distribution of the obligation limita-
25 tion made available under subsection (a) if an

1 amount distributed cannot be obligated during that
2 fiscal year; and

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

11 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
12 TRANSPORTATION RESEARCH PROGRAMS.—

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

17 (A) chapter 5 of title 23, United States
18 Code; and

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

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

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

1 (B) be in addition to the amount of any
2 limitation imposed on obligations for Federal-
3 aid highway and highway safety construction
4 programs for future fiscal years.

5 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
6 FUNDS.—

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

13 (A) are authorized to be appropriated for
14 such fiscal year for Federal-aid highway pro-
15 grams; and

16 (B) the Secretary determines will not be
17 allocated to the States (or will not be appor-
18 tioned to the States under section 204 of title
19 23, United States Code), and will not be avail-
20 able for obligation, for such fiscal year because
21 of the imposition of any obligation limitation for
22 such fiscal year.

23 (2) RATIO.—Funds shall be distributed under
24 paragraph (1) in the same proportion as the dis-

1 tribution of obligation authority under subsection
2 (a)(5).

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

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

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

1 SEC. 123. None of the funds made available in this
2 Act may be used to make a grant for a project under sec-
3 tion 117 of title 23, United States Code, unless the Sec-
4 retary, at least 60 days before making a grant under that
5 section, provides written notification to the House and
6 Senate Committees on Appropriations of the proposed
7 grant, including an evaluation and justification for the
8 project and the amount of the proposed grant award: *Pro-*
9 *vided*, That the written notification required in the pre-
10 ceding proviso shall be made not later than 180 days after
11 the date of enactment of this Act.

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

1 main available for obligation for a period of 3 fiscal years
2 after the fiscal year in which the Secretary is notified. The
3 Federal share of the cost of a project carried out with
4 funds made available under this section shall be the same
5 as associated with the earmark.

6 (b) In this section, the term “earmarked amount”
7 means—

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

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

22 (c) The authority under subsection (a) may be exer-
23 cised only for those projects or activities that have obli-
24 gated less than 10 percent of the amount made available
25 for obligation as of October 1 of the current fiscal year,

1 and shall be applied to projects within the same general
2 geographic area within 25 miles for which the funding was
3 designated, except that a State or territory may apply
4 such authority to unexpended balances of funds from
5 projects or activities the State or territory certifies have
6 been closed and for which payments have been made under
7 a final voucher.

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

12 SEC. 125. Until final guidance is published, the Ad-
13 ministrator of the Federal Highway Administration shall
14 adjudicate requests for Buy America waivers under the
15 criteria that were in effect prior to April 17, 2018.

16 SEC. 126. Section 1105(e)(5)(A) of the Intermodal
17 Surface Transportation Efficiency Act of 1991 (Public
18 Law 102–240; 105 Stat. 2032; 109 Stat. 597; 118 Stat.
19 293; 133 Stat. 3018) is amended, in the first sentence,
20 by inserting “clauses (i) and (iv) of subsection(c)(38)(A),”
21 after “subsection (c)(37),”.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31110 of
9 title 49, United States Code, as amended by the Fixing
10 America's Surface Transportation Act (Public Law 114-
11 94), \$288,000,000, to be derived from the Highway Trust
12 Fund (other than the Mass Transit Account), together
13 with advances and reimbursements received by the Fed-
14 eral Motor Carrier Safety Administration, the sum of
15 which shall remain available until expended: *Provided,*
16 That funds available for implementation, execution, or ad-
17 ministration of motor carrier safety operations and pro-
18 grams authorized under title 49, United States Code, shall
19 not exceed total obligations of \$288,000,000, for "Motor
20 Carrier Safety Operations and Programs" for fiscal year
21 2022, of which \$9,073,000, to remain available for obliga-
22 tion until September 30, 2024, is for the research and
23 technology program, and of which not less than
24 \$35,334,000, to remain available for obligation until Sep-
25 tember 30, 2024, is for development, modernization, en-

1 hancement, continued operation, and maintenance of in-
 2 formation technology and information management.

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

7 For payment of obligations incurred in carrying out
 8 sections 31102, 31103, 31104, and 31313 of title 49,
 9 United States Code, as amended by the Fixing America’s
 10 Surface Transportation Act (Public Law 114–94),
 11 \$393,800,000, to be derived from the Highway Trust
 12 Fund (other than the Mass Transit Account) and to re-
 13 main available until expended: *Provided*, That funds avail-
 14 able for the implementation or execution of motor carrier
 15 safety programs shall not exceed total obligations of
 16 \$393,800,000 in fiscal year 2022 for “Motor Carrier Safe-
 17 ty Grants”: *Provided further*, That of the sums appro-
 18 priated under this heading:

19 (1) \$308,700,000 shall be available for the
 20 motor carrier safety assistance program;

21 (2) \$33,200,000 shall be available for the com-
 22 mercial driver’s license program implementation pro-
 23 gram;

24 (3) \$49,900,000 shall be available for the high
 25 priority activities program, of which \$5,000,000 is to

1 be made available from prior year unobligated con-
2 tract authority provided for Motor Carrier Safety
3 Grants in the Transportation Equity Act for the
4 21st Century (Public Law 105–178), SAFETEA–
5 LU (Public Law 109–59), or other appropriations or
6 authorization Acts; and

7 (4) \$2,000,000 shall be made available for the
8 commercial motor vehicle operators grant program,
9 of which \$1,000,000 is to be made available from
10 prior year unobligated contract authority provided
11 for Motor Carrier Safety Grants in the Transpor-
12 tation Equity Act for the 21st Century (Public Law
13 105–178), SAFETEA–LU (Public Law 109–59), or
14 other appropriations or authorization Acts.

15 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

16 CARRIER SAFETY ADMINISTRATION

17 SEC. 130. The Federal Motor Carrier Safety Admin-
18 istration shall update annual inspection regulations under
19 Appendix G to subchapter B of chapter III of title 49,
20 Code of Federal Regulations, as recommended by GAO–
21 19–264.

22 SEC. 131. None of the funds appropriated or other-
23 wise made available to the Department of Transportation
24 by this Act or any other Act may be obligated or expended
25 to implement, administer, or enforce the requirements of

1 section 31137 of title 49, United States Code, or any regu-
 2 lation issued by the Secretary pursuant to such section,
 3 with respect to the use of electronic logging devices by op-
 4 erators of commercial motor vehicles, as defined in section
 5 31132(1) of such title, transporting livestock as defined
 6 in section 602 of the Emergency Livestock Feed Assist-
 7 ance Act of 1988 (7 U.S.C. 1471) or insects.

8 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
 9 OPERATIONS AND RESEARCH

10 For expenses necessary to discharge the functions of
 11 the Secretary, with respect to traffic and highway safety
 12 authorized under chapter 301 and part C of subtitle VI
 13 of title 49, United States Code, \$220,550,000, of which
 14 \$40,000,000 shall remain available through September
 15 30, 2023.

16 OPERATIONS AND RESEARCH
 17 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 18 (LIMITATION ON OBLIGATIONS)
 19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
 21 the provisions of section 403 of title 23, United States
 22 Code, including behavioral research on Automated Driving
 23 Systems and Advanced Driver Assistance Systems and im-
 24 proving consumer responses to safety recalls, section 4011
 25 of the Fixing America's Surface Transportation Act (Pub-

1 lie Law 114–94), and chapter 303 of title 49, United
2 States Code, \$155,300,000, to be derived from the High-
3 way Trust Fund (other than the Mass Transit Account)
4 and to remain available until expended: *Provided*, That
5 none of the funds in this Act shall be available for the
6 planning or execution of programs the total obligations for
7 which, in fiscal year 2022, are in excess of \$155,300,000:
8 *Provided further*, That of the sums appropriated under
9 this heading—

10 (1) \$149,800,000 shall be for programs author-
11 ized under section 403 of title 23, United States
12 Code, including behavioral research on Automated
13 Driving Systems and Advanced Driver Assistance
14 Systems and improving consumer responses to safety
15 recalls, and section 4011 of the Fixing America’s
16 Surface Transportation Act (Public Law 114–94);
17 and

18 (2) \$5,500,000 shall be for the National Driver
19 Register authorized under chapter 303 of title 49,
20 United States Code:

21 *Provided further*, That within the \$155,300,000 obligation
22 limitation for operations and research, \$20,000,000 shall
23 remain available until September 30, 2023, and shall be
24 in addition to the amount of any limitation imposed on
25 obligations for future years: *Provided further*, That

1 amounts for behavioral research on Automated Driving
2 Systems and Advanced Driver Assistance Systems and im-
3 proving consumer responses to safety recalls are in addi-
4 tion to any other funds provided for those purposes for
5 fiscal year 2022 in this Act.

6 HIGHWAY TRAFFIC SAFETY GRANTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (HIGHWAY TRUST FUND)

10 For payment of obligations incurred in carrying out
11 provisions of sections 402, 404, and 405 of title 23,
12 United States Code, and grant administration expenses
13 under chapter 4 of title 23, United States Code, to remain
14 available until expended, \$623,017,000, to be derived from
15 the Highway Trust Fund (other than the Mass Transit
16 Account): *Provided*, That none of the funds in this Act
17 shall be available for the planning or execution of pro-
18 grams for which the total obligations in fiscal year 2022
19 are in excess of \$623,017,000 for programs authorized
20 under sections 402, 404, and 405 of title 23, United
21 States Code, and grant administration expenses under
22 chapter 4 of title 23, United States Code: *Provided further*,
23 That of the sums appropriated under this heading—

1 (1) \$279,800,000 shall be for “Highway Safety
2 Programs” under section 402 of title 23, United
3 States Code;

4 (2) \$285,900,000 shall be for “National Pri-
5 ority Safety Programs” under section 405 of title
6 23, United States Code;

7 (3) \$30,500,000 shall be for the “High Visi-
8 bility Enforcement Program” under section 404 of
9 title 23, United States Code; and

10 (4) \$26,817,000 shall be for grant administra-
11 tive expenses under chapter 4 of title 23, United
12 States Code:

13 *Provided further*, That none of these funds shall be used
14 for construction, rehabilitation, or remodeling costs, or for
15 office furnishings and fixtures for State, local or private
16 buildings or structures: *Provided further*, That not to ex-
17 ceed \$500,000 of the funds made available for “National
18 Priority Safety Programs” under section 405 of title 23,
19 United States Code, for “Impaired Driving Counter-
20 measures” (as described in subsection (d) of that section)
21 shall be available for technical assistance to the States:
22 *Provided further*, That with respect to the “Transfers”
23 provision under section 405(a)(8) of title 23, United
24 States Code, any amounts transferred to increase the
25 amounts made available under section 402 shall include

1 the obligation authority for such amounts: *Provided fur-*
2 *ther*, That the Administrator shall notify the House and
3 Senate Committees on Appropriations of any exercise of
4 the authority granted under the preceding proviso or
5 under section 405(a)(8) of title 23, United States Code,
6 within 5 days.

7 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

8 TRAFFIC SAFETY ADMINISTRATION

9 SEC. 140. An additional \$130,000 shall be made
10 available to the National Highway Traffic Safety Adminis-
11 tration, out of the amount limited for section 402 of title
12 23, United States Code, to pay for travel and related ex-
13 penses for State management reviews and to pay for core
14 competency development training and related expenses for
15 highway safety staff.

16 SEC. 141. The limitations on obligations for the pro-
17 grams of the National Highway Traffic Safety Adminis-
18 tration set in this Act shall not apply to obligations for
19 which obligation authority was made available in previous
20 public laws but only to the extent that the obligation au-
21 thority has not lapsed or been used.

22 SEC. 142. None of the funds in this Act or any other
23 Act shall be used to enforce the requirements of section
24 405(a)(9) of title 23, United States Code.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$242,757,000, of
5 which \$25,000,000 shall remain available until expended:
6 *Provided*, That of the amounts provided under this head-
7 ing, up to \$2,100,000 shall be available for the alteration
8 and repair of buildings and improvements for fire and life
9 safety, emergency power system, waste and potable water
10 management, and asbestos abatement projects, to carry
11 out necessary railroad safety, training, and research ac-
12 tivities at the Transportation Technology Center.

13 RAILROAD RESEARCH AND DEVELOPMENT

14 For necessary expenses for railroad research and de-
15 velopment, \$41,000,000, to remain available until ex-
16 pended.

17 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD

18 REPAIR

19 For necessary expenses related to Federal-State
20 Partnership for State of Good Repair Grants as author-
21 ized by section 24911 of title 49, United States Code,
22 \$220,000,000, to remain available until expended: *Pro-*
23 *vided*, That expenses incidental to the acquisition or con-
24 struction (including designing, engineering, location sur-
25 veying, mapping, environmental studies, and acquiring

1 rights-of-way) of a capital project as defined under section
2 24911(a)(2) of title 49, United States Code, are eligible
3 for funding independently or in conjunction with proposed
4 funding for construction: *Provided further*, That the Sec-
5 retary may withhold up to 1 percent of the amount pro-
6 vided under this heading for the costs of award and
7 project management oversight of grants carried out under
8 section 24911 of title 49, United States Code.

9 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

10 IMPROVEMENTS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses related to Consolidated Rail
13 Infrastructure and Safety Improvements Grants, as au-
14 thorized by section 22907 of title 49, United States Code,
15 \$522,860,000, to remain available until expended: *Pro-*
16 *vided*, That section 22905(f) of title 49, United States
17 Code, shall not apply to projects for the implementation
18 or sustainment of positive train control systems otherwise
19 eligible under section 22907(c)(1) of title 49, United
20 States Code: *Provided further*, That amounts made avail-
21 able under this heading for projects selected for commuter
22 rail passenger transportation may be transferred by the
23 Secretary, after selection, to the appropriate agencies to
24 be administered in accordance with chapter 53 of title 49,
25 United States Code: *Provided further*, That the Secretary

1 shall not limit eligible projects from consideration for
2 funding for planning, engineering, environmental, con-
3 struction, and design elements of the same project in the
4 same application: *Provided further*, That for amounts
5 available under this heading eligible recipients under sec-
6 tion 22907(b) of title 49, United States Code, shall in-
7 clude any holding company of a Class II railroad or Class
8 III railroad (as those terms are defined in section 20102
9 of title 49, United States Code): *Provided further*, That
10 unobligated balances remaining after 6 years from the
11 date of enactment of this Act may be used for any eligible
12 project under section 22907(c) of title 49, United States
13 Code: *Provided further*, That of the amounts made avail-
14 able under this heading, \$120,860,000 shall be made
15 available for the purposes, and in amounts, specified for
16 Congressionally directed spending in the table entitled
17 “Incorporation of Congressionally Directed Spending, for
18 Consolidated Rail Infrastructure and Safety Improve-
19 ments” included in the explanatory statement accom-
20 panying this Act: *Provided further*, That any remaining
21 funds available after the distribution of funds under the
22 preceding proviso shall be available to the Secretary to dis-
23 tribute as discretionary grants under this heading: *Pro-*
24 *vided further*, That the Secretary may withhold up to 2
25 percent of the amount provided under this heading for the

1 costs of award and project management oversight of
2 grants carried out under section 22907 of title 49, United
3 States Code.

4 RESTORATION AND ENHANCEMENT

5 For necessary expenses related to Restoration and
6 Enhancement Grants, as authorized by section 24408 of
7 title 49, United States Code, \$2,000,000, to remain avail-
8 able until expended: *Provided*, That the Secretary may
9 withhold up to 2 percent of the funds provided under this
10 heading to fund the costs of award and project manage-
11 ment and oversight: *Provided further*, That amounts made
12 available under this heading may be provided to make pay-
13 ments for use of Amtrak equipment under Section 209
14 of the Passenger Rail Investment and Improvement Act
15 of 2008 (division B, title II of Public Law 110–432, as
16 amended), whether characterized as a capital cost or oper-
17 ating cost, and notwithstanding any limitation in para-
18 graph (c) of that section: *Provided further*, That the pre-
19 ceding proviso shall apply to amounts made available
20 under this heading in previous fiscal years if such funds
21 are announced in a notice of funding opportunity that in-
22 cludes funds made available under this heading.

1 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make
4 grants to the National Railroad Passenger Corporation for
5 activities associated with the Northeast Corridor as au-
6 thorized by section 11101(a) of the Fixing America’s Sur-
7 face Transportation Act (division A of Public Law 114–
8 94), \$968,692,693, to remain available until expended:
9 *Provided*, That the Secretary may retain up to one-half
10 of 1 percent of the funds provided under both this heading
11 and the “National Network Grants to the National Rail-
12 road Passenger Corporation” heading to fund the costs
13 of project management and oversight of activities author-
14 ized by section 11101(c) of division A of Public Law 114–
15 94: *Provided further*, That in addition to the project man-
16 agement oversight funds authorized under section
17 11101(c) of division A of Public Law 114–94, the Sec-
18 retary may retain up to an additional \$5,000,000 of the
19 funds provided under this heading to fund expenses associ-
20 ated with the Northeast Corridor Commission established
21 under section 24905 of title 49, United States Code: *Pro-*
22 *vided further*, That of the amounts made available under
23 this heading and the “National Network Grants to the Na-
24 tional Railroad Passenger Corporation” heading, not less
25 than \$75,000,000 shall be made available to bring Am-

1 trak-served facilities and stations into compliance with the
 2 Americans with Disabilities Act: *Provided further*, That of
 3 the amounts made available under this heading and the
 4 “National Network Grants to the National Railroad Pas-
 5 senger Corporation” heading, \$100,000,000 shall be made
 6 available to fund the replacement of the single-level pas-
 7 senger cars used on the Northeast Corridor, State-sup-
 8 ported routes, and long-distance routes, as such terms are
 9 defined in section 24102 of title 49, United States Code.

10 NATIONAL NETWORK GRANTS TO THE NATIONAL
 11 RAILROAD PASSENGER CORPORATION

12 To enable the Secretary of Transportation to make
 13 grants to the National Railroad Passenger Corporation for
 14 activities associated with the National Network as author-
 15 ized by section 11101(b) of the Fixing America’s Surface
 16 Transportation Act (division A of Public Law 114–94),
 17 \$1,731,307,307, to remain available until expended: *Pro-*
 18 *vided*, That the Secretary may retain up to an additional
 19 \$2,000,000 of the funds provided under this heading to
 20 fund expenses associated with the State-Supported Route
 21 Committee established under section 24712 of title 49,
 22 United States Code: *Provided further*, That at least
 23 \$50,000,000 of the amount provided under this heading
 24 shall be available for the development, installation and op-
 25 eration of railroad safety improvements, including the im-

1 plementation of a positive train control system, on State-
2 supported routes as defined under section 24102(13) of
3 title 49, United States Code, on which positive train con-
4 trol systems are not required by law or regulation as iden-
5 tified on or before the date of enactment of this Act: *Pro-*
6 *vided further*, That any unobligated balances from
7 amounts provided under this heading in prior Acts for the
8 development, installation and operation of railroad safety
9 technology on State-supported routes on which positive
10 train control systems are not required by law or regulation
11 shall also be available for railroad safety improvements on
12 State-supported routes as identified on or before the date
13 of enactment of this Act: *Provided further*, That none of
14 the funds provided under this heading shall be used by
15 Amtrak to give notice under subsection (a) or (b) of sec-
16 tion 24706 of title 49, United States Code, with respect
17 to long-distance routes (as defined in section 24102 of title
18 49, United States Code) on which Amtrak is the sole oper-
19 ator on a host railroad's line and a positive train control
20 system is not required by law or regulation, or, except in
21 an emergency or during maintenance or construction out-
22 ages impacting such routes, to otherwise discontinue, re-
23 duce the frequency of, suspend, or substantially alter the
24 route of rail service on any portion of such route operated
25 in fiscal year 2018, including implementation of service

1 permitted by section 24305(a)(3)(A) of title 49, United
2 States Code, in lieu of rail service.

3 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

4 ADMINISTRATION

5 (INCLUDING RESCISSIONS)

6 SEC. 150. None of the funds made available to the
7 National Railroad Passenger Corporation may be used to
8 fund any overtime costs in excess of \$35,000 for any indi-
9 vidual employee: *Provided*, That the President of Amtrak
10 may waive the cap set in the preceding proviso for specific
11 employees when the President of Amtrak determines such
12 a cap poses a risk to the safety and operational efficiency
13 of the system: *Provided further*, That the President of Am-
14 trak shall report to the House and Senate Committees on
15 Appropriations no later than 60 days after the date of en-
16 actment of this Act, a summary of all overtime payments
17 incurred by Amtrak for 2021 and the 3 prior calendar
18 years: *Provided further*, That such summary shall include
19 the total number of employees that received waivers and
20 the total overtime payments Amtrak paid to employees re-
21 ceiving waivers for each month for 2021 and for the 3
22 prior calendar years.

23 SEC. 151. None of the funds made available to the
24 National Railroad Passenger Corporation under the head-
25 ings “Northeast Corridor Grants to the National Railroad

1 Passenger Corporation” and “National Network Grants to
2 the National Railroad Passenger Corporation” may be
3 used to reduce the total number of Amtrak Police Depart-
4 ment uniformed officers patrolling on board passenger
5 trains or at stations, facilities or rights-of-way below the
6 staffing level on May 1, 2019.

7 SEC. 152. None of the funds made available by this
8 Act may be used by the National Railroad Passenger Cor-
9 poration in contravention of the Worker Adjustment and
10 Retraining Notification Act (29 U.S.C. 2101 et seq.).

11 SEC. 153. Of the unobligated balances of funds re-
12 maining from—

13 (1) “Railroad Safety Grants” accounts totaling
14 \$1,715,414.34 appropriated by the following public
15 laws are hereby permanently rescinded:

16 (A) Public Law 105–277 a total of
17 \$7,052.79 under the heading “Railroad Safe-
18 ty”;

19 (B) Public Law 113–235 a total of
20 \$190,265.91 from section 153 under the head-
21 ing “Administrative Provisions—Federal Rail-
22 road Administration”; and

23 (C) Public Law 114–113 a total of
24 \$1,518,095.64; and

1 (2) “Capital Assistance for High Speed Rail
2 Corridors and Intercity Passenger Rail Service” ac-
3 count totaling \$13,327,006.39 appropriated by Pub-
4 lic Law 111–117 is hereby permanently rescinded.

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

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

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

14 FEDERAL TRANSIT ADMINISTRATION

15 ADMINISTRATIVE EXPENSES

16 For necessary administrative expenses of the Federal
17 Transit Administration’s programs authorized by chapter
18 53 of title 49, United States Code, \$131,500,000 which
19 shall remain available until September 30, 2023: *Provided,*
20 That upon submission to the Congress of the fiscal year
21 2023 President’s budget, the Secretary of Transportation
22 shall transmit to Congress the annual report on Capital
23 Investment Grants, including proposed allocations for fis-
24 cal year 2023.

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

5 For payment of obligations incurred in the Federal
6 Public Transportation Assistance Program in this ac-
7 count, and for payment of obligations incurred in carrying
8 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
9 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
10 5340, as amended by the Fixing America's Surface Trans-
11 portation Act, section 20005(b) of Public Law 112-141,
12 and section 3006(b) of the Fixing America's Surface
13 Transportation Act, \$10,800,000,000, to be derived from
14 the Mass Transit Account of the Highway Trust Fund
15 and to remain available until expended: *Provided*, That
16 funds available for the implementation or execution of pro-
17 grams authorized under 49 U.S.C. 5305, 5307, 5310,
18 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339,
19 and 5340, as amended by the Fixing America's Surface
20 Transportation Act, section 20005(b) of Public Law 112-
21 141, and section 3006(b) of the Fixing America's Surface
22 Transportation Act, shall not exceed total obligations of
23 \$10,150,348,462 in fiscal year 2022: *Provided further*,
24 That the Federal share of the cost of activities carried
25 out under 49 U.S.C. section 5312 shall not exceed 80 per-

1 cent, except that if there is substantial public interest or
2 benefit, the Secretary may approve a greater Federal
3 share.

4 TRANSIT INFRASTRUCTURE GRANTS

5 For an additional amount for buses and bus facilities
6 grants under section 5339 of title 49, United States Code,
7 low or no emission grants under section 5339(c) of such
8 title, formula grants to rural areas under section 5311 of
9 such title, high density state apportionments under section
10 5340(d) of such title, state of good repair grants under
11 section 5337 of such title, ferry boats grants under section
12 5307(h) of such title, bus testing facilities under section
13 5318 of such title, grants to areas of persistent poverty,
14 innovative mobility solutions grants under section 5312 of
15 such title, and accelerating innovative mobility initiative
16 grants under section 5312 such title, \$756,998,000, to re-
17 main available until expended: *Provided*, That of the sums
18 provided under this heading—

19 (1) \$300,000,000 shall be available for the
20 buses and bus facilities grants as authorized under
21 section 5339 of such title, of which \$200,000,000
22 shall be available for the buses and bus facilities for-
23 mula grants as authorized under section 5339(a) of
24 such title, and \$100,000,000 shall be available for

1 buses and bus facilities competitive grants as au-
2 thorized under section 5339(b) of such title;

3 (2) \$132,000,000 shall be available for the low
4 or no emission grants as authorized under section
5 5339(e) of such title: *Provided*, That the minimum
6 grant award shall be not less than \$750,000;

7 (3) \$45,000,000 shall be available for formula
8 grants for rural areas as authorized under section
9 5311 of such title;

10 (4) \$45,000,000 shall be available for the high
11 density state apportionments as authorized under
12 section 5340(d) of such title;

13 (5) \$45,000,000 shall be available for state of
14 good repair grants as authorized under section 5337
15 of such title;

16 (6) \$13,000,000 shall be available for ferry
17 boat grants as authorized under section 5307(h) of
18 such title: *Provided*, That of the amounts provided
19 under this subparagraph, no less than \$6,000,000
20 shall be available for low or zero-emission ferries or
21 ferries using electric battery or fuel cell components
22 and the infrastructure to support such ferries;

23 (7) \$2,000,000 shall be available for the oper-
24 ation and maintenance of the bus testing facilities
25 selected under section 5318 of such title;

1 (8) \$20,000,000 shall be available for competi-
2 tive grants to eligible entities to assist areas of per-
3 sistent poverty or disadvantaged communities as de-
4 fined in section 193 of this Act: *Provided*, That
5 grants shall be for planning, engineering, or develop-
6 ment of technical or financing plans for projects eli-
7 gible under chapter 53 of title 49, United States
8 Code: *Provided further*, That eligible entities are
9 those defined as eligible recipients or subrecipients
10 under sections 5307, 5310 or 5311 of title 49,
11 United States Code, and are in areas of persistent
12 poverty: *Provided further*, That the Federal Transit
13 Administration should complete outreach to such
14 counties and the departments of transportation with-
15 in applicable States via personal contact, webinars,
16 web materials and other appropriate methods deter-
17 mined by the Administrator of the Federal Transit
18 Administration: *Provided further*, That State depart-
19 ments of transportation may apply on behalf of eligi-
20 ble entities within their States: *Provided further*,
21 That the Federal Transit Administration should en-
22 courage grantees to work with non-profits or other
23 entities of their choosing in order to develop plan-
24 ning, technical, engineering, or financing plans: *Pro-*
25 *vided further*, That the Federal Transit Administra-

1 tion shall encourage grantees to partner with non-
2 profits that can assist with making projects low or
3 no emissions;

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

17 (10) \$1,000,000 shall be for the accelerating in-
18 novative mobility initiative as authorized under sec-
19 tion 5312 of title 49, United States Code: *Provided*,
20 That such amounts shall be available for competitive
21 grants to improve mobility and enhance the rider ex-
22 perience with a focus on innovative service delivery
23 models, creative financing, novel partnerships, and
24 integrated payment solutions in order to help dis-

1 seminate proven innovation mobility practices
2 throughout the public transportation industry; and

3 (11) \$152,998,000 shall be made available for
4 the purposes, and in amounts, specified for Congres-
5 sionally directed spending in the table entitled “In-
6 corporation of Congressionally Directed Spending for
7 Transit Infrastructure Grants” included in the ex-
8 planatory statement accompanying this Act: *Pro-*
9 *vided further*, That any remaining funds available
10 after the distribution of funds under the preceding
11 proviso shall be available to the Secretary to dis-
12 tribute as discretionary grants under this heading:

13 *Provided further*, That projects funded under paragraph
14 (8) of this heading shall be for not less than 90 percent
15 of the net total project cost: *Provided further*, That
16 amounts made available by this heading shall be derived
17 from the general fund: *Provided further*, That the amounts
18 made available under this heading shall not be subject to
19 any limitation on obligations for transit programs set forth
20 in any Act.

21 TECHNICAL ASSISTANCE AND TRAINING

22 For necessary expenses to carry out section 5314 of
23 title 49, United States Code, \$7,500,000, to remain avail-
24 able until September 30, 2023, of which not less than
25 \$1,500,000 shall be for a cooperative agreement through

1 of title 49, United States Code, and of section 3005(b)
2 of the Fixing America's Surface Transportation Act: *Pro-*
3 *vided further*, That projects that receive a grant agreement
4 under the Expedited Project Delivery for Capital Invest-
5 ment Grants Pilot Program under section 3005(b) of the
6 Fixing America's Surface Transportation Act shall be
7 deemed eligible for funding provided for projects under
8 section 5309 of title 49, United States Code, without fur-
9 ther evaluation or rating under such section: *Provided fur-*
10 *ther*, That such funding shall not exceed the Federal share
11 under section 3005(b): *Provided further*, That funds allo-
12 cated pursuant to 49 U.S.C. 5309 to any project during
13 fiscal years 2015 or 2017 shall remain allocated to that
14 project until December 31, 2023.

15 GRANTS TO THE WASHINGTON METROPOLITAN AREA

16 TRANSIT AUTHORITY

17 For grants to the Washington Metropolitan Area
18 Transit Authority as authorized under section 601 of divi-
19 sion B of the Passenger Rail Investment and Improvement
20 Act of 2008 (Public Law 110-432), \$150,000,000, to re-
21 main available until expended: *Provided*, That the Sec-
22 retary of Transportation shall approve grants for capital
23 and preventive maintenance expenditures for the Wash-
24 ington Metropolitan Area Transit Authority only after re-
25 ceiving and reviewing a request for each specific project:

1 *Provided further*, That the Secretary shall determine that
2 the Washington Metropolitan Area Transit Authority has
3 placed the highest priority on those investments that will
4 improve the safety of the system before approving such
5 grants: *Provided further*, That the Secretary, in order to
6 ensure safety throughout the rail system, may waive the
7 requirements of section 601(e)(1) of division B of the Pas-
8 senger Rail Investment and Improvement Act of 2008
9 (Public Law 110–432).

10

TRANSIT RESEARCH

11 For necessary expenses to carry out section 5312 of
12 title 49, United States Code, \$18,000,000, to remain
13 available until September 30, 2024.

14

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

15

ADMINISTRATION

16

(INCLUDING RESCISSIONS)

17 SEC. 160. The limitations on obligations for the pro-
18 grams of the Federal Transit Administration shall not
19 apply to any authority under 49 U.S.C. 5338, previously
20 made available for obligation, or to any other authority
21 previously made available for obligation.

22 SEC. 161. Notwithstanding any other provision of
23 law, funds appropriated or limited by this Act under the
24 heading “Capital Investment Grants” of the Federal
25 Transit Administration for projects specified in this Act

1 or identified in the explanatory statement accompanying
2 this Act not obligated by September 30, 2025, and other
3 recoveries, shall be directed to projects eligible to use the
4 funds for the purposes for which they were originally pro-
5 vided.

6 SEC. 162. Notwithstanding any other provision of
7 law, any funds appropriated before October 1, 2021, under
8 any section of chapter 53 of title 49, United States Code,
9 that remain available for expenditure, may be transferred
10 to and administered under the most recent appropriation
11 heading for any such section.

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

17 SEC. 164. An eligible recipient of a grant under sec-
18 tion 5339(e) may submit an application in partnership
19 with other entities, including a transit vehicle manufac-
20 turer, that intend to participate in the implementation of
21 a project under section 5339(c) of title 49, United States
22 Code, and a project awarded with such partnership shall
23 be treated as satisfying the requirement for a competitive
24 procurement under section 5325(a) of title 49, United
25 States Code, for the named entity.

1 SEC. 165. None of the funds made available by this
2 Act or any other Act shall be used to impede or hinder
3 project advancement or approval for any project seeking
4 a Federal contribution from the capital investment grant
5 program of greater than 40 percent of project costs as
6 authorized under section 5309 of title 49, United States
7 Code.

8 SEC. 166. None of the funds made available in this
9 Act may be used by the Department of Transportation
10 to implement any policy that requires a capital investment
11 grant project to receive a medium or higher project rating
12 before taking actions to finalize an environmental impact
13 statement.

14 SEC. 167. Of the unobligated amounts made available
15 for prior fiscal years to Formula Grants in Treasury Ac-
16 count 69–X–1129, a total of \$6,734,356 are hereby per-
17 manently rescinded: *Provided*, That no amounts may be
18 rescinded from amounts that were designated by the Con-
19 gress as an emergency or disaster relief requirement pur-
20 suant to a concurrent resolution on the budget or the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 SEC. 168. Any unexpended balances from amounts
23 previously appropriated for low or no emission vehicle
24 component assessment under 49 U.S.C. 5312(h) under the
25 headings “Transit Formula Grants” and “Transit Infra-

1 structure Grants” in fiscal years 2021 through 2022 may
2 be used by the facilities selected for such vehicle compo-
3 nent assessment for capital projects in order to build new
4 infrastructure and enhance existing facilities in order to
5 expand bus and component testing capability, in accord-
6 ance with the industry stakeholder testing objectives and
7 capabilities as outlined through the work of the Federal
8 Transit Administration Transit Vehicle Innovation and
9 Deployment Centers program and included in the Center
10 for Transportation and the Environment report submitted
11 to the Federal Transit Administration for review.

12 GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT
13 CORPORATION

14 The Great Lakes St. Lawrence Seaway Development
15 Corporation is hereby authorized to make such expendi-
16 tures, within the limits of funds and borrowing authority
17 available to the Corporation, and in accord with law, and
18 to make such contracts and commitments without regard
19 to fiscal year limitations, as provided by section 9104 of
20 title 31, United States Code, as may be necessary in car-
21 rying out the programs set forth in the Corporation’s
22 budget for the current fiscal year.

1 OPERATIONS AND MAINTENANCE
2 (HARBOR MAINTENANCE TRUST FUND)

3 For necessary expenses to conduct the operations,
4 maintenance, and capital infrastructure activities on por-
5 tions of the Saint Lawrence Seaway owned, operated, and
6 maintained by the Great Lakes St. Lawrence Seaway De-
7 velopment Corporation, \$37,700,000, to be derived from
8 the Harbor Maintenance Trust Fund, pursuant to section
9 210 of the Water Resources Development Act of 1986 (33
10 U.S.C. 2238): *Provided*, That of the amounts made avail-
11 able under this heading, not less than \$14,500,000 shall
12 be for the seaway infrastructure program and not more
13 than \$1,500,000 shall be for activities pursuant to section
14 984(a)(12) of title 33, United States Code.

15 MARITIME ADMINISTRATION
16 MARITIME SECURITY PROGRAM
17 (INCLUDING RESCISSION)

18 For necessary expenses to maintain and preserve a
19 U.S.-flag merchant fleet as authorized under chapter 531
20 of title 46, United States Code, to serve the national secu-
21 rity needs of the United States, \$318,000,000, to remain
22 available until expended: *Provided*, That of the unobli-
23 gated balances from prior year appropriations made avail-
24 able under this heading, \$42,000,000 is hereby perma-
25 nently rescinded.

1 CABLE SECURITY FLEET

2 For the cable security fleet program, as authorized
3 under chapter 532 of title 46, United States Code,
4 \$10,000,000, to remain available until expended.

5 TANKER SECURITY PROGRAM

6 For the tanker security fleet program, as authorized
7 under section 53406 of title 46, United States Code,
8 \$60,000,000, to remain available until expended.

9 OPERATIONS AND TRAINING

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of operations and training ac-
12 tivities authorized by law, \$172,204,000: *Provided*, That
13 of the amounts made available under this heading—

14 (1) \$85,032,000, to remain available until Sep-
15 tember 30, 2023, shall be for the operations of the
16 United States Merchant Marine Academy;

17 (2) \$5,500,000, to remain available until ex-
18 pended, shall be for facilities maintenance and re-
19 pair, and equipment, at the United States Merchant
20 Marine Academy;

21 (3) \$10,000,000, to remain available until Sep-
22 tember 30, 2023, shall be for the Maritime Environ-
23 mental and Technical Assistance program authorized
24 under section 50307 of title 46, United States Code;
25 and

1 (4) \$10,819,000, to remain available until ex-
2 pended, shall be for the America's Marine Highways
3 Program to make grants for the purposes authorized
4 under paragraphs (1) and (3) of section 55601(b) of
5 title 46, United States Code:

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

19 STATE MARITIME ACADEMY OPERATIONS

20 For necessary expenses of operations, support, and
21 training activities for State Maritime Academies,
22 \$433,300,000: *Provided*, That of the sums appropriated
23 under this heading—

24 (1) \$30,500,000, to remain available until ex-
25 pended, shall be for maintenance, repair, life exten-

1 sion, insurance, and capacity improvement of Na-
2 tional Defense Reserve Fleet training ships, and for
3 support of training ship operations at the State
4 Maritime Academies, of which up to \$8,500,000, to
5 remain available until expended, shall be for ex-
6 penses related to training mariners; and for costs as-
7 sociated with training vessel sharing pursuant to 46
8 U.S.C. 51504(g)(3) for costs associated with mobi-
9 lizing, operating and demobilizing the vessel, includ-
10 ing travel costs for students, faculty and crew, the
11 costs of the general agent, crew costs, fuel, insur-
12 ance, operational fees, and vessel hire costs, as de-
13 termined by the Secretary;

14 (2) \$390,600,000, to remain available until ex-
15 pended, shall be for the National Security Multi-Mis-
16 sion Vessel Program, including funds for construc-
17 tion, planning, administration, and design of school
18 ships;

19 (3) \$2,400,000 to remain available through
20 September 30, 2026, shall be for the Student Incen-
21 tive Program;

22 (4) \$3,800,000 shall remain available until ex-
23 pended, shall be for training ship fuel assistance;
24 and

1 ports, inland river ports, or Great Lakes ports: *Provided*
2 *further*, That the Maritime Administration shall distribute
3 amounts made available under this heading as discre-
4 tionary grants to port authorities or commissions or their
5 subdivisions and agents under existing authority, as well
6 as to a State or political subdivision of a State or local
7 government, a Tribal Government, a public agency or pub-
8 licly chartered authority established by one or more
9 States, a special purpose district with a transportation
10 function, a multistate or multijurisdictional group of enti-
11 ties, or a lead entity described above jointly with a private
12 entity or group of private entities: *Provided further*, That
13 projects eligible for amounts made available under this
14 heading shall be designed to improve the safety, efficiency,
15 or reliability of the movement of goods into, out of,
16 around, or within a port and located—

17 (1) within the boundary of a port; or

18 (2) outside the boundary of a port, and directly
19 related to port operations, or to an intermodal con-
20 nection to a port:

21 *Provided further*, That project awards eligible under this
22 heading shall be only for—

23 (1) port gate improvements;

24 (2) road improvements both within and con-
25 necting to the port;

1 (3) rail improvements both within and con-
2 necting to the port;

3 (4) berth improvements (including docks,
4 wharves, piers and dredging incidental to the im-
5 provement project);

6 (5) fixed landside improvements in support of
7 cargo operations (such as silos, elevators, conveyors,
8 container terminals, Ro/Ro structures including
9 parking garages necessary for intermodal freight
10 transfer, warehouses including refrigerated facilities,
11 lay-down areas, transit sheds, and other such facili-
12 ties);

13 (6) utilities necessary for safe operations (in-
14 cluding lighting, stormwater, and other such im-
15 provements that are incidental to a larger infrastruc-
16 ture project);

17 (7) improvements that reduce environmental
18 impact(s) of port operations (including resiliency im-
19 provements); or

20 (8) a combination of activities described above:

21 *Provided further*, That the Federal share of the costs for
22 which an amount is provided under this heading shall be
23 up to 80 percent: *Provided further*, That for grants award-
24 ed under this heading, the minimum grant size shall be
25 \$1,000,000.

1 ADMINISTRATIVE PROVISIONS—MARITIME

2 ADMINISTRATION

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

16 PIPELINE AND HAZARDOUS MATERIALS SAFETY

17 ADMINISTRATION

18 OPERATIONAL EXPENSES

19 For necessary operational expenses of the Pipeline
20 and Hazardous Materials Safety Administration,
21 \$29,100,000, of which \$4,500,000 shall remain available
22 until September 30, 2024.

23 HAZARDOUS MATERIALS SAFETY

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

1 Materials Safety Administration, \$66,829,000, of which
2 \$7,570,000 shall remain available until September 30,
3 2024: *Provided*, That up to \$800,000 in fees collected
4 under section 5108(g) of title 49, United States Code,
5 shall be deposited in the general fund of the Treasury as
6 offsetting receipts: *Provided further*, That there may be
7 credited to this appropriation, to be available until ex-
8 pended, funds received from States, counties, municipali-
9 ties, other public authorities, and private sources for ex-
10 penses incurred for training, for reports publication and
11 dissemination, and for travel expenses incurred in per-
12 formance of hazardous materials exemptions and approv-
13 als functions.

14 PIPELINE SAFETY

15 (PIPELINE SAFETY FUND)

16 (OIL SPILL LIABILITY TRUST FUND)

17 For expenses necessary to carry out a pipeline safety
18 program, as authorized by section 60107 of title 49,
19 United States Code, and to discharge the pipeline program
20 responsibilities of the Oil Pollution Act of 1990,
21 \$182,650,000, to remain available until September 30,
22 2024, of which \$27,650,000 shall be derived from the Oil
23 Spill Liability Trust Fund; of which \$146,600,000 shall
24 be derived from the Pipeline Safety Fund; of which
25 \$400,000 shall be derived from the fees collected under

1 section 60303 of title 49, United States Code, and depos-
2 ited in the Liquefied Natural Gas Siting Account for com-
3 pliance reviews of liquefied natural gas facilities; and of
4 which \$8,000,000 shall be derived from fees collected
5 under section 60302 of title 49, United States Code, and
6 deposited in the Underground Natural Gas Storage Facil-
7 ity Safety Account for the purpose of carrying out section
8 60141 of title 49, United States Code: *Provided*, That not
9 less than \$1,058,000 of the funds provided under this
10 heading shall be for the One-Call State grant program:
11 *Provided further*, That any amounts provided under this
12 heading in this Act or in prior Acts for research contracts,
13 grants, cooperative agreements or research other trans-
14 actions agreements (“OTAs”) shall require written notifi-
15 cation to the House and Senate Committees on Appropria-
16 tions not less than 3 full business days before such re-
17 search contracts, grants, cooperative agreements, or re-
18 search OTAs are announced by the Department of Trans-
19 portation.

20 EMERGENCY PREPAREDNESS GRANTS

21 (LIMITATION ON OBLIGATIONS)

22 (EMERGENCY PREPAREDNESS FUND)

23 For expenses necessary to carry out the Emergency
24 Preparedness Grants program, not more than
25 \$28,318,000 shall remain available until September 30,

1 2024, from amounts made available by section 5116(h)
2 and subsections (b) and (c) of section 5128 of title 49,
3 United States Code: *Provided*, That notwithstanding sec-
4 tion 5116(h)(4) of title 49, United States Code, not more
5 than 4 percent of the amounts made available from this
6 account shall be available to pay the administrative costs
7 of carrying out sections 5116, 5107(e), and 5108(g)(2)
8 of title 49, United States Code: *Provided further*, That
9 notwithstanding subsections (b) and (c) of section 5128
10 of title 49, United States Code, and the limitation on obli-
11 gations provided under this heading, prior year recoveries
12 recognized in the current year shall be available to develop
13 and deliver hazardous materials emergency response train-
14 ing for emergency responders, including response activities
15 for the transportation of crude oil, ethanol, flammable liq-
16 uids, and other hazardous commodities by rail, consistent
17 with National Fire Protection Association standards, and
18 to make such training available through an electronic for-
19 mat: *Provided further*, That the prior year recoveries made
20 available under this heading shall also be available to carry
21 out sections 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e)
22 of title 49, United States Code.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$103,150,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department of Trans-
12 portation.

13 GENERAL PROVISIONS—DEPARTMENT OF

14 TRANSPORTATION

15 SEC. 180. (a) During the current fiscal year, applica-
16 ble appropriations to the Department of Transportation
17 shall be available for maintenance and operation of air-
18 craft; hire of passenger motor vehicles and aircraft; pur-
19 chase of liability insurance for motor vehicles operating
20 in foreign countries on official department business; and
21 uniforms or allowances therefor, as authorized by sections
22 5901 and 5902 of title 5, United States Code.

23 (b) During the current fiscal year, applicable appro-
24 priations to the Department and its operating administra-
25 tions shall be available for the purchase, maintenance, op-

1 eration, and deployment of unmanned aircraft systems
2 that advance the missions of the Department of Transpor-
3 tation or an operating administration of the Department
4 of Transportation.

5 (c) Any unmanned aircraft system purchased, pro-
6 cured, or contracted for by the Department prior to the
7 date of enactment of this Act shall be deemed authorized
8 by Congress as if this provision was in effect when the
9 system was purchased, procured, or contracted for.

10 SEC. 181. Appropriations contained in this Act for
11 the Department of Transportation shall be available for
12 services as authorized by section 3109 of title 5, United
13 States Code, but at rates for individuals not to exceed the
14 per diem rate equivalent to the rate for an Executive Level
15 IV.

16 SEC. 182. (a) No recipient of amounts made available
17 by this Act shall disseminate personal information (as de-
18 fined in section 2725(3) of title 18, United States Code)
19 obtained by a State department of motor vehicles in con-
20 nection with a motor vehicle record as defined in section
21 2725(1) of title 18, United States Code, except as pro-
22 vided in section 2721 of title 18, United States Code, for
23 a use permitted under section 2721 of title 18, United
24 States Code.

1 (b) Notwithstanding subsection (a), the Secretary
2 shall not withhold amounts made available by this Act for
3 any grantee if a State is in noncompliance with this provi-
4 sion.

5 SEC. 183. None of the funds made available by this
6 Act shall be available for salaries and expenses of more
7 than 125 political and Presidential appointees in the De-
8 partment of Transportation: *Provided*, That none of the
9 personnel covered by this provision may be assigned on
10 temporary detail outside the Department of Transpor-
11 tation.

12 SEC. 184. Funds received by the Federal Highway
13 Administration and Federal Railroad Administration from
14 States, counties, municipalities, other public authorities,
15 and private sources for expenses incurred for training may
16 be credited respectively to the Federal Highway Adminis-
17 tration's "Federal-Aid Highways" account and to the Fed-
18 eral Railroad Administration's "Safety and Operations"
19 account, except for State rail safety inspectors partici-
20 pating in training pursuant to section 20105 of title 49,
21 United States Code.

22 SEC. 185. None of the funds made available by this
23 Act to the Department of Transportation may be used to
24 make a loan, loan guarantee, line of credit, letter of intent,
25 federally funded cooperative agreement, full funding grant

1 agreement, or discretionary grant unless the Secretary of
2 Transportation notifies the House and Senate Committees
3 on Appropriations not less than 3 full business days before
4 any project competitively selected to receive any discre-
5 tionary grant award, letter of intent, loan commitment,
6 loan guarantee commitment, line of credit commitment,
7 federally funded cooperative agreement, or full funding
8 grant agreement is announced by the Department or its
9 operating administrations: *Provided*, That the Secretary
10 of Transportation shall provide the House and Senate
11 Committees on Appropriations with a comprehensive list
12 of all such loans, loan guarantees, lines of credit, letters
13 of intent, federally funded cooperative agreements, full
14 funding grant agreements, and discretionary grants prior
15 to the notification required under the preceding proviso:
16 *Provided further*, That the Secretary gives concurrent noti-
17 fication to the House and Senate Committees on Appro-
18 priations for any “quick release” of funds from the emer-
19 gency relief program: *Provided further*, That no notifica-
20 tion shall involve funds that are not available for obliga-
21 tion.

22 SEC. 186. Rebates, refunds, incentive payments,
23 minor fees, and other funds received by the Department
24 of Transportation from travel management centers,
25 charge card programs, the subleasing of building space,

1 and miscellaneous sources are to be credited to appropria-
2 tions of the Department of Transportation and allocated
3 to elements of the Department of Transportation using
4 fair and equitable criteria and such funds shall be avail-
5 able until expended.

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

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

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

23 (A) shall be credited to and merged with
24 the appropriation from which the improper pay-
25 ments were made, and shall be available for the

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

14 (B) if no such appropriation remains avail-
15 able, shall be deposited in the Treasury as mis-
16 cellaneous receipts: *Provided further*, That prior
17 to depositing such recovery in the Treasury, the
18 Secretary shall notify the House and Senate
19 Committees on Appropriations of the amount
20 and reasons for such transfer: *Provided further*,
21 That for purposes of this section, the term “im-
22 proper payment” has the same meaning as that
23 provided in section 3351(4) of title 31, United
24 States Code.

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

16 SEC. 189. Funds appropriated by this Act to the op-
17 erating administrations may be obligated for the Office of
18 the Secretary for the costs related to assessments or reim-
19 bursable agreements only when such amounts are for the
20 costs of goods and services that are purchased to provide
21 a direct benefit to the applicable operating administration
22 or administrations.

23 SEC. 190. The Secretary of Transportation is author-
24 ized to carry out a program that establishes uniform
25 standards for developing and supporting agency transit

1 pass and transit benefits authorized under section 7905
2 of title 5, United States Code, including distribution of
3 transit benefits by various paper and electronic media.

4 SEC. 191. The Department of Transportation may
5 use funds provided by this Act, or any other Act, to assist
6 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
7 geographic, economic, or any other hiring preference not
8 otherwise authorized by law, or to amend a rule, regula-
9 tion, policy or other measure that forbids a recipient of
10 a Federal Highway Administration or Federal Transit Ad-
11 ministration grant from imposing such hiring preference
12 on a contract or construction project with which the De-
13 partment of Transportation is assisting, only if the grant
14 recipient certifies the following:

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

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

1 (3) that any increase in the cost of labor, train-
2 ing, or delays resulting from the use of such hiring
3 preference does not delay or displace any transpor-
4 tation project in the applicable Statewide Transpor-
5 tation Improvement Program or Transportation Im-
6 provement Program.

7 SEC. 192. The Secretary of Transportation shall co-
8 ordinate with the Secretary of Homeland Security to en-
9 sure that best practices for Industrial Control Systems
10 Procurement are up-to-date and shall ensure that systems
11 procured with funds provided under this title were pro-
12 cured using such practices.

13 SEC. 193. For purposes of this Act—

14 (1) the term “areas of persistent poverty”
15 means any county that has consistently had greater
16 than or equal to 20 percent of the population living
17 in poverty during the 30-year period preceding the
18 date of enactment of this Act, as measured by the
19 1990 and 2000 decennial census and the most re-
20 cent annual Small Area Income and Poverty Esti-
21 mates as estimated by the Bureau of the Census;
22 any census tract with a poverty rate of at least 20
23 percent as measured by the 2014–2018 5-year data
24 series available from the American Community Sur-

1 vey of the Bureau of the Census; or any territory or
2 possession of the United States; and

3 (2) the term “disadvantaged community”
4 means a geographic area (or areas) including an In-
5 dian reservation that meet objective criteria of eco-
6 nomic distress developed by the Infrastructure Fi-
7 nance Authority in consultation with the Secretary
8 of the Treasury and the Secretary of the Depart-
9 ment of Housing and Urban Development, which
10 may include—

11 (A) the percentage of low-income families
12 or the extent of poverty, including census tracts
13 with persistent poverty;

14 (B) the rate of unemployment or under-
15 employment;

16 (C) the extent of blight and disinvestment;

17 (D) projects that target extremely low-,
18 very low-, and low-income families in or outside
19 a designated economic distress area; or

20 (E) any other criteria designated by the
21 Infrastructure Finance Authority in consulta-
22 tion with such Secretaries.

23 This title may be cited as the “Department of Trans-
24 portation Appropriations Act, 2022”.

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 \$13,000,000, to remain available until September 30,
13 2023: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$609,666,000, to remain available
22 until September 30, 2023: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$79,400,000 shall be available for the Office
25 of the Chief Financial Officer;

1 (2) \$115,200,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$19,900,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$216,400,000 shall be available for the Of-
6 fice of Administration;

7 (4) \$45,000,000 shall be available for the Office
8 of the Chief Human Capital Officer;

9 (5) \$60,400,000 shall be available for the Office
10 of Field Policy and Management;

11 (6) \$28,000,000 shall be available for the Office
12 of the Chief Procurement Officer;

13 (7) \$4,266,000 shall be available for the Office
14 of Departmental Equal Employment Opportunity;
15 and

16 (8) \$61,000,000 shall be available for the Office
17 of the Chief Information Officer:

18 *Provided further*, That funds made available under this
19 heading may be used for necessary administrative and
20 non-administrative expenses of the Department, not other-
21 wise provided for, including purchase of uniforms, or al-
22 lowances therefor, as authorized by sections 5901 and
23 5902 of title 5, United States Code; hire of passenger
24 motor vehicles; and services as authorized by section 3109
25 of title 5, United States Code: *Provided further*, That not-

1 withstanding any other provision of law, funds appro-
2 priated under this heading may be used for advertising
3 and promotional activities that directly support program
4 activities funded in this title: *Provided further*, That the
5 Secretary shall provide the House and Senate Committees
6 on Appropriations quarterly written notification regarding
7 the status of pending congressional reports: *Provided fur-*
8 *ther*, That the Secretary shall provide in electronic form
9 all signed reports required by Congress.

10 PROGRAM OFFICES

11 For necessary salaries and expenses for Program Of-
12 fices, \$972,687,000, to remain available until September
13 30, 2023: *Provided*, That of the sums appropriated under
14 this heading—

15 (1) \$260,500,000 shall be available for the Of-
16 fice of Public and Indian Housing;

17 (2) \$147,887,000 shall be available for the Of-
18 fice of Community Planning and Development;

19 (3) \$434,000,000 shall be available for the Of-
20 fice of Housing, of which not less than \$13,300,000
21 shall be for the Office of Recapitalization;

22 (4) \$35,500,000 shall be available for the Office
23 of Policy Development and Research;

24 (5) \$84,100,000 shall be available for the Office
25 of Fair Housing and Equal Opportunity; and

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

7 PUBLIC AND INDIAN HOUSING

8 TENANT-BASED RENTAL ASSISTANCE

9 For activities and assistance for the provision of ten-
10 ant-based rental assistance authorized under the United
11 States Housing Act of 1937, as amended (42 U.S.C. 1437
12 et seq.) (in this title “the Act”), not otherwise provided
13 for, \$23,719,217,000, to remain available until expended,
14 which shall be available on October 1, 2021 (in addition
15 to the \$4,000,000,000 previously appropriated under this
16 heading that shall be available on October 1, 2021), and
17 \$4,000,000,000, to remain available until expended, which
18 shall be available on October 1, 2022: *Provided*, That the
19 amounts made available under this heading are provided
20 as follows:

21 (1) \$24,526,926,000 shall be available for re-
22 newals of expiring section 8 tenant-based annual
23 contributions contracts (including renewals of en-
24 hanced vouchers under any provision of law author-
25 izing such assistance under section 8(t) of the Act)

1 and including renewal of other special purpose incre-
2 mental vouchers: *Provided*, That notwithstanding
3 any other provision of law, from amounts provided
4 under this paragraph and any carryover, the Sec-
5 retary for the calendar year 2022 funding cycle shall
6 provide renewal funding for each public housing
7 agency based on validated voucher management sys-
8 tem (VMS) leasing and cost data for the prior cal-
9 endar year and by applying an inflation factor as es-
10 tablished by the Secretary, by notice published in
11 the Federal Register, and by making any necessary
12 adjustments for the costs associated with the first-
13 time renewal of vouchers under this paragraph in-
14 cluding tenant protection and Choice Neighborhoods
15 vouchers: *Provided further*, That none of the funds
16 provided under this paragraph may be used to fund
17 a total number of unit months under lease which ex-
18 ceeds a public housing agency's authorized level of
19 units under contract, except for public housing agen-
20 cies participating in the Moving to Work (MTW)
21 demonstration, which are instead governed in ac-
22 cordance with the requirements of the MTW dem-
23 onstration program or their MTW agreements, if
24 any: *Provided further*, That the Secretary shall, to
25 the extent necessary to stay within the amount spec-

1 ified under this paragraph (except as otherwise
2 modified under this paragraph), prorate each public
3 housing agency's allocation otherwise established
4 pursuant to this paragraph: *Provided further*, That
5 except as provided in the following provisos, the en-
6 tire amount specified under this paragraph (except
7 as otherwise modified under this paragraph) shall be
8 obligated to the public housing agencies based on the
9 allocation and pro rata method described above, and
10 the Secretary shall notify public housing agencies of
11 their annual budget by the latter of 60 days after
12 enactment of this Act or March 1, 2022: *Provided*
13 *further*, That the Secretary may extend the notifica-
14 tion period with the prior written approval of the
15 House and Senate Committees on Appropriations:
16 *Provided further*, That public housing agencies par-
17 ticipating in the MTW demonstration shall be fund-
18 ed in accordance with the requirements of the MTW
19 demonstration program or their MTW agreements,
20 if any, and shall be subject to the same pro rata ad-
21 justments under the preceding provisos: *Provided*
22 *further*, That the Secretary may offset public hous-
23 ing agencies' calendar year 2022 allocations based
24 on the excess amounts of public housing agencies'
25 net restricted assets accounts, including HUD-held

1 programmatic reserves (in accordance with VMS
2 data in calendar year 2021 that is verifiable and
3 complete), as determined by the Secretary: *Provided*
4 *further*, That public housing agencies participating
5 in the MTW demonstration shall also be subject to
6 the offset, as determined by the Secretary, excluding
7 amounts subject to the single fund budget authority
8 provisions of their MTW agreements, from the agen-
9 cies' calendar year 2022 MTW funding allocation:
10 *Provided further*, That the Secretary shall use any
11 offset referred to in the preceding two provisos
12 throughout the calendar year to prevent the termi-
13 nation of rental assistance for families as the result
14 of insufficient funding, as determined by the Sec-
15 retary, and to avoid or reduce the proration of re-
16 newal funding allocations: *Provided further*, That up
17 to \$100,000,000 shall be available only: (1) for ad-
18 justments in the allocations for public housing agen-
19 cies, after application for an adjustment by a public
20 housing agency that experienced a significant in-
21 crease, as determined by the Secretary, in renewal
22 costs of vouchers resulting from unforeseen cir-
23 cumstances or from portability under section 8(r) of
24 the Act; (2) for vouchers that were not in use during
25 the previous 12-month period in order to be avail-

1 able to meet a commitment pursuant to section
2 8(o)(13) of the Act, or an adjustment for a funding
3 obligation not yet expended in the previous calendar
4 year for a MTW-eligible activity to develop afford-
5 able housing for an agency added to the MTW dem-
6 onstration under the expansion authority provided in
7 section 239 of the Transportation, Housing and
8 Urban Development, and Related Agencies Appro-
9 priations Act, 2016 (division L of Public Law 114-
10 113); (3) for adjustments for costs associated with
11 HUD-Veterans Affairs Supportive Housing (HUD-
12 VASH) vouchers; (4) for public housing agencies
13 that despite taking reasonable cost savings meas-
14 ures, as determined by the Secretary, would other-
15 wise be required to terminate rental assistance for
16 families as a result of insufficient funding; (5) for
17 adjustments in the allocations for public housing
18 agencies that (i) are leasing a lower-than-average
19 percentage of their authorized vouchers, (ii) have low
20 amounts of budget authority in their net restricted
21 assets accounts and HUD-held programmatic re-
22 serves, relative to other agencies, and (iii) are not
23 participating in the Moving to Work demonstration,
24 to enable such agencies to lease more vouchers; (6)
25 for withheld payments in accordance with section

1 8(o)(8)(A)(ii) of the Act for months in the previous
2 calendar year that were subsequently paid by the
3 public housing agency after the agency's actual costs
4 were validated; and (7) for public housing agencies
5 that have experienced increased costs or loss of units
6 in an area for which the President declared a dis-
7 aster under title IV of the Robert T. Stafford Dis-
8 aster Relief and Emergency Assistance Act (42
9 U.S.C. 5170 et seq.): *Provided further*, That the
10 Secretary shall allocate amounts under the preceding
11 proviso based on need, as determined by the Sec-
12 retary;

13 (2) \$100,000,000 shall be for section 8 rental
14 assistance for relocation and replacement of housing
15 units that are demolished or disposed of pursuant to
16 section 18 of the Act, conversion of section 23
17 projects to assistance under section 8, relocation of
18 witnesses (including victims of violent crimes) in
19 connection with efforts to combat crime in public
20 and assisted housing pursuant to a request from a
21 law enforcement or prosecution agency, enhanced
22 vouchers under any provision of law authorizing
23 such assistance under section 8(t) of the Act, Choice
24 Neighborhood vouchers, mandatory and voluntary
25 conversions, and tenant protection assistance includ-

1 ing replacement and relocation assistance or for
2 project-based assistance to prevent the displacement
3 of unassisted elderly tenants currently residing in
4 section 202 properties financed between 1959 and
5 1974 that are refinanced pursuant to Public Law
6 106–569, as amended, or under the authority as
7 provided under this Act: *Provided*, That when a pub-
8 lic housing development is submitted for demolition
9 or disposition under section 18 of the Act, the Sec-
10 retary may provide section 8 rental assistance when
11 the units pose an imminent health and safety risk to
12 residents: *Provided further*, That the Secretary may
13 provide section 8 rental assistance from amounts
14 made available under this paragraph for units as-
15 sisted under a project-based subsidy contract funded
16 under the “Project-Based Rental Assistance” head-
17 ing under this title where the owner has received a
18 Notice of Default and the units pose an imminent
19 health and safety risk to residents: *Provided further*,
20 That of the amounts made available under this para-
21 graph, no less than \$5,000,000 may be available to
22 provide tenant protection assistance, not otherwise
23 provided under this paragraph, to residents residing
24 in low vacancy areas and who may have to pay rents
25 greater than 30 percent of household income, as the

1 result of: (A) the maturity of a HUD-insured, HUD-
2 held or section 202 loan that requires the permission
3 of the Secretary prior to loan prepayment; (B) the
4 expiration of a rental assistance contract for which
5 the tenants are not eligible for enhanced voucher or
6 tenant protection assistance under existing law; or
7 (C) the expiration of affordability restrictions accom-
8 panying a mortgage or preservation program admin-
9 istered by the Secretary: *Provided further*, That such
10 tenant protection assistance made available under
11 the preceding proviso may be provided under the au-
12 thority of section 8(t) or section 8(o)(13) of the
13 United States Housing Act of 1937 (42 U.S.C.
14 1437f(t)): *Provided further*, That any tenant protec-
15 tion voucher made available from amounts under
16 this paragraph shall not be reissued by any public
17 housing agency, except the replacement vouchers as
18 defined by the Secretary by notice, when the initial
19 family that received any such voucher no longer re-
20 ceives such voucher, and the authority for any public
21 housing agency to issue any such voucher shall cease
22 to exist: *Provided further*, That the Secretary may
23 only provide replacement vouchers for units that
24 were occupied within the previous 24 months that

1 cease to be available as assisted housing, subject
2 only to the availability of funds;

3 (3) \$2,474,117,000 shall be for administrative
4 and other expenses of public housing agencies in ad-
5 ministering the section 8 tenant-based rental assist-
6 ance program, of which up to \$30,000,000 shall be
7 available to the Secretary to allocate to public hous-
8 ing agencies that need additional funds to admin-
9 ister their section 8 programs, including fees associ-
10 ated with section 8 tenant protection rental assist-
11 ance, the administration of disaster related vouchers,
12 HUD-VASH vouchers, and other special purpose in-
13 cremental vouchers: *Provided*, That no less than
14 \$2,444,117,000 of the amount provided in this para-
15 graph shall be allocated to public housing agencies
16 for the calendar year 2022 funding cycle based on
17 section 8(q) of the Act (and related Appropriation
18 Act provisions) as in effect immediately before the
19 enactment of the Quality Housing and Work Re-
20 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
21 *vided further*, That if the amounts made available
22 under this paragraph are insufficient to pay the
23 amounts determined under the preceding proviso,
24 the Secretary may decrease the amounts allocated to
25 agencies by a uniform percentage applicable to all

1 agencies receiving funding under this paragraph or
2 may, to the extent necessary to provide full payment
3 of amounts determined under the preceding proviso,
4 utilize unobligated balances, including recaptures
5 and carryover, remaining from funds appropriated to
6 the Department of Housing and Urban Development
7 under this heading from prior fiscal years, excluding
8 special purpose vouchers, notwithstanding the pur-
9 poses for which such amounts were appropriated:
10 *Provided further*, That all public housing agencies
11 participating in the MTW demonstration shall be
12 funded in accordance with the requirements of the
13 MTW demonstration program or their MTW agree-
14 ments, if any, and shall be subject to the same uni-
15 form percentage decrease as under the preceding
16 proviso: *Provided further*, That amounts provided
17 under this paragraph shall be only for activities re-
18 lated to the provision of tenant-based rental assist-
19 ance authorized under section 8, including related
20 development activities;

21 (4) \$463,174,000 for the renewal of tenant-
22 based assistance contracts under section 811 of the
23 Cranston-Gonzalez National Affordable Housing Act
24 (42 U.S.C. 8013), including necessary administra-
25 tive expenses: *Provided*, That administrative and

1 other expenses of public housing agencies in admin-
2 istering the special purpose vouchers in this para-
3 graph shall be funded under the same terms and be
4 subject to the same pro rata reduction as the per-
5 cent decrease for administrative and other expenses
6 to public housing agencies under paragraph (3) of
7 this heading: *Provided further*, That up to
8 \$10,000,000 shall be available only (1) for adjust-
9 ments in the allocation for public housing agencies,
10 after applications for an adjustment by a public
11 housing agency that experienced a significant in-
12 crease, as determined by the Secretary, in Main-
13 stream renewal costs resulting from unforeseen cir-
14 cumstances, and (2) for public housing agencies that
15 despite taking reasonable cost savings measures, as
16 determined by the Secretary, would otherwise be re-
17 quired to terminate the rental assistance for Main-
18 stream families as a result of insufficient funding:
19 *Provided further*, That the Secretary shall allocate
20 amounts under the preceding proviso based on need,
21 as determined by the Secretary: *Provided further*,
22 That upon turnover, section 811 special purpose
23 vouchers funded under this heading in this or prior
24 Acts, or under any other heading in prior Acts, shall
25 be provided to non-elderly persons with disabilities;

1 (5) Of the amounts provided under paragraph
2 (1) up to \$5,000,000 shall be for rental assistance
3 and associated administrative fees for Tribal HUD–
4 VASH to serve Native American veterans that are
5 homeless or at-risk of homelessness living on or near
6 a reservation or other Indian areas: *Provided*, That
7 such amount shall be made available for renewal
8 grants to recipients that received assistance under
9 prior Acts under the Tribal HUD–VASH program:
10 *Provided further*, That the Secretary shall be author-
11 ized to specify criteria for renewal grants, including
12 data on the utilization of assistance reported by
13 grant recipients: *Provided further*, That such assist-
14 ance shall be administered in accordance with pro-
15 gram requirements under the Native American
16 Housing Assistance and Self-Determination Act of
17 1996 and modeled after the HUD–VASH program:
18 *Provided further*, That the Secretary shall be author-
19 ized to waive, or specify alternative requirements for
20 any provision of any statute or regulation that the
21 Secretary administers in connection with the use of
22 funds made available under this paragraph (except
23 for requirements related to fair housing, non-
24 discrimination, labor standards, and the environ-
25 ment), upon a finding by the Secretary that any

1 such waivers or alternative requirements are nec-
2 essary for the effective delivery and administration
3 of such assistance: *Provided further*, That grant re-
4 cipients shall report to the Secretary on utilization
5 of such rental assistance and other program data, as
6 prescribed by the Secretary: *Provided further*, That
7 the Secretary may reallocate, as determined by the
8 Secretary, amounts returned or recaptured from
9 awards under the Tribal HUD–VASH program
10 under prior Acts to existing recipients under the
11 Tribal HUD–VASH program;

12 (6) \$50,000,000 for incremental rental voucher
13 assistance for use through a supported housing pro-
14 gram administered in conjunction with the Depart-
15 ment of Veterans Affairs as authorized under section
16 8(o)(19) of the United States Housing Act of 1937:
17 *Provided*, That the Secretary of Housing and Urban
18 Development shall make such funding available, not-
19 withstanding section 203 (competition provision) of
20 this title, to public housing agencies that partner
21 with eligible VA Medical Centers or other entities as
22 designated by the Secretary of the Department of
23 Veterans Affairs, based on geographical need for
24 such assistance as identified by the Secretary of the
25 Department of Veterans Affairs, public housing

1 agency administrative performance, and other fac-
2 tors as specified by the Secretary of Housing and
3 Urban Development in consultation with the Sec-
4 retary of the Department of Veterans Affairs: *Pro-*
5 *vided further*, That the Secretary of Housing and
6 Urban Development may waive, or specify alter-
7 native requirements for (in consultation with the
8 Secretary of the Department of Veterans Affairs),
9 any provision of any statute or regulation that the
10 Secretary of Housing and Urban Development ad-
11 ministers in connection with the use of funds made
12 available under this paragraph (except for require-
13 ments related to fair housing, nondiscrimination,
14 labor standards, and the environment), upon a find-
15 ing by the Secretary that any such waivers or alter-
16 native requirements are necessary for the effective
17 delivery and administration of such voucher assist-
18 ance: *Provided further*, That assistance made avail-
19 able under this paragraph shall continue to remain
20 available for homeless veterans upon turn-over;

21 (7) \$30,000,000 shall be made available for the
22 family unification program as authorized under sec-
23 tion 8(x) of the Act: *Provided*, That the amounts
24 made available under this paragraph are provided as
25 follows:

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

6 (B) \$25,000,000 shall be for new incre-
7 mental voucher assistance to assist eligible
8 youth as defined by such section 8(x)(2)(B):
9 *Provided*, That assistance made available under
10 this subparagraph shall continue to remain
11 available for such eligible youth upon turnover:
12 *Provided further*, That of the total amount
13 made available under this subparagraph, up to
14 \$15,000,000 shall be available on a noncompeti-
15 tive basis to public housing agencies that part-
16 ner with public child welfare agencies to iden-
17 tify such eligible youth, that request such as-
18 sistance to timely assist such eligible youth, and
19 that meet any other criteria as specified by the
20 Secretary: *Provided further*, That the Secretary
21 shall review utilization of the assistance made
22 available under the preceding proviso, at an in-
23 terval to be determined by the Secretary, and
24 unutilized voucher assistance that is no longer

1 needed shall be recaptured by the Secretary and
2 reallocated pursuant to the preceding proviso:

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

15 (8) \$75,000,000 shall be for incremental rental
16 voucher assistance under section 8(o) of the United
17 States Housing Act of 1937 for voucher families
18 with young children and for related mobility services,
19 of which up to \$16,000,000 may be for one-time eli-
20 gible expenses defined by notice to facilitate the leas-
21 ing of such vouchers (such as security deposit assist-
22 ance and other costs related to the retention and
23 support of participating owners) and for mobility re-
24 lated services that enable families receiving such
25 voucher assistance to move to lower-poverty areas:

1 *Provided*, That in awarding amounts under this
 2 paragraph, the Secretary shall: (A) consider need
 3 and administrative capacity; (B) ensure geographic
 4 diversity, including with respect to rural areas; and
 5 (C) give preference to applicants that provide or will
 6 provide preference for individuals and families who
 7 are homeless, as defined in section 103(a) of the
 8 McKinney-Vento Homeless Assistance Act (42
 9 U.S.C. 11302(a)), or at risk of homelessness, as de-
 10 fined in section 401(1) of the McKinney-Vento
 11 Homeless Assistance Act (42 U.S.C. 11360(1)), or
 12 fleeing, or attempting to flee, domestic violence, dat-
 13 ing violence, sexual assault, or stalking; and

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

16 HOUSING CERTIFICATE FUND

17 (INCLUDING RESCISSIONS)

18 Unobligated balances, including recaptures and car-
 19 ryover, remaining from funds appropriated to the Depart-
 20 ment of Housing and Urban Development under this
 21 heading, the heading “Annual Contributions for Assisted
 22 Housing” and the heading “Project-Based Rental Assist-
 23 ance”, for fiscal year 2022 and prior years may be used
 24 for renewal of or amendments to section 8 project-based
 25 contracts and for performance-based contract administra-

1 tors, notwithstanding the purposes for which such funds
 2 were appropriated: *Provided*, That any obligated balances
 3 of contract authority from fiscal year 1974 and prior fiscal
 4 years that have been terminated shall be rescinded: *Pro-*
 5 *vided further*, That amounts heretofore recaptured, or re-
 6 captured during the current fiscal year, from section 8
 7 project-based contracts from source years fiscal year 1975
 8 through fiscal year 1987 are hereby rescinded, and an
 9 amount of additional new budget authority, equivalent to
 10 the amount rescinded is hereby appropriated, to remain
 11 available until expended, for the purposes set forth under
 12 this heading, in addition to amounts otherwise available.

13 PUBLIC HOUSING FUND

14 For 2022 payments to public housing agencies for the
 15 operation and management of public housing, as author-
 16 ized by section 9(e) of the United States Housing Act of
 17 1937 (42 U.S.C. 1437g(e)) (the “Act”), and to carry out
 18 capital and management activities for public housing
 19 agencies, as authorized under section 9(d) of the Act (42
 20 U.S.C. 1437g(d)), \$8,837,744,000, to remain available
 21 until September 30, 2025: *Provided*, That the amounts
 22 made available under this heading are provided as follows:

- 23 (1) \$5,019,000,000 shall be available to the
 24 Secretary to allocate pursuant to the Operating

1 Fund formula at part 990 of title 24, Code of Fed-
2 eral Regulations, for 2022 payments;

3 (2) \$25,000,000 shall be available to the Sec-
4 retary to allocate pursuant to a need-based applica-
5 tion process notwithstanding section 203 of this title
6 and not subject to such Operating Fund formula to
7 public housing agencies that experience, or are at
8 risk of, financial shortfalls, as determined by the
9 Secretary: *Provided*, That after all such shortfall
10 needs are met, the Secretary may distribute any re-
11 maining funds to all public housing agencies on a
12 pro-rata basis pursuant to such Operating Fund for-
13 mula;

14 (3) \$3,615,774,000 shall be available to the
15 Secretary to allocate pursuant to the Capital Fund
16 formula at section 905.400 of title 24, Code of Fed-
17 eral Regulations: *Provided*, That for funds provided
18 under this paragraph, the limitation in section
19 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
20 *ther*, That the Secretary may waive the limitation in
21 the preceding proviso to allow public housing agen-
22 cies to fund activities authorized under section
23 9(e)(1)(C) of the Act: *Provided further*, That the
24 Secretary shall notify public housing agencies re-
25 questing waivers under the preceding proviso if the

1 request is approved or denied within 14 days of sub-
2 mitting the request: *Provided further*, That from the
3 funds made available under this paragraph, the Sec-
4 retary shall provide bonus awards in fiscal year
5 2022 to public housing agencies that are designated
6 high performers: *Provided further*, That the Depart-
7 ment shall notify public housing agencies of their
8 formula allocation within 60 days of enactment of
9 this Act;

10 (4) \$75,000,000 shall be available for the Sec-
11 retary to make grants, notwithstanding section 203
12 of this title, to public housing agencies for emer-
13 gency capital needs, including safety and security
14 measures necessary to address crime and drug-re-
15 lated activity, as well as needs resulting from unfore-
16 seen or unpreventable emergencies and natural dis-
17 asters excluding Presidentially declared emergencies
18 and natural disasters under the Robert T. Stafford
19 Disaster Relief and Emergency Act (42 U.S.C. 5121
20 et seq.) occurring in fiscal year 2022, of which
21 \$45,000,000 shall be available for public housing
22 agencies under administrative and judicial receiver-
23 ships or under the control of a Federal monitor :
24 *Provided*, That of the amount made available under
25 this paragraph, not less than \$10,000,000 shall be

1 for safety and security measures: *Provided further,*
2 That in addition to the amount in the preceding pro-
3 viso for such safety and security measures, any
4 amounts that remain available, after all applications
5 received on or before September 30, 2023, for emer-
6 gency capital needs have been processed, shall be al-
7 located to public housing agencies for such safety
8 and security measures;

9 (5) \$65,000,000 shall be for competitive grants
10 to public housing agencies to evaluate and reduce
11 residential health hazards in public housing, includ-
12 ing lead-based paint (by carrying out the activities
13 of risk assessments, abatement, and interim con-
14 trols, as those terms are defined in section 1004 of
15 the Residential Lead-Based Paint Hazard Reduction
16 Act of 1992 (42 U.S.C. 4851b)), carbon monoxide,
17 mold, radon, and fire safety: *Provided,* That not less
18 than \$25,000,000 of the amounts provided under
19 this paragraph shall be awarded for evaluating and
20 reducing lead-based paint hazards: *Provided further,*
21 That for purposes of environmental review, a grant
22 under this paragraph shall be considered funds for
23 projects or activities under title I of the United
24 States Housing Act of 1937 (42 U.S.C. 1437 et
25 seq.) for purposes of section 26 of such Act (42

1 U.S.C. 1437x) and shall be subject to the regula-
2 tions implementing such section: *Provided further*,
3 That amounts made available under this paragraph
4 shall be combined with amounts made available
5 under the sixth paragraph under this heading in the
6 Consolidated Appropriations Act, 2021 (Public Law
7 116–260) and shall be used in accordance with the
8 purposes and requirements under this paragraph;

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

17 (7) \$23,000,000 shall be to support ongoing
18 public housing financial and physical assessment ac-
19 tivities:

20 *Provided further*, That notwithstanding any other provi-
21 sion of law or regulation, during fiscal year 2022, the Sec-
22 retary of Housing and Urban Development may not dele-
23 gate to any Department official other than the Deputy
24 Secretary and the Assistant Secretary for Public and In-
25 dian Housing any authority under paragraph (2) of sec-

1 tion 9(j) of the Act regarding the extension of the time
 2 periods under such section: *Provided further*, That for pur-
 3 poses of such section 9(j), the term “obligate” means, with
 4 respect to amounts, that the amounts are subject to a
 5 binding agreement that will result in outlays, immediately
 6 or in the future.

7 CHOICE NEIGHBORHOODS INITIATIVE

8 For competitive grants under the Choice Neighbor-
 9 hoods Initiative (subject to section 24 of the United States
 10 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
 11 specified under this heading), for transformation, rehabili-
 12 tation, and replacement housing needs of both public and
 13 HUD-assisted housing and to transform neighborhoods of
 14 poverty into functioning, sustainable mixed income neigh-
 15 borhoods with appropriate services, schools, public assets,
 16 transportation and access to jobs, \$200,000,000, to re-
 17 main available until September 30, 2024: *Provided*, That
 18 grant funds may be used for resident and community serv-
 19 ices, community development, and affordable housing
 20 needs in the community, and for conversion of vacant or
 21 foreclosed properties to affordable housing: *Provided fur-*
 22 *ther*, That the use of funds made available under this
 23 heading shall not be deemed to be for public housing not-
 24 withstanding section 3(b)(1) of such Act: *Provided further*,
 25 That grantees shall commit to an additional period of af-

1 fordability determined by the Secretary of not fewer than
2 20 years: *Provided further*, That grantees shall provide a
3 match in State, local, other Federal or private funds: *Pro-*
4 *vided further*, That grantees may include local govern-
5 ments, Tribal entities, public housing agencies, and non-
6 profit organizations: *Provided further*, That for-profit de-
7 velopers may apply jointly with a public entity: *Provided*
8 *further*, That for purposes of environmental review, a
9 grantee shall be treated as a public housing agency under
10 section 26 of the United States Housing Act of 1937 (42
11 U.S.C. 1437x), and grants made with amounts available
12 under this heading shall be subject to the regulations
13 issued by the Secretary to implement such section: *Pro-*
14 *vided further*, That of the amount provided under this
15 heading, not less than \$100,000,000 shall be awarded to
16 public housing agencies: *Provided further*, That such
17 grantees shall create partnerships with other local organi-
18 zations, including assisted housing owners, service agen-
19 cies, and resident organizations: *Provided further*, That
20 the Secretary shall consult with the Secretaries of Edu-
21 cation, Labor, Transportation, Health and Human Serv-
22 ices, Agriculture, and Commerce, the Attorney General,
23 and the Administrator of the Environmental Protection
24 Agency to coordinate and leverage other appropriate Fed-
25 eral resources: *Provided further*, That not more than

1 \$5,000,000 of funds made available under this heading
2 may be provided as grants to undertake comprehensive
3 local planning with input from residents and the commu-
4 nity: *Provided further*, That unobligated balances, includ-
5 ing recaptures, remaining from funds appropriated under
6 the heading “Revitalization of Severely Distressed Public
7 Housing (HOPE VI)” in fiscal year 2011 and prior fiscal
8 years may be used for purposes under this heading, not-
9 withstanding the purposes for which such amounts were
10 appropriated: *Provided further*, That the Secretary shall
11 make grant awards not later than 1 year after the date
12 of enactment of this Act in such amounts that the Sec-
13 retary determines: *Provided further*, That notwithstanding
14 section 24(o) of the United States Housing Act of 1937
15 (42 U.S.C. 1437v(o)), the Secretary may, until September
16 30, 2024, obligate any available unobligated balances
17 made available under this heading in this or any prior Act.

18 SELF-SUFFICIENCY PROGRAMS

19 For activities and assistance related to Self-Suffi-
20 ciency Programs, to remain available until September 30,
21 2025, \$170,000,000: *Provided*, That the amounts made
22 available under this heading are provided as follows:

- 23 (1) \$120,000,000 shall be for the Family Self-
24 Sufficiency program to support family self-suffi-
25 ciency coordinators under section 23 of the United

1 States Housing Act of 1937 (42 U.S.C. 1437u), to
2 promote the development of local strategies to co-
3 ordinate the use of assistance under sections 8 and
4 9 of such Act with public and private resources, and
5 enable eligible families to achieve economic inde-
6 pendence and self-sufficiency: *Provided*, That the
7 Secretary may, by Federal Register notice, waive or
8 specify alternative requirements under subsections
9 (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such
10 Act in order to facilitate the operation of a unified
11 self-sufficiency program for individuals receiving as-
12 sistance under different provisions of such Act, as
13 determined by the Secretary: *Provided further*, That
14 owners or sponsors of a multifamily property receiv-
15 ing project-based rental assistance under section 8
16 of such Act may voluntarily make a Family Self-Suf-
17 ficiency program available to the assisted tenants of
18 such property in accordance with procedures estab-
19 lished by the Secretary: *Provided further*, That such
20 procedures established pursuant to the preceding
21 proviso shall permit participating tenants to accrue
22 escrow funds in accordance with section 23(d)(2) of
23 such Act and shall allow owners to use funding from
24 residual receipt accounts to hire coordinators for
25 their own Family Self-Sufficiency program;

1 (2) \$35,000,000 shall be for the Resident Op-
2 portunity and Self-Sufficiency program to provide
3 for supportive services, service coordinators, and
4 congregate services as authorized by section 34 of
5 the United States Housing Act of 1937 (42 U.S.C.
6 1437z-6) and the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4101 et seq.); and

9 (3) \$15,000,000 shall be for a Jobs-Plus initia-
10 tive, modeled after the Jobs-Plus demonstration:
11 *Provided*, That funding provided under this para-
12 graph shall be available for competitive grants to
13 partnerships between public housing authorities,
14 local workforce investment boards established under
15 section 107 of the Workforce Innovation and Oppor-
16 tunity Act of 2014 (29 U.S.C. 3122), and other
17 agencies and organizations that provide support to
18 help public housing residents obtain employment and
19 increase earnings: *Provided further*, That applicants
20 must demonstrate the ability to provide services to
21 residents, partner with workforce investment boards,
22 and leverage service dollars: *Provided further*, That
23 the Secretary may allow public housing agencies to
24 request exemptions from rent and income limitation
25 requirements under sections 3 and 6 of the United

1 States Housing Act of 1937 (42 U.S.C. 1437a,
2 1437d), as necessary to implement the Jobs-Plus
3 program, on such terms and conditions as the Sec-
4 retary may approve upon a finding by the Secretary
5 that any such waivers or alternative requirements
6 are necessary for the effective implementation of the
7 Jobs-Plus initiative as a voluntary program for resi-
8 dents: *Provided further*, That the Secretary shall
9 publish by notice in the Federal Register any waiv-
10 ers or alternative requirements pursuant to the pre-
11 ceding proviso no later than 10 days before the ef-
12 fective date of such notice.

13 NATIVE AMERICAN PROGRAMS

14 For activities and assistance authorized under title
15 I of the Native American Housing Assistance and Self-
16 Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111
17 et seq.), title I of the Housing and Community Develop-
18 ment Act of 1974 with respect to Indian tribes (42 U.S.C.
19 5306(a)(1)), and related training and technical assistance,
20 \$1,000,000,000, to remain available until September 30,
21 2026: *Provided*, That the amounts made available under
22 this heading are provided as follows:

23 (1) \$772,000,000 shall be available for the Na-
24 tive American Housing Block Grants program, as
25 authorized under title I of NAHASDA: *Provided*,

1 That, notwithstanding NAHASDA, to determine the
2 amount of the allocation under title I of such Act for
3 each Indian tribe, the Secretary shall apply the for-
4 mula under section 302 of NAHASDA with the need
5 component based on single-race census data and
6 with the need component based on multi-race census
7 data, and the amount of the allocation for each In-
8 dian tribe shall be the greater of the two resulting
9 allocation amounts: *Provided further*, That the Sec-
10 retary will notify grantees of their formula allocation
11 within 60 days of the date of enactment of this Act;

12 (2) \$150,000,000 shall be available for competi-
13 tive grants under the Native American Housing
14 Block Grants program, as authorized under title I of
15 NAHASDA: *Provided*, That the Secretary shall obli-
16 gate this additional amount for competitive grants to
17 eligible recipients authorized under NAHASDA that
18 apply for funds: *Provided further*, That in awarding
19 this additional amount, the Secretary shall consider
20 need and administrative capacity, and shall give pri-
21 ority to projects that will spur construction and re-
22 habilitation of housing: *Provided further*, That a
23 grant funded pursuant to this paragraph shall be in
24 an amount not less than \$500,000 and not greater
25 than \$10,000,000: *Provided further*, That any funds

1 transferred for the necessary costs of administering
2 and overseeing the obligation and expenditure of
3 such additional amounts in prior Acts may also be
4 used for the necessary costs of administering and
5 overseeing such additional amount;

6 (3) \$1,000,000 shall be available for the cost of
7 guaranteed notes and other obligations, as author-
8 ized by title VI of NAHASDA: *Provided*, That such
9 costs, including the costs of modifying such notes
10 and other obligations, shall be as defined in section
11 502 of the Congressional Budget Act of 1974, as
12 amended: *Provided further*, That for fiscal year 2022
13 funds made available in this Act for the cost of
14 guaranteed notes and other obligations and any un-
15 obligated balances, including recaptures and carry-
16 over, remaining from amounts appropriated for this
17 purpose under this heading or under the heading
18 “Native American Housing Block Grants” in prior
19 Acts are available to subsidize the total principal
20 amount of any notes and other obligations, any part
21 of which is to be guaranteed, not to exceed
22 \$50,000,000;

23 (4) \$70,000,000 shall be available for grants to
24 Indian tribes for carrying out the Indian Community
25 Development Block Grant program under title I of

1 the Housing and Community Development Act of
2 1974, notwithstanding section 106(a)(1) of such
3 Act, of which, notwithstanding any other provision
4 of law (including section 203 of this Act), up to
5 \$4,000,000 may be used for emergencies that con-
6 stitute imminent threats to health and safety: *Pro-*
7 *vided*, That not to exceed 20 percent of any grant
8 made with funds appropriated under this paragraph
9 shall be expended for planning and management de-
10 velopment and administration; and

11 (5) \$7,000,000 shall be available for providing
12 training and technical assistance to Indian tribes,
13 Indian housing authorities, and tribally designated
14 housing entities, to support the inspection of Indian
15 housing units, contract expertise, and for training
16 and technical assistance related to funding provided
17 under this heading and other headings under this
18 Act for the needs of Native American families and
19 Indian country: *Provided*, That of the funds made
20 available under this paragraph, not less than
21 \$2,000,000 shall be available for a national organi-
22 zation as authorized under section 703 of
23 NAHASDA (25 U.S.C. 4212): *Provided further*,
24 That amounts made available under this paragraph
25 may be used, contracted, or competed as determined

1 by the Secretary: *Provided further*, That notwith-
2 standing the provisions of the Federal Grant and
3 Cooperative Agreements Act of 1977 (31 U.S.C.
4 6301–6308), the amounts made available under this
5 paragraph may be used by the Secretary to enter
6 into cooperative agreements with public and private
7 organizations, agencies, institutions, and other tech-
8 nical assistance providers to support the administra-
9 tion of negotiated rulemaking under section 106 of
10 NAHASDA (25 U.S.C. 4116), the administration of
11 the allocation formula under section 302 of
12 NAHASDA (25 U.S.C. 4152), and the administra-
13 tion of performance tracking and reporting under
14 section 407 of NAHASDA (25 U.S.C. 4167).

15 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

16 ACCOUNT

17 For the cost of guaranteed loans, as authorized by
18 section 184 of the Housing and Community Development
19 Act of 1992 (12 U.S.C. 1715z–13a), \$3,000,000, to re-
20 main available until expended: *Provided*, That such costs,
21 including the costs of modifying such loans, shall be as
22 defined in section 502 of the Congressional Budget Act
23 of 1974: *Provided further*, That an additional \$500,000,
24 to remain available until expended, shall be available for
25 administrative contract expenses including management

1 processes to carry out the loan guarantee program: *Pro-*
2 *vided further*, That for fiscal year 2022 funds made avail-
3 able in this and prior Acts for the cost of guaranteed
4 loans, as authorized by section 184 of the Housing and
5 Community Development Act of 1992 (12 U.S.C. 1715z-
6 13a), that are unobligated, including recaptures and car-
7 ryover, are available to subsidize total loan principal, any
8 part of which is to be guaranteed, up to \$1,400,000,000,
9 to remain available until September 30, 2023.

10 NATIVE HAWAIIAN HOUSING BLOCK GRANT

11 For the Native Hawaiian Housing Block Grant pro-
12 gram, as authorized under title VIII of the Native Amer-
13 ican Housing Assistance and Self-Determination Act of
14 1996 (25 U.S.C. 4221 et seq.), \$15,000,000, to remain
15 available until September 30, 2026: *Provided*, That not-
16 withstanding section 812(b) of such Act, the Department
17 of Hawaiian Home Lands may not invest grant amounts
18 made available under this heading in investment securities
19 and other obligations: *Provided further*, That amounts
20 made available under this heading in this and prior fiscal
21 years may be used to provide rental assistance to eligible
22 Native Hawaiian families both on and off the Hawaiian
23 Home Lands, notwithstanding any other provision of law.

1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
2 PROGRAM ACCOUNT
3 (INCLUDING RESCISSION)

4 New commitments to guarantee loans, as authorized
5 by section 184A of the Housing and Community Develop-
6 ment Act of 1992 (12 U.S.C. 1715z–13b), any part of
7 which is to be guaranteed, shall not exceed \$28,000,000
8 in total loan principal: *Provided*, That the Secretary may
9 enter into commitments to guarantee loans used for refi-
10 nancing: *Provided further*, That any unobligated balances,
11 including recaptures and carryover, remaining from
12 amounts made available under this heading in prior Acts
13 and any remaining total loan principal guarantee limita-
14 tion associated with such amounts in such prior Acts are
15 hereby rescinded.

16 COMMUNITY PLANNING AND DEVELOPMENT

17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

18 For carrying out the Housing Opportunities for Per-
19 sons with AIDS program, as authorized by the AIDS
20 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
21 \$450,000,000, to remain available until September 30,
22 2023, except that amounts allocated pursuant to section
23 854(c)(5) of such Act shall remain available until Sep-
24 tember 30, 2024: *Provided*, That the Secretary shall renew
25 or replace all expiring contracts for permanent supportive

1 housing that initially were funded under section 854(e)(5)
2 of such Act from funds made available under this heading
3 in fiscal year 2010 and prior fiscal years that meet all
4 program requirements before awarding funds for new con-
5 tracts under such section: *Provided further*, That the proc-
6 ess for submitting amendments and approving replace-
7 ment contracts shall be established by the Secretary in a
8 notice: *Provided further*, That the Department shall notify
9 grantees of their formula allocation within 60 days of en-
10 actment of this Act.

11 COMMUNITY DEVELOPMENT FUND

12 For assistance to States and units of general local
13 government, and other entities, for economic and commu-
14 nity development activities, and other purposes,
15 \$4,190,444,000, to remain available until September 30,
16 2025, unless otherwise specified: *Provided*, That of the
17 total amount provided under this heading, \$3,550,000,000
18 is for carrying out the community development block grant
19 program under title I of the Housing and Community De-
20 velopment Act of 1974, as amended (42 U.S.C. 5301 et
21 seq.) (in this heading “the Act”): *Provided further*, That
22 unless explicitly provided for under this heading, not to
23 exceed 20 percent of any grant made with funds made
24 available under this heading shall be expended for plan-
25 ning and management development and administration:

1 *Provided further*, That a metropolitan city, urban county,
2 unit of general local government, or insular area that di-
3 rectly or indirectly receives funds under this heading may
4 not sell, trade, or otherwise transfer all or any portion of
5 such funds to another such entity in exchange for any
6 other funds, credits, or non-Federal considerations, but
7 shall use such funds for activities eligible under title I of
8 the Act: *Provided further*, That notwithstanding section
9 105(e)(1) of the Act, no funds made available under this
10 heading may be provided to a for-profit entity for an eco-
11 nomic development project under section 105(a)(17) un-
12 less such project has been evaluated and selected in ac-
13 cordance with guidelines required under subsection (e)(2)
14 of section 105: *Provided further*, That of the total amount
15 provided under this heading, \$25,000,000 shall be for ac-
16 tivities authorized under section 8071 of the SUPPORT
17 for Patients and Communities Act (Public Law 115–271):
18 *Provided further*, That the funds allocated pursuant to the
19 preceding proviso shall not adversely affect the amount of
20 any formula assistance received by a State under the first
21 proviso: *Provided further*, That the Secretary shall allocate
22 the funds for such activities based on the notice estab-
23 lishing the funding formula published in 84 FR 16027
24 (April 17, 2019) except that the formula shall use age-
25 adjusted rates of drug overdose deaths for 2019 based on

1 data from the Centers for Disease Control and Prevention:
2 *Provided further*, That of the total amount made available
3 under this heading, \$615,444,000 shall be available for
4 grants for the Economic Development Initiative (EDI) for
5 the purposes, and in amounts, specified for Congression-
6 ally directed spending in the table entitled “Incorporation
7 of Congressionally Directed Spending for Economic Devel-
8 opment Initiatives” included in the explanatory statement
9 accompanying this Act: *Provided further*, That none of the
10 amounts made available in the preceding proviso shall be
11 used for reimbursement of expenses incurred prior to the
12 obligation of funds: *Provided further*, That the Depart-
13 ment of Housing and Urban Development shall notify
14 grantees of their formula allocation within 60 days of en-
15 actment of this Act.

16 COMMUNITY DEVELOPMENT LOAN GUARANTEES

17 PROGRAM ACCOUNT

18 Subject to section 502 of the Congressional Budget
19 Act of 1974 (2 U.S.C. 661a), during fiscal year 2022,
20 commitments to guarantee loans under section 108 of the
21 Housing and Community Development Act of 1974 (42
22 U.S.C. 5308), any part of which is guaranteed, shall not
23 exceed a total principal amount of \$300,000,000, notwith-
24 standing any aggregate limitation on outstanding obliga-
25 tions guaranteed in subsection (k) of such section 108:

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

16 HOME INVESTMENT PARTNERSHIPS PROGRAM

17 For the HOME Investment Partnerships program, as
18 authorized under title II of the Cranston-Gonzalez Na-
19 tional Affordable Housing Act, as amended (42 U.S.C.
20 12721 et seq.), \$1,450,000,000, to remain available until
21 September 30, 2025: *Provided*, That notwithstanding sec-
22 tion 231(b) of such Act (42 U.S.C. 12771(b)), all unobli-
23 gated balances remaining from amounts recaptured pursu-
24 ant to such section that remain available until expended
25 shall be combined with amounts made available under this

1 heading and allocated in accordance with the formula
2 under section 217(b)(1)(A) of such Act (42 U.S.C.
3 12747(b)(1)(A)): *Provided further*, That the Department
4 shall notify grantees of their formula allocations within 60
5 days after enactment of this Act: *Provided further*, That
6 section 218(g) of such Act (42 U.S.C. 12748(g)) shall not
7 apply with respect to the right of a jurisdiction to draw
8 funds from its HOME Investment Trust Fund that other-
9 wise expired or would expire in any calendar year from
10 2016 through 2024 under that section: *Provided further*,
11 That section 231(b) of such Act (42 U.S.C. 12771(b))
12 shall not apply to any uninvested funds that otherwise
13 were deducted or would be deducted from the line of credit
14 in the participating jurisdiction's HOME Investment
15 Trust Fund in any calendar year from 2018 through 2024
16 under that section.

17 SELF-HELP AND ASSISTED HOMEOWNERSHIP

18 OPPORTUNITY PROGRAM

19 For the Self-Help and Assisted Homeownership Op-
20 portunity Program, as authorized under section 11 of the
21 Housing Opportunity Program Extension Act of 1996 (42
22 U.S.C. 12805 note), and for related activities and assist-
23 ance, \$65,000,000, to remain available until September
24 30, 2024: *Provided*, That the amounts made available
25 under this heading—

1 (1) \$15,000,000 shall be for the Self-Help
2 Homeownership Opportunity Program as authorized
3 under such section 11;

4 (2) \$41,000,000 shall be for the second, third,
5 and fourth capacity building entities specified in sec-
6 tion 4(a) of the HUD Demonstration Act of 1993
7 (42 U.S.C. 9816 note), of which not less than
8 \$5,000,000 shall be for rural capacity building ac-
9 tivities: *Provided*, That for purposes of awarding
10 grants from amounts made available in this para-
11 graph, the Secretary may enter into multiyear agree-
12 ments, as appropriate, subject to the availability of
13 annual appropriations;

14 (3) \$5,000,000 shall be for capacity building by
15 national rural housing organizations having experi-
16 ence assessing national rural conditions and pro-
17 viding financing, training, technical assistance, infor-
18 mation, and research to local nonprofit organiza-
19 tions, local governments, and Indian Tribes serving
20 high need rural communities;

21 (4) \$4,000,000, shall be for a program to reha-
22 bilitate and modify the homes of disabled or low-in-
23 come veterans, as authorized under section 1079 of
24 the Carl Levin and Howard P. “Buck” McKeon Na-
25 tional Defense Authorization Act for Fiscal Year

1 2015 (38 U.S.C. 2101 note): *Provided*, That the
2 issuance of a Notice of Funding Opportunity for the
3 amounts made available in this paragraph shall be
4 completed not later than 120 days after enactment
5 of this Act and such amounts shall be awarded not
6 later than 180 days after such issuance.

7 HOMELESS ASSISTANCE GRANTS

8 For assistance under title IV of the McKinney-Vento
9 Homeless Assistance Act (42 U.S.C. 11360 et seq.),
10 \$3,260,000,000, to remain available until September 30,
11 2024: *Provided*, That of the amounts made available
12 under this heading—

13 (1) \$290,000,000 shall be for the Emergency
14 Solutions Grants program authorized under subtitle
15 B of such title IV (42 U.S.C. 11371 et seq.): *Pro-*
16 *vided*, That the Department shall notify grantees of
17 their formula allocation from amounts allocated
18 (which may represent initial or final amounts allo-
19 cated) for the Emergency Solutions Grant program
20 not later than 60 days after enactment of this Act;

21 (2) \$2,856,000,000 shall be for the Continuum
22 of Care program authorized under subtitle C of such
23 title IV (42 U.S.C. 11381 et seq.) and the Rural
24 Housing Stability Assistance programs authorized
25 under subtitle D of such title IV (42 U.S.C. 11408):

1 *Provided*, That the Secretary shall prioritize funding
2 under the Continuum of Care program to contin-
3 uums of care that have demonstrated a capacity to
4 reallocate funding from lower performing projects to
5 higher performing projects: *Provided further*, That
6 the Secretary shall provide incentives to create
7 projects that coordinate with housing providers and
8 healthcare organizations to provide permanent sup-
9 portive housing and rapid re-housing services: *Pro-*
10 *vided further*, That of the amounts made available
11 for the Continuum of Care program under this para-
12 graph, not less than \$52,000,000 shall be for grants
13 for new rapid re-housing projects and supportive
14 service projects providing coordinated entry, and for
15 eligible activities that the Secretary determines to be
16 critical in order to assist survivors of domestic vio-
17 lence, dating violence, sexual assault, or stalking:
18 *Provided further*, That amounts made available for
19 the Continuum of Care program under this heading
20 in this Act and any remaining unobligated balances
21 from prior Acts may be used to competitively or non-
22 competitively renew or replace grants for youth
23 homeless demonstration projects under the Con-
24 tinuum of Care program, notwithstanding any con-

1 flict with the requirements of the Continuum of Care
2 program;

3 (3) \$7,000,000 shall be for the national home-
4 less data analysis project: *Provided*, That notwith-
5 standing the provisions of the Federal Grant and
6 Cooperative Agreements Act of 1977 (31 U.S.C.
7 6301–6308), the amounts made available under this
8 paragraph and any remaining unobligated balances
9 under this heading for such purposes in prior Acts
10 may be used by the Secretary to enter into coopera-
11 tive agreements with such entities as may be deter-
12 mined by the Secretary, including public and private
13 organizations, agencies, and institutions; and

14 (4) \$107,000,000 shall be to implement
15 projects to demonstrate how a comprehensive ap-
16 proach to serving homeless youth, age 24 and under,
17 in up to 25 communities with a priority for commu-
18 nities with substantial rural populations in up to
19 eight locations, can dramatically reduce youth home-
20 lessness: *Provided*, That of the amount made avail-
21 able under this paragraph, not less than
22 \$25,000,000 shall be for youth homelessness system
23 improvement grants to support communities, includ-
24 ing but not limited to the communities assisted
25 under the matter preceding this proviso, in estab-

1 lishing and implementing a response system for
2 youth homelessness, or for improving their existing
3 system: *Provided further*, That of the amount made
4 available under this paragraph, up to \$10,000,000
5 shall be to provide technical assistance to commu-
6 nities, including but not limited to the communities
7 assisted in the preceding proviso and the matter pre-
8 ceding such proviso, on improving system responses
9 to youth homelessness, and collection, analysis, use,
10 and reporting of data and performance measures
11 under the comprehensive approaches to serve home-
12 less youth, in addition to and in coordination with
13 other technical assistance funds provided under this
14 title: *Provided further*, That the Secretary may use
15 up to 10 percent of the amount made available
16 under the preceding proviso to build the capacity of
17 current technical assistance providers or to train
18 new technical assistance providers with verifiable
19 prior experience with systems and programs for
20 youth experiencing homelessness:

21 *Provided further*, That youth aged 24 and under seeking
22 assistance under this heading shall not be required to pro-
23 vide third party documentation to establish their eligibility
24 under subsection (a) or (b) of section 103 of the McKin-
25 ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to

1 receive services: *Provided further*, That unaccompanied
2 youth aged 24 and under or families headed by youth aged
3 24 and under who are living in unsafe situations may be
4 served by youth-serving providers funded under this head-
5 ing: *Provided further*, That persons eligible under section
6 103(a)(5) of the McKinney-Vento Homeless Assistance
7 Act may be served by any project funded under this head-
8 ing to provide both transitional housing and rapid re-hous-
9 ing: *Provided further*, That for all matching funds require-
10 ments applicable to funds made available under this head-
11 ing for this fiscal year and prior fiscal years, a grantee
12 may use (or could have used) as a source of match funds
13 other funds administered by the Secretary and other Fed-
14 eral agencies unless there is (or was) a specific statutory
15 prohibition on any such use of any such funds: *Provided*
16 *further*, That none of the funds made available under this
17 heading shall be available to provide funding for new
18 projects, except for projects created through reallocation,
19 unless the Secretary determines that the continuum of
20 care has demonstrated that projects are evaluated and
21 ranked based on the degree to which they improve the con-
22 tinuum of care's system performance: *Provided further*,
23 That any unobligated amounts remaining from funds
24 made available under this heading in fiscal year 2012 and
25 prior years for project-based rental assistance for rehabili-

1 tation projects with 10-year grant terms may be used for
2 purposes under this heading, notwithstanding the pur-
3 poses for which such funds were appropriated: *Provided*
4 *further*, That unobligated balances, including recaptures
5 and carryover, remaining from funds transferred to or ap-
6 propriated under this heading in fiscal year 2019 or prior
7 years, except for rental assistance amounts that were re-
8 captured and made available until expended, shall be avail-
9 able for the current purposes authorized under this head-
10 ing in addition to the purposes for which such funds origi-
11 nally were appropriated.

12 HOUSING PROGRAMS

13 PROJECT-BASED RENTAL ASSISTANCE

14 For activities and assistance for the provision of
15 project-based subsidy contracts under the United States
16 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
17 Act”), not otherwise provided for, \$13,570,000,000, to re-
18 main available until expended, shall be available on Octo-
19 ber 1, 2021 (in addition to the \$400,000,000 previously
20 appropriated under this heading that became available Oc-
21 tober 1, 2021), and \$400,000,000, to remain available
22 until expended, shall be available on October 1, 2022: *Pro-*
23 *vided*, That the amounts made available under this head-
24 ing shall be available for expiring or terminating section
25 8 project-based subsidy contracts (including section 8

1 moderate rehabilitation contracts), for amendments to sec-
2 tion 8 project-based subsidy contracts (including section
3 8 moderate rehabilitation contracts), for contracts entered
4 into pursuant to section 441 of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11401), for renewal
6 of section 8 contracts for units in projects that are subject
7 to approved plans of action under the Emergency Low In-
8 come Housing Preservation Act of 1987 or the Low-In-
9 come Housing Preservation and Resident Homeownership
10 Act of 1990, and for administrative and other expenses
11 associated with project-based activities and assistance
12 funded under this heading: *Provided further*, That of the
13 total amounts provided under this heading, not to exceed
14 \$355,000,000 shall be available for performance-based
15 contract administrators for section 8 project-based assist-
16 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
17 That the Secretary may also use such amounts in the pre-
18 ceding proviso for performance-based contract administra-
19 tors for the administration of: interest reduction payments
20 pursuant to section 236(a) of the National Housing Act
21 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
22 suant to section 101 of the Housing and Urban Develop-
23 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
24 rental assistance payments (12 U.S.C. 1715z-1(f)(2));
25 project rental assistance contracts for the elderly under

1 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
2 1701q); project rental assistance contracts for supportive
3 housing for persons with disabilities under section
4 811(d)(2) of the Cranston-Gonzalez National Affordable
5 Housing Act (42 U.S.C. 8013(d)(2)); project assistance
6 contracts pursuant to section 202(h) of the Housing Act
7 of 1959 (Public Law 86–372; 73 Stat. 667); and loans
8 under section 202 of the Housing Act of 1959 (Public Law
9 86–372; 73 Stat. 667): *Provided further*, That amounts
10 recaptured under this heading, the heading “Annual Con-
11 tributions for Assisted Housing”, or the heading “Housing
12 Certificate Fund”, may be used for renewals of or amend-
13 ments to section 8 project-based contracts or for perform-
14 ance-based contract administrators, notwithstanding the
15 purposes for which such amounts were appropriated: *Pro-*
16 *vided further*, That, notwithstanding any other provision
17 of law, upon the request of the Secretary, project funds
18 that are held in residual receipts accounts for any project
19 subject to a section 8 project-based Housing Assistance
20 Payments contract that authorizes the Department or a
21 housing finance agency to require that surplus project
22 funds be deposited in an interest-bearing residual receipts
23 account and that are in excess of an amount to be deter-
24 mined by the Secretary, shall be remitted to the Depart-
25 ment and deposited in this account, to be available until

1 expended: *Provided further*, That amounts deposited pur-
2 suant to the preceding proviso shall be available in addi-
3 tion to the amount otherwise provided by this heading for
4 uses authorized under this heading.

5 HOUSING FOR THE ELDERLY

6 For capital advances, including amendments to cap-
7 ital advance contracts, for housing for the elderly, as au-
8 thorized by section 202 of the Housing Act of 1959 (12
9 U.S.C. 1701q), for project rental assistance for the elderly
10 under section 202(c)(2) of such Act, including amend-
11 ments to contracts for such assistance and renewal of ex-
12 piring contracts for such assistance for up to a 5-year
13 term, for senior preservation rental assistance contracts,
14 including renewals, as authorized by section 811(e) of the
15 American Homeownership and Economic Opportunity Act
16 of 2000 (12 U.S.C. 1701q note), and for supportive serv-
17 ices associated with the housing, \$956,000,000 to remain
18 available until September 30, 2025: *Provided*, That of the
19 amount made available under this heading, up to
20 \$125,000,000 shall be for service coordinators and the
21 continuation of existing congregate service grants for resi-
22 dents of assisted housing projects: *Provided further*, That
23 any funding for existing service coordinators under the
24 preceding proviso shall be provided within 120 days of en-
25 actment of this Act: *Provided further*, That amounts made

1 available under this heading shall be available for Real Es-
2 tate Assessment Center inspections and inspection-related
3 activities associated with section 202 projects: *Provided*
4 *further*, That the Secretary may waive the provisions of
5 section 202 governing the terms and conditions of project
6 rental assistance, except that the initial contract term for
7 such assistance shall not exceed 5 years in duration: *Pro-*
8 *vided further*, That upon request of the Secretary, project
9 funds that are held in residual receipts accounts for any
10 project subject to a section 202 project rental assistance
11 contract, and that upon termination of such contract are
12 in excess of an amount to be determined by the Secretary,
13 shall be remitted to the Department and deposited in this
14 account, to remain available until September 30, 2025:
15 *Provided further*, That amounts deposited in this account
16 pursuant to the preceding proviso shall be available, in ad-
17 dition to the amounts otherwise provided by this heading,
18 for the purposes authorized under this heading: *Provided*
19 *further*, That unobligated balances, including recaptures
20 and carryover, remaining from funds transferred to or ap-
21 propriated under this heading shall be available for the
22 current purposes authorized under this heading in addi-
23 tion to the purposes for which such funds originally were
24 appropriated: *Provided further*, That of the total amount
25 made available under this heading, up to \$6,000,000 shall

1 be used by the Secretary to support preservation trans-
2 actions of housing for the elderly originally developed with
3 a capital advance and assisted by a project rental assist-
4 ance contract under the provisions of section 202(c) of the
5 Housing Act of 1959.

6 HOUSING FOR PERSONS WITH DISABILITIES

7 For capital advances, including amendments to cap-
8 ital advance contracts, for supportive housing for persons
9 with disabilities, as authorized by section 811 of the Cran-
10 ston-Gonzalez National Affordable Housing Act (42
11 U.S.C. 8013), for project rental assistance for supportive
12 housing for persons with disabilities under section
13 811(d)(2) of such Act, for project assistance contracts
14 pursuant to subsection (h) of section 202 of the Housing
15 Act of 1959, as added by section 205(a) of the Housing
16 and Community Development Amendments of 1978 (Pub-
17 lic Law 95-557: 92 Stat. 2090), including amendments
18 to contracts for such assistance and renewal of expiring
19 contracts for such assistance for up to a 1-year term, for
20 project rental assistance to State housing finance agencies
21 and other appropriate entities as authorized under section
22 811(b)(3) of the Cranston-Gonzalez National Affordable
23 Housing Act, and for supportive services associated with
24 the housing for persons with disabilities as authorized by
25 section 811(b)(1) of such Act, \$227,000,000, to remain

1 available until September 30, 2025: *Provided*, That
2 amounts made available under this heading shall be avail-
3 able for Real Estate Assessment Center inspections and
4 inspection-related activities associated with section 811
5 projects: *Provided further*, That, upon the request of the
6 Secretary, project funds that are held in residual receipts
7 accounts for any project subject to a section 811 project
8 rental assistance contract, and that upon termination of
9 such contract are in excess of an amount to be determined
10 by the Secretary, shall be remitted to the Department and
11 deposited in this account, to remain available until Sep-
12 tember 30, 2025: *Provided further*, That amounts depos-
13 ited in this account pursuant to the preceding proviso shall
14 be available in addition to the amounts otherwise provided
15 by this heading for the purposes authorized under this
16 heading: *Provided further*, That unobligated balances, in-
17 cluding recaptures and carryover, remaining from funds
18 transferred to or appropriated under this heading shall be
19 used for the current purposes authorized under this head-
20 ing in addition to the purposes for which such funds origi-
21 nally were appropriated.

22 HOUSING COUNSELING ASSISTANCE

23 For contracts, grants, and other assistance excluding
24 loans, as authorized under section 106 of the Housing and
25 Urban Development Act of 1968, as amended,

1 \$57,500,000, to remain available until September 30,
2 2023, including up to \$4,500,000 for administrative con-
3 tract services: *Provided*, That funds shall be used for pro-
4 viding counseling and advice to tenants and homeowners,
5 both current and prospective, with respect to property
6 maintenance, financial management or literacy, and such
7 other matters as may be appropriate to assist them in im-
8 proving their housing conditions, meeting their financial
9 needs, and fulfilling the responsibilities of tenancy or
10 homeownership; for program administration; and for hous-
11 ing counselor training: *Provided further*, That for purposes
12 of awarding grants from amounts provided under this
13 heading, the Secretary may enter into multiyear agree-
14 ments, as appropriate, subject to the availability of annual
15 appropriations.

16 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
17 FUND

18 For necessary expenses as authorized by the National
19 Manufactured Housing Construction and Safety Stand-
20 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
21 \$14,000,000, to remain available until expended, of which
22 \$14,000,000 shall be derived from the Manufactured
23 Housing Fees Trust Fund (established under section
24 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That
25 not to exceed the total amount appropriated under this

1 heading shall be available from the general fund of the
2 Treasury to the extent necessary to incur obligations and
3 make expenditures pending the receipt of collections to the
4 Fund pursuant to section 620 of such Act: *Provided fur-*
5 *ther*, That the amount made available under this heading
6 from the general fund shall be reduced as such collections
7 are received during fiscal year 2022 so as to result in a
8 final fiscal year 2022 appropriation from the general fund
9 estimated at zero, and fees pursuant to such section 620
10 shall be modified as necessary to ensure such a final fiscal
11 year 2022 appropriation: *Provided further*, That for the
12 dispute resolution and installation programs, the Sec-
13 retary may assess and collect fees from any program par-
14 ticipant: *Provided further*, That such collections shall be
15 deposited into the Trust Fund, and the Secretary, as pro-
16 vided herein, may use such collections, as well as fees col-
17 lected under section 620 of such Act, for necessary ex-
18 penses of such Act: *Provided further*, That, notwith-
19 standing the requirements of section 620 of such Act, the
20 Secretary may carry out responsibilities of the Secretary
21 under such Act through the use of approved service pro-
22 viders that are paid directly by the recipients of their serv-
23 ices.

1 FEDERAL HOUSING ADMINISTRATION

2 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

3 New commitments to guarantee single family loans
4 insured under the Mutual Mortgage Insurance Fund shall
5 not exceed \$400,000,000,000, to remain available until
6 September 30, 2023: *Provided*, That during fiscal year
7 2022, obligations to make direct loans to carry out the
8 purposes of section 204(g) of the National Housing Act,
9 as amended, shall not exceed \$1,000,000: *Provided fur-*
10 *ther*, That the foregoing amount in the preceding proviso
11 shall be for loans to nonprofit and governmental entities
12 in connection with sales of single family real properties
13 owned by the Secretary and formerly insured under the
14 Mutual Mortgage Insurance Fund: *Provided further*, That
15 for administrative contract expenses of the Federal Hous-
16 ing Administration, \$150,000,000, to remain available
17 until September 30, 2023: *Provided further*, That to the
18 extent guaranteed loan commitments exceed
19 \$200,000,000,000 on or before April 1, 2022, an addi-
20 tional \$1,400 for administrative contract expenses shall be
21 available for each \$1,000,000 in additional guaranteed
22 loan commitments (including a pro rata amount for any
23 amount below \$1,000,000), but in no case shall funds
24 made available by this proviso exceed \$30,000,000: *Pro-*
25 *vided further*, That notwithstanding the limitation in the

1 first sentence of section 255(g) of the National Housing
2 Act (12 U.S.C. 1715z-20(g)), during fiscal year 2022 the
3 Secretary may insure and enter into new commitments to
4 insure mortgages under section 255 of the National Hous-
5 ing Act only to the extent that the net credit subsidy cost
6 for such insurance does not exceed zero.

7 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

8 New commitments to guarantee loans insured under
9 the General and Special Risk Insurance Funds, as author-
10 ized by sections 238 and 519 of the National Housing Act
11 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
12 \$30,000,000,000 in total loan principal, any part of which
13 is to be guaranteed, to remain available until September
14 30, 2023: *Provided*, That during fiscal year 2022, gross
15 obligations for the principal amount of direct loans, as au-
16 thorized by sections 204(g), 207(l), 238, and 519(a) of
17 the National Housing Act, shall not exceed \$1,000,000,
18 which shall be for loans to nonprofit and governmental en-
19 tities in connection with the sale of single family real prop-
20 erties owned by the Secretary and formerly insured under
21 such Act.

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

4 New commitments to issue guarantees to carry out
5 the purposes of section 306 of the National Housing Act,
6 as amended (12 U.S.C. 1721(g)), shall not exceed
7 \$900,000,000,000, to remain available until September
8 30, 2023: *Provided*, That \$36,000,000, to remain avail-
9 able until September 30, 2023, shall be for necessary sala-
10 ries and expenses of the Office of Government National
11 Mortgage Association: *Provided further*, That to the extent
12 that guaranteed loan commitments exceed
13 \$155,000,000,000 on or before April 1, 2022, an addi-
14 tional \$100 for necessary salaries and expenses shall be
15 available until expended for each \$1,000,000 in additional
16 guaranteed loan commitments (including a pro rata
17 amount for any amount below \$1,000,000), but in no case
18 shall funds made available by this proviso exceed
19 \$3,000,000: *Provided further*, That receipts from Commit-
20 ment and Multiclass fees collected pursuant to title III of
21 the National Housing Act (12 U.S.C. 1716 et seq.) shall
22 be credited as offsetting collections to this account.

1 POLICY DEVELOPMENT AND RESEARCH

2 RESEARCH AND TECHNOLOGY

3 For contracts, grants, and necessary expenses of pro-
4 grams of research and studies relating to housing and
5 urban problems, not otherwise provided for, as authorized
6 by title V of the Housing and Urban Development Act
7 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
8 out the functions of the Secretary of Housing and Urban
9 Development under section 1(a)(1)(i) of Reorganization
10 Plan No. 2 of 1968, and for technical assistance,
11 \$105,000,000, to remain available until September 30,
12 2023: *Provided*, That with respect to amounts made avail-
13 able under this heading, notwithstanding section 203 of
14 this title, the Secretary may enter into cooperative agree-
15 ments with philanthropic entities, other Federal agencies,
16 State or local governments and their agencies, Indian
17 Tribes, tribally designated housing entities, or colleges or
18 universities for research projects: *Provided further*, That
19 with respect to the preceding proviso, such partners to the
20 cooperative agreements shall contribute at least a 50 per-
21 cent match toward the cost of the project: *Provided fur-*
22 *ther*, That for non-competitive agreements entered into in
23 accordance with the preceding two provisos, the Secretary
24 shall comply with section 2(b) of the Federal Funding Ac-
25 countability and Transparency Act of 2006 (Public Law

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

13 FAIR HOUSING AND EQUAL OPPORTUNITY

14 FAIR HOUSING ACTIVITIES

15 For contracts, grants, and other assistance, not oth-
16 erwise provided for, as authorized by title VIII of the Civil
17 Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
18 561 of the Housing and Community Development Act of
19 1987 (42 U.S.C. 3616a), \$85,000,000, to remain available
20 until September 30, 2023: *Provided*, That notwithstanding
21 section 3302 of title 31, United States Code, the Secretary
22 may assess and collect fees to cover the costs of the Fair
23 Housing Training Academy, and may use such funds to
24 develop on-line courses and provide such training: *Pro-*
25 *vided further*, That none of the funds made available under

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

10 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

11 HOMES

12 LEAD HAZARD REDUCTION

13 For the Lead Hazard Reduction Program, as author-
 14 ized by section 1011 of the Residential Lead-Based Paint
 15 Hazard Reduction Act of 1992, and for related activities
 16 and assistance, \$400,000,000, to remain available until
 17 September 30, 2024: *Provided*, That the amounts made
 18 available under this heading are provided as follows:

- 19 (1) \$300,000,000 shall be for the award of
 20 grants pursuant to such section 1011, of which not
 21 less than \$95,000,000 shall be provided to areas
 22 with the highest lead-based paint abatement needs;
- 23 (2) \$90,000,000 shall be for the Healthy
 24 Homes Initiative, pursuant to sections 501 and 502
 25 of the Housing and Urban Development Act of

1 1970, which shall include research, studies, testing,
2 and demonstration efforts, including education and
3 outreach concerning lead-based paint poisoning and
4 other housing-related diseases and hazards, and
5 mitigating housing-related health and safety hazards
6 in housing of low-income families, of which—

7 (A) \$5,000,000 of such amounts shall be
8 for the implementation of projects in up to five
9 communities that are served by both the
10 Healthy Homes Initiative and the Department
11 of Energy weatherization programs to dem-
12 onstrate whether the coordination of Healthy
13 Homes remediation activities with weatheriza-
14 tion activities achieves cost savings and better
15 outcomes in improving the safety and quality of
16 homes; and

17 (B) \$15,000,000 of such amounts shall be
18 for grants to experienced non-profit organiza-
19 tions, States, local governments, or public hous-
20 ing agencies for safety and functional home
21 modification repairs and renovations to meet
22 the needs of low-income elderly homeowners to
23 enable them to remain in their primary resi-
24 dence: *Provided*, That of the total amount made
25 available under this subparagraph no less than

1 \$5,000,000 shall be available to meet such
2 needs in communities with substantial rural
3 populations;

4 (3) \$5,000,000 shall be for the award of grants
5 and contracts for research pursuant to sections 1051
6 and 1052 of the Residential Lead-Based Paint Haz-
7 ard Reduction Act of 1992; and

8 (4) \$5,000,000 shall be for grants for a radon
9 testing and mitigation safety demonstration program
10 (the radon demonstration) in public housing: *Pro-*
11 *vided*, That the testing method, mitigation method,
12 or action level used under the radon demonstration
13 shall be as specified by applicable state or local law,
14 if such law is more protective of human health or
15 the environment than the method or level specified
16 by the Secretary:

17 *Provided further*, That for purposes of environmental re-
18 view, pursuant to the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.) and other provisions of
20 law that further the purposes of such Act, a grant under
21 the Healthy Homes Initiative, or the Lead Technical Stud-
22 ies program, or other demonstrations or programs under
23 this heading or under prior appropriations Acts for such
24 purposes under this heading, or under the heading “Hous-
25 ing for the Elderly” under prior Appropriations Acts, shall

1 be considered to be funds for a special project for purposes
2 of section 305(c) of the Multifamily Housing Property
3 Disposition Reform Act of 1994: *Provided further*, That
4 each applicant for a grant or cooperative agreement under
5 this heading shall certify adequate capacity that is accept-
6 able to the Secretary to carry out the proposed use of
7 funds pursuant to a notice of funding availability: *Pro-*
8 *vided further*, That amounts made available under this
9 heading, except for amounts in paragraphs (2)(B) for
10 home modification repairs and renovations, in this or prior
11 appropriations Acts, still remaining available, may be used
12 for any purpose under this heading notwithstanding the
13 purpose for which such amounts were appropriated if a
14 program competition is undersubscribed and there are
15 other program competitions under this heading that are
16 oversubscribed.

17 INFORMATION TECHNOLOGY FUND

18 For Department-wide and program-specific informa-
19 tion technology systems and infrastructure, \$300,000,000,
20 to remain available until September 30, 2024, of which
21 up to \$40,000,000 shall be for development, moderniza-
22 tion, and enhancement activities, including planning for
23 such activities: *Provided*, That not more than 10 percent
24 of the funds made available under this heading for devel-
25 opment, modernization, and enhancement may be obli-

1 gated until the Secretary submits a plan to the House and
2 Senate Committees on Appropriations for approval that—
3 (A) identifies for each development, modernization, and
4 enhancement project to be funded from available balances,
5 including carryover: (i) plain language summaries of the
6 project scope; (ii) the estimated total project cost; and (iii)
7 key milestones to be met; and (B) identifies for each major
8 modernization project: (i) the functional and performance
9 capabilities to be delivered and the mission benefits to be
10 realized; (ii) the estimated life-cycle cost; (iii) key mile-
11 stones to be met through the project end date, including
12 any identified system decommissioning; (iv) a description
13 of the governance structure for the project and the num-
14 ber of HUD staff and contractors supporting the project;
15 and (v) certification from the Chief Information Officer
16 that each project is compliant with the Department’s en-
17 terprise architecture, life-cycle management and capital
18 planning and investment control requirements: *Provided*
19 *further*, That not later than 30 days after the end of each
20 quarter, the Secretary shall submit an updated report to
21 the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate summarizing the status, cost
23 and plan for all modernization projects; and for each
24 major modernization project with an approved project
25 plan, identifying: (A) results and actual expenditures of

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

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, \$140,000,000: *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 funds made available by this
10 Act may be used during fiscal year 2022 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. Section 7 of the Department of Housing
24 and Urban Development Act (42 U.S.C. 3535) is amended
25 by adding at the end the following new subsection:

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

14 “(2) Corporations and agencies of the Depart-
15 ment of Housing and Urban Development which are
16 subject to the Government Corporation Control Act
17 are hereby authorized to make such expenditures,
18 within the limits of funds and borrowing authority
19 available to each such corporation or agency and in
20 accordance with law, and to make such contracts
21 and commitments without regard to fiscal year limi-
22 tations as provided by section 104 of such Act as
23 may be necessary in carrying out the programs set
24 forth in the budget for such corporation or agency
25 except as hereinafter provided: *Provided*, That collec-

1 tions of these corporations and agencies may be used
2 for new loan or mortgage purchase commitments
3 only to the extent expressly provided for in an ap-
4 propriations Act (unless such loans are in support of
5 other forms of assistance provided for in appropria-
6 tions Acts), except that this proviso shall not apply
7 to the mortgage insurance or guaranty operations of
8 these corporations, or where loans or mortgage pur-
9 chases are necessary to protect the financial interest
10 of the United States Government.”.

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

24 SEC. 207. None of the funds made available by this
25 title may be used for an audit of the Government National

1 Mortgage Association that makes applicable requirements
2 under the Federal Credit Reform Act of 1990 (2 U.S.C.
3 661 et seq.).

4 SEC. 208. Section 8 of the United States Housing
5 Act of 1937 (42 U.S.C. 1437f) is amended by adding the
6 following new subsection:

7 “(1) AUTHORITY TO TRANSFER PROJECT-BASED AS-
8 SISTANCE AND DEBT.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, subject to the conditions listed
11 under this section, the Secretary may authorize the
12 transfer of some or all project-based assistance, debt
13 held or insured by the Secretary and statutorily re-
14 quired low-income and very low-income use restric-
15 tions if any, associated with one or more multifamily
16 housing project or projects to another multifamily
17 housing project or projects.

18 “(2) PHASED TRANSFERS.—Transfers of
19 project-based assistance under this section may be
20 done in phases to accommodate the financing and
21 other requirements related to rehabilitating or con-
22 structing the project or projects to which the assist-
23 ance is transferred, to ensure that such project or
24 projects meet the standards under paragraph (3).

1 “(3) CONDITIONS.—The transfer authorized in
2 paragraph (1) is subject to the following conditions:

3 “(A) NUMBER AND BEDROOM SIZE OF
4 UNITS.—

5 “(i) For occupied units in the trans-
6 ferring project: The number of low-income
7 and very low-income units and the configu-
8 ration (i.e., bedroom size) provided by the
9 transferring project shall be no less than
10 when transferred to the receiving project
11 or projects and the net dollar amount of
12 Federal assistance provided to the trans-
13 ferring project shall remain the same in
14 the receiving project or projects.

15 “(ii) For unoccupied units in the
16 transferring project: The Secretary may
17 authorize a reduction in the number of
18 dwelling units in the receiving project or
19 projects to allow for a reconfiguration of
20 bedroom sizes to meet current market de-
21 mands, as determined by the Secretary and
22 provided there is no increase in the
23 project-based assistance budget authority.

24 “(B) The transferring project shall, as de-
25 termined by the Secretary, be either physically

1 obsolete or economically nonviable, or be rea-
2 sonably expected to become economically non-
3 viable when complying with state or Federal re-
4 quirements for community integration and re-
5 duced concentration of individuals with disabil-
6 ities.

7 “(C) The receiving project or projects shall
8 meet or exceed applicable physical standards es-
9 tablished by the Secretary.

10 “(D) The owner or mortgagor of the trans-
11 ferring project shall notify and consult with the
12 tenants residing in the transferring project and
13 provide a certification of approval by all appro-
14 priate local governmental officials.

15 “(E) The tenants of the transferring
16 project who remain eligible for assistance to be
17 provided by the receiving project or projects
18 shall not be required to vacate their units in the
19 transferring project or projects until new units
20 in the receiving project are available for occu-
21 pancy.

22 “(F) The Secretary determines that this
23 transfer is in the best interest of the tenants.

24 “(G) If either the transferring project or
25 the receiving project or projects meets the con-

1 dition specified in paragraph (4)(B)(i), any lien
2 on the receiving project resulting from addi-
3 tional financing obtained by the owner shall be
4 subordinate to any lien insured by the Federal
5 Housing Administration transferred to, or
6 placed on, such project by the Secretary, except
7 that the Secretary may waive this requirement
8 upon determination that such a waiver is nec-
9 essary to facilitate the financing of acquisition,
10 construction, and/or rehabilitation of the receiv-
11 ing project or projects.

12 “(H) If the transferring project meets the
13 requirements of paragraph (4)(A), the owner or
14 mortgagor of the receiving project or projects
15 shall execute and record either a continuation
16 of the existing use agreement or a new use
17 agreement for the project where, in either case,
18 any use restrictions in such agreement are of no
19 lesser duration than the existing use restric-
20 tions; and

21 “(I) The transfer does not increase the
22 cost (as defined in section 502 of the Congres-
23 sional Budget Act of 1974(2 U.S.C. 661a)) of
24 any FHA-insured mortgage, except to the ex-
25 tent that appropriations are provided in ad-

1 vance for the amount of any such increased
2 cost.

3 “(4) For purposes of this section—

4 “(A) the terms ‘low-income’ and ‘very low-
5 income’ shall have the meanings provided in
6 section 3 of this Act;

7 “(B) the term ‘multifamily housing
8 project’ means housing that meets one of the
9 following conditions—

10 “(i) housing that is subject to a mort-
11 gage insured under the National Housing
12 Act;

13 “(ii) housing that has project-based
14 assistance attached to the structure includ-
15 ing projects undergoing mark to market
16 debt restructuring under the Multifamily
17 Assisted Housing Reform and Affordability
18 Housing Act;

19 “(iii) housing that is assisted under
20 section 202 of the Housing Act of 1959
21 (12 U.S.C. 1701q);

22 “(iv) housing that is assisted under
23 section 202 of the Housing Act of 1959
24 (12 U.S.C. 1701q), as such section existed

1 before the enactment of the Cranston-
2 Gonzales National Affordable Housing Act;

3 “(v) housing that is assisted under
4 section 811 of the Cranston-Gonzales Na-
5 tional Affordable Housing Act (42 U.S.C.
6 8013); or

7 “(vi) housing or vacant land that is
8 subject to a use agreement;

9 “(C) the term ‘project-based assistance’
10 means—

11 “(i) assistance provided under sub-
12 section (b) of this section;

13 “(ii) assistance for housing con-
14 structed or substantially rehabilitated pur-
15 suant to assistance provided under sub-
16 section (b)(2) of this section (as such sec-
17 tion existed immediately before October 1,
18 1983);

19 “(iii) rent supplement payments under
20 section 101 of the Housing and Urban De-
21 velopment Act of 1965 (12 U.S.C. 1701s);

22 “(iv) interest reduction payments
23 under section 236 and/or additional assist-
24 ance payments under section 236(f)(2) of

1 the National Housing Act (12 U.S.C.
2 1715z-1);

3 “(v) assistance payments made under
4 section 202(c)(2) of the Housing Act of
5 1959 (12 U.S.C. 1701q(c)(2)); and

6 “(vi) assistance payments made under
7 section 811(d)(2) of the Cranston-Gonzalez
8 National Affordable Housing Act (42
9 U.S.C. 8013(d)(2));

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

16 “(E) the term ‘transferring project’ means
17 the multifamily housing project which is trans-
18 ferring some or all of the project-based assist-
19 ance, debt, and the statutorily required low-in-
20 come and very low-income use restrictions to
21 the receiving project or projects.

22 “(5) IMPLEMENTATION.—The Secretary shall
23 implement this subsection by publishing notice in the
24 Federal Register.”.

1 SEC. 209. Section 3 of the United States Housing
2 Act of 1937 (42 U.S.C. 1437a) is amended by adding the
3 following new subsection:

4 “(g) RESTRICTIONS ON ASSISTANCE AND ELIGI-
5 BILITY.—

6 “(1) No assistance shall be provided under sec-
7 tion 8 of this Act to any individual who—

8 “(A) is enrolled as a student at an institu-
9 tion of higher education (as defined under sec-
10 tion 102 of the Higher Education Act of 1965
11 (20 U.S.C. 1002));

12 “(B) is under 24 years of age;

13 “(C) is not a veteran;

14 “(D) is unmarried;

15 “(E) does not have a dependent child;

16 “(F) is not a person with disabilities, as
17 such term is defined in subsection (b)(3)(E) of
18 this section and was not receiving assistance
19 under such section 8 as of November 30, 2005;

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

23 “(H) is not otherwise individually eligible,
24 or has parents who, individually or jointly, are

1 not eligible, to receive assistance under section
2 8 of this Act.

3 “(2) For purposes of determining the income of
4 a person under section 8 of this Act, any financial
5 assistance (in excess of amounts received for tuition
6 and any other required fees and charges) that an in-
7 dividual receives under the Higher Education Act of
8 1965 (20 U.S.C. 1001 et seq.), from private sources,
9 or from an institution of higher education (as de-
10 fined under section 102 of the Higher Education Act
11 of 1965 (20 U.S.C. 1002)), shall be considered in-
12 come to that individual, except for a person over the
13 age of 23 with dependent children.”.

14 SEC. 210. The funds made available for Native Alas-
15 kans under paragraph (1) under the heading “Native
16 American Programs” in title II of this Act shall be allo-
17 cated to the same Native Alaskan housing block grant re-
18 cipients that received funds in fiscal year 2005, and only
19 such recipients shall be eligible to apply for funds made
20 available under paragraph (2) of such heading.

21 SEC. 211. Section 8 of the United States Housing
22 Act of 1937 (42 U.S.C. 1437f) is amended by adding the
23 following subsection:

1 “(m) MAINTAINING RENTAL ASSISTANCE PROGRAMS
2 DURING THE DISPOSITION OF MULTIFAMILY PROP-
3 ERTY.—

4 “(1) AUTHORITY.—Notwithstanding any other
5 provision of law, in managing and disposing of any
6 multifamily property that is owned or has a mort-
7 gage held by the Secretary, and during the process
8 of foreclosure on any property with a contract for
9 rental assistance payments under this section or
10 other programs administered by the Secretary, the
11 Secretary shall maintain any rental assistance pay-
12 ments under this section and other programs that
13 are attached to any dwelling units in the property.

14 “(2) COST CONSIDERATIONS.—To the extent
15 the Secretary determines, in consultation with the
16 tenants and the local government that such a multi-
17 family property owned or having a mortgage held by
18 the Secretary is not feasible for continued rental as-
19 sistance payments under such section 8 or other pro-
20 grams, based on consideration of—

21 “(A) the costs of rehabilitating and oper-
22 ating the property and all available Federal,
23 State, and local resources, including rent ad-
24 justments, if applicable, under section 524 of
25 the Multifamily Assisted Housing Reform and

1 Affordability Act of 1997 (‘MAHRAA’) (42
2 U.S.C. 1437f note); and

3 “(B) environmental conditions that cannot
4 be remedied in a cost-effective fashion, the Sec-
5 retary may, in consultation with the tenants of
6 that property, contract for project-based rental
7 assistance payments with an owner or owners of
8 other existing housing properties, or provide
9 other rental assistance.

10 “(3) CONTINUATION OF CONTRACT.—The Sec-
11 retary shall also take appropriate steps to ensure
12 that project-based contracts remain in effect prior to
13 foreclosure, subject to the exercise of contractual
14 abatement remedies to assist relocation of tenants
15 for imminent major threats to health and safety
16 after written notice to and informed consent of the
17 affected tenants and use of other available remedies,
18 such as partial abatements or receivership.

19 “(4) POST-DISPOSITION.—After disposition of
20 any multifamily property described under this sub-
21 section, the contract and allowable rent levels on
22 such properties shall be subject to the requirements
23 of MAHRAA.”.

24 SEC. 212. Public housing agencies that own and oper-
25 ate 400 or fewer public housing units may elect to be ex-

1 empt from any asset management requirement imposed by
2 the Secretary in connection with the operating fund rule:
3 *Provided*, That an agency seeking a discontinuance of a
4 reduction of subsidy under the operating fund formula
5 shall not be exempt from asset management requirements.

6 SEC. 213. With respect to the use of amounts pro-
7 vided in this Act and in future Acts for the operation, cap-
8 ital improvement, and management of public housing as
9 authorized by sections 9(d) and 9(e) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Sec-
11 retary shall not impose any requirement or guideline relat-
12 ing to asset management that restricts or limits in any
13 way the use of capital funds for central office costs pursu-
14 ant to paragraph (1) or (2) of section 9(g) of the United
15 States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)):
16 *Provided*, That a public housing agency may not use cap-
17 ital funds authorized under section 9(d) for activities that
18 are eligible under section 9(e) for assistance with amounts
19 from the operating fund in excess of the amounts per-
20 mitted under paragraph (1) or (2) of section 9(g).

21 SEC. 214. No official or employee of the Department
22 of Housing and Urban Development shall be designated
23 as an allotment holder unless the Office of the Chief Fi-
24 nancial Officer has determined that such allotment holder
25 has implemented an adequate system of funds control and

1 has received training in funds control procedures and di-
2 rectives. The Chief Financial Officer shall ensure that
3 there is a trained allotment holder for each HUD appro-
4 priation under the accounts “Executive Offices”, “Admin-
5 istrative Support Offices”, “Program Offices”, “Govern-
6 ment National Mortgage Association—Guarantees of
7 Mortgage-Backed Securities Loan Guarantee Program
8 Account”, and “Office of Inspector General” within the
9 Department of Housing and Urban Development.

10 SEC. 215. The Secretary shall, for fiscal year 2022,
11 notify the public through the Federal Register and other
12 means, as determined appropriate, of the issuance of a no-
13 tice of the availability of assistance or notice of funding
14 opportunity (NOFO) for any program or discretionary
15 fund administered by the Secretary that is to be competi-
16 tively awarded. Notwithstanding any other provision of
17 law, for fiscal year 2022, the Secretary may make the
18 NOFO available only on the Internet at the appropriate
19 Government website or through other electronic media, as
20 determined by the Secretary.

21 SEC. 216. Payment of attorney fees in program-re-
22 lated litigation shall be paid from the individual program
23 office and Office of General Counsel salaries and expenses
24 appropriations.

1 SEC. 217. The Secretary is authorized to transfer up
2 to 10 percent or \$5,000,000, whichever is less, of funds
3 appropriated for any office under the headings “Adminis-
4 trative Support Offices” or “Program Offices” to any
5 other such office under such headings: *Provided*, That no
6 appropriation for any such office under such headings
7 shall be increased or decreased by more than 10 percent
8 or \$5,000,000, whichever is less, without prior written ap-
9 proval of the House and Senate Committees on Appropria-
10 tions: *Provided further*, That the Secretary shall provide
11 notification to such Committees 3 business days in ad-
12 vance of any such transfers under this section up to 10
13 percent or \$5,000,000, whichever is less.

14 SEC. 218. (a) Any entity receiving housing assistance
15 payments shall maintain decent, safe, and sanitary condi-
16 tions, as determined by the Secretary, and comply with
17 any standards under applicable State or local laws, rules,
18 ordinances, or regulations relating to the physical condi-
19 tion of any property covered under a housing assistance
20 payment contract.

21 (b) The Secretary shall take action under subsection
22 (c) when a multifamily housing project with a contract
23 under section 8 of the United States Housing Act of 1937
24 (42 U.S.C. 1437f) or a contract for similar project-based
25 assistance—

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

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

7 Such requirements shall apply to insured and noninsured
8 projects with assistance attached to the units under sec-
9 tion 8 of the United States Housing Act of 1937 (42
10 U.S.C. 1437f), but shall not apply to such units assisted
11 under section 8(o)(13) of such Act (42 U.S.C.
12 1437f(o)(13)) or to public housing units assisted with cap-
13 ital or operating funds under section 9 of the United
14 States Housing Act of 1937 (42 U.S.C. 1437g).

15 (c)(1) Within 15 days of the issuance of the Real Es-
16 tate Assessment Center (“REAC”) inspection, the Sec-
17 retary shall provide the owner with a Notice of Default
18 with a specified timetable, determined by the Secretary,
19 for correcting all deficiencies. The Secretary shall provide
20 a copy of the Notice of Default to the tenants, the local
21 government, any mortgagees, and any contract adminis-
22 trator. If the owner’s appeal results in a UPCS score of
23 60 or above, the Secretary may withdraw the Notice of
24 Default.

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

4 (A) require immediate replacement of project
5 management with a management agent approved by
6 the Secretary;

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

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

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

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

22 (F) pursue exclusionary sanctions, including
23 suspensions or debarments from Federal programs;

24 (G) seek judicial appointment of a receiver to
25 manage the property and cure all project deficiencies

1 or seek a judicial order of specific performance re-
2 quiring the owner to cure all project deficiencies;

3 (H) work with the owner, lender, or other re-
4 lated party to stabilize the property in an attempt
5 to preserve the property through compliance, trans-
6 fer of ownership, or an infusion of capital provided
7 by a third-party that requires time to effectuate; or

8 (I) take any other regulatory or contractual
9 remedies available as deemed necessary and appro-
10 priate by the Secretary.

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

20 (1) the costs of rehabilitating and operating the
21 property and all available Federal, State, and local
22 resources, including rent adjustments under section
23 524 of the Multifamily Assisted Housing Reform
24 and Affordability Act of 1997 (“MAHRAA”); and

1 (2) environmental conditions that cannot be
2 remedied in a cost-effective fashion, the Secretary
3 may contract for project-based rental assistance pay-
4 ments with an owner or owners of other existing
5 housing properties, or provide other rental assist-
6 ance.

7 (e) The Secretary shall report semi-annually on all
8 properties covered by this section that are assessed
9 through the Real Estate Assessment Center and have
10 UPCS physical inspection scores of less than 60 or have
11 received an unsatisfactory management and occupancy re-
12 view within the past 36 months. The report shall include—

13 (1) identification of the enforcement actions
14 being taken to address such conditions, including
15 imposition of civil money penalties and termination
16 of subsidies, and identification of properties that
17 have such conditions multiple times;

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

21 (3) any administrative or legislative rec-
22 ommendations to further improve the living condi-
23 tions at properties covered under a housing assist-
24 ance payment contract.

1 The first report shall be submitted to the Senate and
2 House Committees on Appropriations not later than 30
3 days after the enactment of this Act, and the second re-
4 port shall be submitted within 180 days of the transmittal
5 of the first report.

6 SEC. 219. None of the funds made available by this
7 Act, or any other Act, for purposes authorized under sec-
8 tion 8 (only with respect to the tenant-based rental assist-
9 ance program) and section 9 of the United States Housing
10 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
11 any public housing agency for any amount of salary, in-
12 cluding bonuses, for the chief executive officer of which,
13 or any other official or employee of which, that exceeds
14 the annual rate of basic pay payable for a position at level
15 IV of the Executive Schedule at any time during any pub-
16 lic housing agency fiscal year 2022.

17 SEC. 220. None of the funds made available by this
18 Act and provided to the Department of Housing and
19 Urban Development may be used to make a grant award
20 unless the Secretary notifies the House and Senate Com-
21 mittees on Appropriations not less than 3 full business
22 days before any project, State, locality, housing authority,
23 Tribe, nonprofit organization, or other entity selected to
24 receive a grant award is announced by the Department
25 or its offices.

1 SEC. 221. 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. 222. None of the funds made available in this
5 Act shall be used by the Federal Housing Administration,
6 the Government National Mortgage Association, 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. 223. 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. 224. Amounts made available by this Act that
20 are appropriated, allocated, advanced on a reimbursable
21 basis, or transferred to the Office of Policy Development
22 and Research of the Department of Housing and Urban
23 Development and functions thereof, for research, evalua-
24 tion, or statistical purposes, and that are unexpended at
25 the time of completion of a contract, grant, or cooperative

1 agreement, may be deobligated and shall immediately be-
2 come available and may be reobligated in that fiscal year
3 or the subsequent fiscal year for the research, evaluation,
4 or statistical purposes for which the amounts are made
5 available to that Office subject to reprogramming require-
6 ments in section 234 of this Act.

7 SEC. 225. 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 subject to ad-
11 ministrative discipline (including suspension from work),
12 in this fiscal year, but this prohibition shall not be effec-
13 tive prior to the effective date of any such administrative
14 discipline or after any final decision over-turning such dis-
15 cipline.

16 SEC. 226. With respect to grant amounts awarded
17 under the heading “Homeless Assistance Grants” for fis-
18 cal years 2015 through 2022 for the Continuum of Care
19 (CoC) program as authorized under subtitle C of title IV
20 of the McKinney-Vento Homeless Assistance Act, costs
21 paid by program income of grant recipients may count to-
22 ward meeting the recipient’s matching requirements, pro-
23 vided the costs are eligible CoC costs that supplement the
24 recipient’s CoC program.

1 SEC. 227. (a) From amounts made available under
2 this title under the heading “Homeless Assistance
3 Grants”, the Secretary may award 1–year transition
4 grants to recipients of funds for activities under subtitle
5 C of the McKinney-Vento Homeless Assistance Act (42
6 U.S.C. 11381 et seq.) to transition from one Continuum
7 of Care program component to another.

8 (b) In order to be eligible to receive a transition
9 grant, the funding recipient must have the consent of the
10 continuum of care and meet standards determined by the
11 Secretary.

12 SEC. 228. None of the funds made available by this
13 Act may be used by the Department of Housing and
14 Urban Development to direct a grantee to undertake spe-
15 cific changes to existing zoning laws as part of carrying
16 out the final rule entitled “Affirmatively Furthering Fair
17 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
18 notice entitled “Affirmatively Furthering Fair Housing
19 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
20 2014)).

21 SEC. 229. The Promise Zone designations and Prom-
22 ise Zone Designation Agreements entered into pursuant
23 to such designations, made by the Secretary in prior fiscal
24 years, shall remain in effect in accordance with the terms
25 and conditions of such agreements.

1 SEC. 230. None of the amounts made available in this
2 Act may be used to consider Family Self-Sufficiency per-
3 formance measures or performance scores in determining
4 funding awards for programs receiving Family Self-Suffi-
5 ciency program coordinator funding provided in this Act.

6 SEC. 231. Any public housing agency designated as
7 a Moving to Work agency pursuant to section 239 of divi-
8 sion L of Public Law 114–113 (42 U.S.C. 1437f note;
9 129 Stat. 2897) may, upon such designation, use funds
10 (except for special purpose funding, including special pur-
11 pose vouchers) previously allocated to any such public
12 housing agency under section 8 or 9 of the United States
13 Housing Act of 1937, including any reserve funds held by
14 the public housing agency or funds held by the Depart-
15 ment of Housing and Urban Development, pursuant to the
16 authority for use of section 8 or 9 funding provided under
17 such section and section 204 of title II of the Departments
18 of Veterans Affairs and Housing and Urban Development
19 and Independent Agencies Appropriations Act, 1996
20 (Public Law 104–134; 110 Stat. 1321–28), notwith-
21 standing the purposes for which such funds were appro-
22 priated.

23 SEC. 232. None of the amounts made available by
24 this Act may be used to prohibit any public housing agen-
25 cy under receivership or the direction of a Federal monitor

1 from applying for, receiving, or using funds made available
2 under the heading “Public Housing Fund” for competitive
3 grants to evaluate and reduce lead-based paint hazards in
4 this Act or that remain available and not awarded from
5 prior Acts, or be used to prohibit a public housing agency
6 from using such funds to carry out any required work pur-
7 suant to a settlement agreement, consent decree, vol-
8 untary agreement, or similar document for a violation of
9 the Lead Safe Housing or Lead Disclosure Rules.

10 SEC. 233. None of the funds made available by this
11 title may be used to issue rules or guidance in contraven-
12 tion of section 1210 of Public Law 115–254 (132 Stat.
13 3442) or section 312 of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C. 5155).

15 SEC. 234. Except as otherwise provided in this Act,
16 none of the funds provided in this title, provided by pre-
17 vious appropriations Acts to the Department of Housing
18 and Urban Development that remain available for obliga-
19 tion or expenditure in fiscal year 2022, or provided from
20 any accounts in the Treasury derived by the collection of
21 fees and available to the Department of Housing and
22 Urban Development, shall be available for obligation or
23 expenditure through a reprogramming of funds that—

24 (1) For Program and Information Technology
25 funds—

1 (A) initiates or creates a new program,
2 project, or activity;

3 (B) eliminates a program, project, or activ-
4 ity;

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

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

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

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

18 (2) For Salaries and Expenses funds—

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

23 (B) increases the personnel or other re-
24 sources for any program, project, or activity for

1 which funds have been denied or restricted by
2 the Congress;

3 (C) relocates or closes an office; or

4 (D) creates, reorganizes or restructures an
5 office, division, branch, board or administration,
6 which shall include the transfer of any function
7 from one organizational unit to another organi-
8 zational unit; unless prior written notification is
9 provided to, and approval is received from the
10 House and Senate Committees on Appropria-
11 tions.

12 SEC. 235. Not later than 60 days after the date of
13 enactment of this Act, the Department of Housing and
14 Urban Development shall submit a report to the Commit-
15 tees on Appropriations of the Senate and of the House
16 of Representatives to establish the baseline for application
17 of reprogramming and transfer authorities for the current
18 fiscal year: *Provided*, That the report shall include—

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

24 (2) for program and information technology
25 funds, a delineation in the table for each appropria-

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

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

15 (4) an identification of items of special congres-
16 sional interest.

17 SEC. 236. The language under the heading “Rental
18 Assistance Demonstration” in the Department of Housing
19 and Urban Development Appropriations Act, 2012 (Public
20 Law 112–55), as most recently amended by Public Law
21 115–141, is further amended—

22 (1) in the initial undesignated matter, by strik-
23 ing “and ‘Public Housing Operating Fund’” and in-
24 serting “, ‘Public Housing Operating Fund’, and
25 ‘Public Housing Fund’”;

1 (2) in the second proviso, by striking “2024”
2 and inserting “2028”;

3 (3) in the fourth proviso by striking “455,000”
4 and inserting “500,000”;

5 (4) after the fourth proviso, by inserting the
6 following new provisos: “*Provided further*, That at
7 properties with assistance under section 9 of the Act
8 requesting to partially convert such assistance, and
9 where an event under section 18 of the Act occurs
10 that results in the eligibility for tenant protection
11 vouchers under section 8(o) of the Act, the Secretary
12 may convert the tenant protection voucher assistance
13 to assistance under a project-based subsidy contract
14 under section 8 of the Act, which shall be eligible for
15 renewal under section 524 of the Multifamily As-
16 sisted Housing Reform and Affordability Act of
17 1997, or assistance under section 8(o)(13) of the
18 Act, so long as the property meets any additional re-
19 quirements established by the Secretary to facilitate
20 conversion: *Provided further*, That to facilitate the
21 conversion of assistance under the preceding proviso,
22 the Secretary may transfer an amount equal to the
23 total amount that would have been allocated for ten-
24 ant protection voucher assistance for properties that
25 have requested such conversions from amounts made

1 available for tenant protection voucher assistance
2 under the heading ‘Tenant-Based Rental Assistance’
3 to the heading ‘Project-Based Rental Assistance’;”;

4 (5) in the twelfth proviso, as reordered above,
5 by

6 (A) inserting “‘Public Housing Fund’,
7 ‘Self-Sufficiency Programs’, ‘Family Self-Suffi-
8 ciency’” following “‘Public Housing Operating
9 Fund’,”; and

10 (B) inserting “or the ongoing availability
11 of services for residents” after “effective con-
12 version of assistance under the demonstration”;

13 (6) after the nineteenth proviso, as reordered
14 above, by inserting the following new proviso: “*Pro-*
15 *vided further*, That conversions of assistance under
16 the following provisos herein shall be considered as
17 the ‘Second Component’ and shall be authorized for
18 fiscal year 2012 and thereafter.”;

19 (7) by striking the twenty-first proviso, as reor-
20 dered above, and inserting the following four pro-
21 visos: “*Provided further*, That owners of properties
22 assisted under section 101 of the Housing and
23 Urban Development Act of 1965, section 236(f)(2)
24 of the National Housing Act, or section 8(e)(2) of
25 the United States Housing Act of 1937, for which

1 an event after October 1, 2006 has caused or results
2 in the termination of rental assistance or afford-
3 ability restrictions and the issuance of tenant protec-
4 tion vouchers under section 8(o) of the Act shall be
5 eligible, subject to requirements established by the
6 Secretary, for conversion of assistance available for
7 such vouchers or assistance contracts to assistance
8 under a long term project-based subsidy contract
9 under section 8 of the Act: *Provided further*, That
10 owners of properties with a project rental assistance
11 contract under section 202(c)(2) of the Housing Act
12 of 1959 shall be eligible, subject to requirements es-
13 tablished by the Secretary, including but not limited
14 to the subordination, restructuring, or both, of any
15 capital advance documentation, including any note,
16 mortgage, use agreement or other agreements, evi-
17 dencing or securing a capital advance previously pro-
18 vided by the Secretary under section 202(c)(1) of
19 the Housing Act of 1959 as necessary to facilitate
20 the conversion of assistance while maintaining the
21 affordability period and the designation of the prop-
22 erty as serving elderly persons, and tenant consulta-
23 tion procedures, for conversion of assistance avail-
24 able for such assistance contracts to assistance
25 under a long term project-based subsidy contract

1 under section 8 of the Act: *Provided further*, That
2 owners of properties with a project rental assistance
3 contract under section 811(d)(2) of the Cranston-
4 Gonzalez National Affordable Housing Act, shall be
5 eligible, subject to requirements established by the
6 Secretary, including but not limited to the subordi-
7 nation, restructuring, or both, of any capital advance
8 documentation, including any note, mortgage, use
9 agreement or other agreements, evidencing or secur-
10 ing a capital advance previously provided by the Sec-
11 retary under section 811(d)(2) of the Cranston-Gon-
12 zalez National Affordable Housing Act as necessary
13 to facilitate the conversion of assistance while main-
14 taining the affordability period and the designation
15 of the property as serving persons with disabilities,
16 and tenant consultation procedures, for conversion
17 of assistance contracts to assistance under a long
18 term project-based subsidy contract under section 8
19 of the Act: *Provided further*, That long term project-
20 based subsidy contracts under section 8 of the Act
21 which are established under this Second Component
22 shall have a term of no less than 20 years, with rent
23 adjustments only by an operating cost factor estab-
24 lished by the Secretary, which shall be eligible for re-
25 newal under section 524 of the Multifamily Assisted

1 Housing Reform and Affordability Act of 1997 (42
2 U.S.C. 1437f note), or, subject to agreement of the
3 administering public housing agency, to assistance
4 under section 8(o)(13) of the Act, to which the limi-
5 tation under subsection (B) of section 8(o)(13) of
6 the Act shall not apply and for which the Secretary
7 may waive or alter the provisions of subparagraphs
8 (C) and (D) of section 8(o)(13) of the Act.”;

9 (8) after the twenty-fifth proviso, as reordered
10 above, by inserting the following new proviso: “*Pro-*
11 *vided further,* That the Secretary may waive or alter
12 the requirements of section 8(c)(1)(A) of the Act for
13 contracts provided to properties converting assist-
14 ance from section 202(c)(2) of the Housing Act of
15 1959 or section 811(d)(2) of the Cranston-Gonzalez
16 National Affordable Housing Act as necessary to en-
17 sure the ongoing provision and coordination of serv-
18 ices or to avoid a reduction in project subsidy.”; and

19 (9) in the thirty-first proviso, as reordered
20 above, by—

21 (A) striking “heading ‘Housing for the El-
22 derly’” and inserting “headings ‘Housing for
23 the Elderly’ and ‘Housing for Persons with Dis-
24 abilities’”; and

1 (B) inserting “or section 811 project rental
2 assistance contract” after “section 202 project
3 rental assistance contract”.

4 SEC. 237. In this fiscal year, if the Secretary deter-
5 mines or has determined that, in any prior formula alloca-
6 tion administered by the Secretary under any account
7 under the headings “Public and Indian Housing”, “Com-
8 munity Planning and Development” and “Housing Pro-
9 grams” under this title, a recipient received an allocation
10 larger than the amount such recipient should have re-
11 ceived for a formula allocation cycle pursuant to applicable
12 statutes and regulations, the Secretary may adjust for any
13 such funding error from available balances in the next fea-
14 sible formula allocation cycle by (a) offsetting each such
15 recipient’s formula allocation (if eligible for a formula allo-
16 cation in such subsequent cycle) by the amount of any
17 such funding error; and (b) re-allocating the offset amount
18 to the recipient or recipients that would have been allo-
19 cated the funds in the cycle in which any such error oc-
20 curred (if eligible for a formula allocation under such sub-
21 sequent cycle) in an amount proportionate to such subse-
22 quent cycle’s formula amount or formula component
23 amount: *Provided*, That all offsets and reallocations from
24 such available balances shall be recognized in the fiscal
25 year of such adjustments instead of the fiscal year of any

1 error, notwithstanding any inconsistent fiscal year ac-
2 counting or other requirements: *Provided further*, That if,
3 upon request by a recipient and giving consideration to
4 all Federal resources available to the recipient for that
5 purpose, the Secretary determines that the offset in such
6 subsequent formula allocation would critically impair the
7 recipient's ability to accomplish the purpose of the grant,
8 the Secretary may adjust for the funding error in two or
9 more formula cycles and reallocate such offset amounts
10 in accordance with (b) in the matter preceding the first
11 proviso.

12 SEC. 238. (a) Funds previously made available in
13 chapter 9 of title X of the Disaster Relief Appropriations
14 Act, 2013 (Public Law 113–2, division A; 127 Stat. 36)
15 under the heading “Department of Housing and Urban
16 Development—Community Planning and Development—
17 Community Development Fund” that were available for
18 obligation through fiscal year 2017 are to remain available
19 through fiscal year 2025 for the liquidation of valid obliga-
20 tions incurred in fiscal years 2013 through 2017.

21 (b) EMERGENCY.—Amounts repurposed pursuant to
22 this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985
25 are designated by the Congress as an emergency require-

1 ment pursuant to section 4001(a)(1) and section 4001(b)
2 of S. Con. Res. 14 (117th Congress), the concurrent reso-
3 lution on the budget for fiscal year 2022 and to section
4 251(b) of the Balanced Budget and Emergency Deficit
5 Control Act of 1985.

6 SEC. 239. Any obligated balances from amounts
7 made available for project-based vouchers under the head-
8 ing “Permanent Supportive Housing” in chapter 6 of title
9 III of Public Law 110–252 may be used for tenant-based
10 rental assistance under section 8(o) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437f(o)).

12 SEC. 240. Notwithstanding any other provision of
13 law, including section 208 of the National Housing Act
14 (12 U.S.C. 1714 (Taxation Provisions)), as of the enact-
15 ment of this provision, no 1 to 4 unit property with a
16 mortgage insured, guaranteed, made, or held by the Sec-
17 retary of Housing and Urban Development shall be sub-
18 ject as priming lien securing repayment of to a new resi-
19 dential Property Assessed Clean Energy (PACE or R-
20 PACE) loan or equivalent financing without the PACE
21 loan or equivalent financing provider obtaining prior writ-
22 ten consent from the Secretary of HUD, subject to such
23 terms and conditions as the Secretary may prescribe: *Pro-*
24 *vided*, That any new residential Property Assessed Clean
25 Energy (PACE or R-PACE) loan or equivalent financing

1 that is entered into by a PACE Provider absent such con-
2 sent shall be deemed void ab initio and the PACE Provider
3 shall bear all costs associated with the transactions with
4 no recourse against the homeowner resulting from the
5 PACE transaction, including all costs incurred by any
6 holder of an insured or guaranteed mortgage or the Sec-
7 retary in obtaining good and marketable title: *Provided*
8 *further*, That any Property Assessed Clean Energy (PACE
9 or R-PACE) assessments will not have a lien priority
10 above a lien for any mortgage insured, guaranteed, made,
11 or held by the Secretary of Housing and Urban Develop-
12 ment.

13 SEC. 241. (a) With respect to the funds made avail-
14 able for the Continuum of Care program authorized under
15 subtitle C of title IV of the McKinney-Vento Homeless As-
16 sistance Act (42 U.S.C. 11381 et seq.) under the heading
17 “Homeless Assistance Grants” in the Department of
18 Housing and Urban Development Appropriations Act,
19 2021 (Public Law 116–260), under section 231 of the De-
20 partment of Housing and Urban Development Appropria-
21 tions Act, 2020 (42 U.S.C. 11364a), or in this title, Title
22 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et
23 seq.) and Title VIII of the Civil Rights Act of 1968 (42
24 U.S.C. 3601 et seq.) shall not apply to applications by
25 or awards for projects to be carried out—

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

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

8 (b) With respect to funds made available for the Con-
9 tinuum of Care program authorized under subtitle C of
10 title IV of the McKinney-Vento Homeless Assistance Act
11 (42 U.S.C. 11381 et seq.) under the heading “Homeless
12 Assistance Grants” in this title or under section 231 of
13 the Department of Housing and Urban Development Ap-
14 propriations Act, 2020 (42 U.S.C. 11364a)—

15 (1) applications for projects to be carried out
16 on reservations or trust land shall contain a certifi-
17 cation of consistency with an approved Indian hous-
18 ing plan developed under section 102 of the Native
19 American Housing Assistance and Self-Determina-
20 tion Act (NAHASDA) (25 U.S.C. 4112), notwith-
21 standing section 106 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12706)
23 and section 403 of the McKinney-Vento Homeless
24 Assistance Act (42 U.S.C. 11361);

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

7 (3) a collaborative applicant for a Continuum of
8 Care whose geographic area includes only reserva-
9 tion and trust land is not required to meet the re-
10 quirement in section 402(f)(2) of the McKinney-
11 Vento Homeless Assistance Act (42 U.S.C.
12 11360a(f)(2)).

13 This title may be cited as the “Department of Hous-
14 ing and Urban Development Appropriations Act, 2022”.

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

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973
7 (29 U.S.C. 792), \$9,750,000: *Provided*, That, notwith-
8 standing any other provision of law, there may be credited
9 to this appropriation funds received for publications and
10 training expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 46107),
16 including services as authorized by section 3109 of title
17 5, United States Code; hire of passenger motor vehicles
18 as authorized by section 1343(b) of title 31, United States
19 Code; and uniforms or allowances therefore, as authorized
20 by sections 5901 and 5902 of title 5, United States Code,
21 \$32,869,000: *Provided*, That not to exceed \$3,500 shall
22 be for official reception 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 (5 U.S.C. App. 3), \$26,248,000: *Provided*, That
8 the Inspector General shall have all necessary authority,
9 in carrying out the duties specified in such Act, to inves-
10 tigate allegations of fraud, including false statements to
11 the Government under section 1001 of title 18, United
12 States Code, by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the National Railroad

1 Passenger Corporation: *Provided further*, That concurrent
2 with the President's budget request for fiscal year 2023,
3 the Inspector General shall submit to the House and Sen-
4 ate Committees on Appropriations a budget request for
5 fiscal year 2023 in similar format and substance to budget
6 requests submitted by executive agencies of the Federal
7 Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by section 3109
13 of title 5, United States Code, but at rates for individuals
14 not to exceed the per diem rate equivalent to the rate for
15 a GS-15; uniforms, or allowances therefor, as authorized
16 by sections 5901 and 5902 of title 5, United States Code,
17 \$123,400,000, of which not to exceed \$2,000 may be used
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the amounts made available to the National
20 Transportation Safety Board in this Act include amounts
21 necessary to make lease payments on an obligation in-
22 curred in fiscal year 2001 for a capital lease.

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

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$163,000,000: *Provided*,
8 That an additional \$3,000,000, to remain available until
9 September 30, 2025, shall be for the promotion and devel-
10 opment of shared equity housing models.

11 SURFACE TRANSPORTATION BOARD
12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by section
15 3109 of title 5, United States Code, \$39,152,000: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 not to exceed \$1,250,000 from fees established by the Sur-
18 face Transportation Board shall be credited to this appro-
19 priation as offsetting collections and used for necessary
20 and authorized expenses under this heading: *Provided fur-*
21 *ther*, That the amounts made available under this heading
22 from the general fund shall be reduced on a dollar-for-
23 dollar basis as such offsetting collections are received dur-
24 ing fiscal year 2022, to result in a final appropriation from
25 the general fund estimated at not more than \$37,902,000.

1 UNITED STATES INTERAGENCY COUNCIL ON
2 HOMELESSNESS
3 OPERATING EXPENSES

4 For necessary expenses, including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms, and the employment of ex-
7 perts and consultants under section 3109 of title 5, United
8 States Code, of the United States Interagency Council on
9 Homelessness in carrying out the functions pursuant to
10 title II of the McKinney-Vento Homeless Assistance Act,
11 as amended, \$3,800,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

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

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

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

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

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

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

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

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

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

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

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in titles I or III of this Act,
20 provided by previous appropriations Acts to the agencies
21 or entities funded in titles I or III of this Act that remain
22 available for obligation or expenditure in fiscal year 2022,
23 or provided from any accounts in the Treasury derived by
24 the collection of fees and available to the agencies funded
25 by titles I or III of this Act, shall be available for obliga-

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

3 (1) creates a new program;

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

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

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

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

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

17 (7) creates, reorganizes, or restructures a
18 branch, division, office, bureau, board, commission,
19 agency, administration, or department different from
20 the budget justifications submitted to the Commit-
21 tees on Appropriations or the table accompanying
22 the explanatory statement accompanying this Act,
23 whichever is more detailed, unless prior approval is
24 received from the House and Senate Committees on
25 Appropriations: *Provided*, That not later than 60

1 days after the date of enactment of this Act, each
2 agency funded by this Act shall submit a report to
3 the Committees on Appropriations of the Senate and
4 of the House of Representatives to establish the
5 baseline for application of reprogramming and trans-
6 fer authorities for the current fiscal year: *Provided*
7 *further*, That the report shall include—

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

14 (B) a delineation in the table for each ap-
15 propriation and its respective prior year enacted
16 level by object class and program, project, and
17 activity as detailed in this Act, the table accom-
18 panying the explanatory statement accom-
19 panying this Act, accompanying reports of the
20 House and Senate Committee on Appropria-
21 tions, or in the budget appendix for the respec-
22 tive appropriations, whichever is more detailed,
23 and shall apply to all items for which a dollar
24 amount is specified and to all programs for
25 which new budget (obligational) authority is

1 provided, as well as to discretionary grants and
2 discretionary grant allocations; and

3 (C) an identification of items of special
4 congressional interest.

5 SEC. 406. Except as otherwise specifically provided
6 by law, not to exceed 50 percent of unobligated balances
7 remaining available at the end of fiscal year 2022 from
8 appropriations made available for salaries and expenses
9 for fiscal year 2022 in this Act, shall remain available
10 through September 30, 2023, for each such account for
11 the purposes authorized: *Provided*, That a request shall
12 be submitted to the House and Senate Committees on Ap-
13 propriations for approval prior to the expenditure of such
14 funds: *Provided further*, That these requests shall be made
15 in compliance with reprogramming guidelines under sec-
16 tions 234 and 405 of this Act.

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

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

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

17 SEC. 409. No part of any appropriation contained in
18 this Act shall be available to pay the salary for any person
19 filling a position, other than a temporary position, for-
20 merly held by an employee who has left to enter the Armed
21 Forces of the United States and has satisfactorily com-
22 pleted his or her period of active military or naval service,
23 and has within 90 days after his or her release from such
24 service or from hospitalization continuing after discharge
25 for a period of not more than 1 year, made application

1 for restoration to his or her former position and has been
2 certified by the Office of Personnel Management as still
3 qualified to perform the duties of his or her former posi-
4 tion and has not been restored thereto.

5 SEC. 410. No funds appropriated pursuant to this
6 Act may be expended by an entity unless the entity agrees
7 that in expending the assistance the entity will comply
8 with sections 2 through 4 of the Act of March 3, 1933
9 (41 U.S.C. 8301–8305, popularly known as the “Buy
10 American Act”).

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

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

19 SEC. 413. (a) None of the funds made available by
20 this Act may be used to approve a new foreign air carrier
21 permit under sections 41301 through 41305 of title 49,
22 United States Code, or exemption application under sec-
23 tion 40109 of that title of an air carrier already holding
24 an air operators certificate issued by a country that is
25 party to the U.S.-E.U.-Iceland-Norway Air Transport

1 Agreement where such approval would contravene United
2 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
3 way Air Transport Agreement.

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

10 SEC. 414. None of the funds made available in this
11 Act may be used to send or otherwise pay for the attend-
12 ance of more than 50 employees of a single agency or de-
13 partment of the United States Government, who are sta-
14 tioned in the United States, at any single international
15 conference unless the relevant Secretary reports to the
16 House and Senate Committees on Appropriations at least
17 5 days in advance that such attendance is important to
18 the national interest: *Provided*, That for purposes of this
19 section the term “international conference” shall mean a
20 conference occurring outside of the United States attended
21 by representatives of the United States Government and
22 of foreign governments, international organizations, or
23 nongovernmental organizations.

24 SEC. 415. None of the funds appropriated or other-
25 wise made available under this Act may be used by the

1 Surface Transportation Board to charge or collect any fil-
2 ing fee for rate or practice complaints filed with the Board
3 in an amount in excess of the amount authorized for dis-
4 trict court civil suit filing fees under section 1914 of title
5 28, United States Code.

6 SEC. 416. (a) None of the funds made available in
7 this Act may be used to maintain or establish a computer
8 network unless such network blocks the viewing,
9 downloading, and exchanging of pornography.

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

14 SEC. 417. (a) None of the funds made available in
15 this Act may be used to deny an Inspector General funded
16 under this Act timely access to any records, documents,
17 or other materials available to the department or agency
18 over which that Inspector General has responsibilities
19 under the Inspector General Act of 1978 (5 U.S.C. App.),
20 or to prevent or impede that Inspector General's access
21 to such records, documents, or other materials, under any
22 provision of law, except a provision of law that expressly
23 refers to the Inspector General and expressly limits the
24 Inspector General's right of access.

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

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

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

14 SEC. 418. None of the funds appropriated or other-
15 wise made available by this Act may be used to pay award
16 or incentive fees for contractors whose performance has
17 been judged to be below satisfactory, behind schedule, over
18 budget, or has failed to meet the basic requirements of
19 a contract, unless the Agency determines that any such
20 deviations are due to unforeseeable events, government-
21 driven scope changes, or are not significant within the
22 overall scope of the project and/or program unless such
23 awards or incentive fees are consistent with 16.401(e)(2)
24 of the Federal Acquisition Regulations.

1 SEC. 419. (a) Section 4117 and subsections (a) and
2 (b) of section 4195 of title 25, United States Code are
3 amended by striking “2013” and inserting “2023”.

4 (b) Section 4243 of title 25, United States Code, and
5 paragraphs (5)(C) and (7) of subsection (j) of section
6 1715z-13b of title 12, United States Code, are amended
7 by striking “, 2002, 2003, 2004, and 2005” and inserting
8 “through 2023”.

9 (c) Section 1715z-13a(i)(5)(C) of title 12, United
10 State Code, is amended by striking “2012” and inserting
11 “2023”.

1 TITLE V
2 REFORMING DISASTER RECOVERY ACT

3 SHORT TITLE

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

6 FINDINGS

7 SEC. 502. Congress finds that—

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

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

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

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

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

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

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

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

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

11 DEFINITIONS

12 SEC. 503. In this Act:

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

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

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

21 DUTIES OF THE DEPARTMENT OF HOUSING AND URBAN

22 DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(B) coordinate with the Federal Emer-
12 gency Management Agency, the Small Business
13 Administration, and the Office of Community
14 Planning and Development and other offices of
15 the Department in supporting recovery and re-
16 silience activities to provide a comprehensive
17 approach in working with communities.”.

18 LONG-TERM DISASTER RECOVERY FUND

19 SEC. 505. (a) ESTABLISHMENT.—There is estab-
20 lished in the Treasury of the United States an account
21 to be known as the Long-Term Disaster Recovery Fund.

22 (b) DEPOSITS, TRANSFERS, AND CREDIT.—

23 (1) IN GENERAL.—The Fund shall consist of
24 amounts appropriated, transferred, and credited to
25 the Fund.

1 (2) TRANSFERS.—The following may be trans-
2 ferred to the Fund:

3 (A) Amounts made available through sec-
4 tion 106(c)(4) of the Housing and Community
5 Development Act of 1974 (42 U.S.C.
6 5306(c)(4)) as a result of actions taken under
7 section 104(e), 111, or 123(j) of such Act.

8 (B) Any unobligated balances available
9 until expended remaining or subsequently re-
10 captured from amounts appropriated for any
11 disaster and related purposes under the heading
12 “Community Development Fund” in any Act
13 prior to the establishment of the Fund.

14 (3) USE OF TRANSFERRED AMOUNTS.—
15 Amounts transferred to the Fund shall be used for
16 the eligible uses described in subsection (c).

17 (c) ELIGIBLE USES OF FUND.—

18 (1) IN GENERAL.—Amounts in the Fund shall
19 be available—

20 (A) to provide assistance in the form of
21 grants under section 123 of the Housing and
22 Community Development Act of 1974, as added
23 by section 506; and

24 (B) for activities of the Department that
25 support the provision of such assistance, includ-

1 ing necessary salaries and expenses, informa-
2 tion technology, capacity building and technical
3 assistance (including assistance related to pre-
4 disaster planning), and readiness and other pre-
5 disaster planning activities that are not readily
6 attributable to a single major disaster.

7 (2) SET ASIDE.—Of each amount appropriated
8 for or transferred to the Fund, 2 percent shall be
9 made available for activities described in paragraph
10 (1)(B), which shall be in addition to other amounts
11 made available for those activities.

12 (3) TRANSFER OF FUNDS.—Amounts made
13 available for use in accordance with paragraph (2)—

14 (A) may be transferred to the account
15 under the heading for “Program Offices—Com-
16 munity Planning and Development”, or any
17 successor account, for the Department to carry
18 out activities described in paragraph (1)(B);
19 and

20 (B) may be used for the activities de-
21 scribed in paragraph (1)(B) and for the admin-
22 istrative costs of administering any funds ap-
23 propriated to the Department under the head-
24 ing “Community Planning and Development—
25 Community Development Fund” for any major

1 disaster declared under section 401 of the Rob-
2 ert T. Stafford Disaster Relief and Emergency
3 Assistance Act (42 U.S.C. 5170) in any Act be-
4 fore the establishment of the Fund.

5 (d) INTERCHANGEABILITY OF PRIOR ADMINISTRA-
6 TIVE AMOUNTS.—Any amounts appropriated in any Act
7 prior to the establishment of the Fund and transferred
8 to the account under the heading “Program Offices Sala-
9 ries and Expenses—Community Planning and Develop-
10 ment”, or any predecessor account, for the Department
11 for the costs of administering funds appropriated to the
12 Department under the heading “Community Planning and
13 Development—Community Development Fund” for any
14 major disaster declared under section 401 of the Robert
15 T. Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170) shall be available for the costs of admin-
17 istering any such funds provided by any prior or future
18 Act, notwithstanding the purposes for which those
19 amounts were appropriated and in addition to any amount
20 provided for the same purposes in other appropriations
21 Acts.

22 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-
23 priated, transferred and credited to the Fund shall remain
24 available until expended.

1 (f) FORMULA ALLOCATION.—Use of amounts in the
 2 Fund for grants shall be made by formula allocation in
 3 accordance with the requirements of section 123(a) of the
 4 Housing and Community Development Act of 1974, as
 5 added by section 506.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Fund such sums
 8 as may be necessary to respond to current or future major
 9 disasters declared under section 401 of the Robert T.
 10 Stafford Disaster Relief and Emergency Assistance Act
 11 (42 U.S.C. 5179) for grants under section 123 of the
 12 Housing and Community Development Act of 1974, as
 13 added by section 506.

14 ESTABLISHMENT OF CDBG DISASTER RECOVERY
 15 PROGRAM

16 SEC. 506. Title I of the Housing and Community De-
 17 velopment Act of 1974 (42 U.S.C. 5301 et seq.) is amend-
 18 ed—

19 (1) in section 102(a) (42 U.S.C. 5302(a))—

20 (A) in paragraph (20)—

21 (i) by redesignating subparagraph (B)
 22 as subparagraph (C);

23 (ii) in subparagraph (C), as so redes-
 24 ignated, by inserting “or (B)” after “sub-
 25 paragraph (A)”; and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) The term ‘persons of extremely low
4 income’ means families and individuals whose
5 income levels do not exceed household income
6 levels determined by the Secretary under sec-
7 tion 3(b)(2) of the United States Housing Act
8 of 1937 (42 U.S.C. 1437a(b)(2)(C)), except
9 that the Secretary may provide alternative defi-
10 nitions for the Commonwealth of Puerto Rico,
11 Guam, the Commonwealth of the Northern
12 Mariana Islands, the United States Virgin Is-
13 lands, and American Samoa.”; and

14 (B) by adding at the end the following:

15 “(25) The term ‘major disaster’ has the mean-
16 ing given the term in section 102 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5122).”;

19 (2) in section 106(c)(4) (42 U.S.C.
20 5306(c)(4))—

21 (A) in subparagraph (A)—

22 (i) by striking “declared by the Presi-
23 dent under the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42
25 U.S.C. 5121 et seq.)”;

1 (ii) inserting “States for use in non-
2 entitlement areas and to” before “metro-
3 politan cities”; and

4 (iii) inserting “major” after “affected
5 by the”;

6 (B) in subparagraph (C)—

7 (i) by striking “metropolitan city or”
8 and inserting “State, metropolitan city,
9 or”;

10 (ii) by striking “city or county” and
11 inserting “State, city, or county”; and

12 (iii) by inserting “major” before “dis-
13 aster”;

14 (C) in subparagraph (D), by striking “met-
15ropolitan cities and” and inserting “States,
16 metropolitan cities, and”;

17 (D) in subparagraph (F)—

18 (i) by striking “metropolitan city or”
19 and inserting “State, metropolitan city,
20 or”; and

21 (ii) by inserting “major” before “dis-
22 aster”; and

23 (E) in subparagraph (G), by striking “met-
24ropolitan city or” and inserting “State, metro-
25politan city, or”; and

1 (3) in section 122 (42 U.S.C. 5321), by striking
 2 “disaster under title IV of the Robert T. Stafford
 3 Disaster Relief and Emergency Assistance Act (42
 4 U.S.C. 5170 et seq.)” and inserting “major dis-
 5 aster”; and

6 (4) by adding at the end the following:

7 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 8 **ASTER RECOVERY PROGRAM.**

9 “(a) AUTHORIZATION, FORMULA, AND ALLOCA-
 10 TION.—

11 “(1) AUTHORIZATION.—The Secretary is au-
 12 thorized to make community development block
 13 grant disaster recovery grants from the Long-Term
 14 Disaster Recovery Fund established under section
 15 505 of the Reforming Disaster Recovery Act (herein-
 16 after referred to as the ‘Fund’) for necessary ex-
 17 penses for activities authorized under subsection
 18 (f)(1) related to disaster relief, long-term recovery,
 19 restoration of housing and infrastructure, economic
 20 revitalization, and mitigation in the most impacted
 21 and distressed areas resulting from a catastrophic
 22 major disaster.

23 “(2) GRANT AWARDS.—Grants shall be awarded
 24 under this section to States, units of general local
 25 government, and Indian tribes based on capacity and

1 the concentration of damage, as determined by the
2 Secretary, to support the efficient and effective ad-
3 ministration of funds.

4 “(3) SECTION 106 ALLOCATIONS.—Grants
5 under this section shall not be considered relevant to
6 the formula allocations made pursuant to section
7 106.

8 “(4) FEDERAL REGISTER NOTICE.—

9 “(A) IN GENERAL.—Not later than 30
10 days after the date of enactment of this section,
11 the Secretary shall issue a notice in the Federal
12 Register containing the latest formula allocation
13 methodologies used to determine the total esti-
14 mate of unmet needs related to housing, eco-
15 nomic revitalization, and infrastructure in the
16 most impacted and distressed areas resulting
17 from a catastrophic major disaster.

18 “(B) PUBLIC COMMENT.—In the notice
19 issued under subparagraph (A), the Secretary
20 shall solicit public comments on—

21 “(i) the methodologies described in
22 subparagraph (A) and seek alternative
23 methods for formula allocation within a
24 similar total amount of funding;

1 “(ii) the impact of formula methodolo-
2 gies on rural areas and Tribal areas;

3 “(iii) adjustments to improve tar-
4 geting to the most serious needs;

5 “(iv) objective criteria for grantee ca-
6 pacity and concentration of damage to in-
7 form grantee determinations and minimum
8 allocation thresholds; and

9 “(v) research and data to inform an
10 additional amount to be provided for miti-
11 gation depending on type of disaster, which
12 shall be no more than 30 percent of the
13 total estimate of unmet needs.

14 “(5) REGULATIONS.—

15 “(A) IN GENERAL.—The Secretary shall,
16 by regulation, establish a formula to allocate as-
17 sistance from the Fund to the most impacted
18 and distressed areas resulting from a cata-
19 strophic major disaster.

20 “(B) FORMULA REQUIREMENTS.—The for-
21 mula established under subparagraph (A)
22 shall—

23 “(i) set forth criteria to determine
24 that a major disaster is catastrophic, which
25 criteria shall consider the presence of a

1 high concentration of damaged housing or
2 businesses that individual, State, Tribal,
3 and local resources could not reasonably be
4 expected to address without additional
5 Federal assistance, or other nationally en-
6 compassing data that the Secretary deter-
7 mines are adequate to assess relative im-
8 pact and distress across geographic areas.

9 “(ii) include a methodology for identi-
10 fying most impacted and distressed areas,
11 which shall consider unmet serious needs
12 related to housing, economic revitalization,
13 and infrastructure;

14 “(iii) include an allocation calculation
15 that considers the unmet serious needs re-
16 sulting from the catastrophic major dis-
17 aster and an additional amount up to 30
18 percent for activities to reduce risks of loss
19 resulting from other natural disasters in
20 the most impacted and distressed area, pri-
21 marily for the benefit of low- and mod-
22 erate-income persons, with particular focus
23 on activities that reduce repetitive loss of
24 property and critical infrastructure; and

1 “(iv) establish objective criteria for
2 periodic review and updates to the formula
3 to reflect changes in available science and
4 data.

5 “(C) MINIMUM ALLOCATION THRESH-
6 OLD.—The Secretary shall, by regulation, es-
7 tablish a minimum allocation threshold.

8 “(D) INTERIM ALLOCATION.—Until such
9 time that the Secretary issues final regulations
10 under this paragraph, the Secretary shall—

11 “(i) allocate assistance from the Fund
12 using the formula allocation methodology
13 published in accordance with paragraph
14 (4); and

15 “(ii) include an additional amount for
16 mitigation equal to 15 percent of the total
17 estimate of unmet need.

18 “(6) ALLOCATION OF FUNDS.—

19 “(A) IN GENERAL.—The Secretary shall—

20 “(i) except as provided in clause (ii),
21 not later than 90 days after the President
22 declares a major disaster, use best avail-
23 able data to determine whether the major
24 disaster is catastrophic and qualifies for
25 assistance under the formula in paragraph

1 (4) or (5), unless data is insufficient to
2 make this determination; and

3 “(ii) if the best available data is insuf-
4 ficient to make the determination required
5 under clause (i) within the 90-day period
6 described in that clause, the Secretary
7 shall determine whether the major disaster
8 qualifies when sufficient data becomes
9 available, but in no case shall the Sec-
10 retary make the determination later than
11 120 days after the declaration of the major
12 disaster.

13 “(B) ANNOUNCEMENT OF ALLOCATION.—

14 If amounts are available in the Fund at the
15 time the Secretary determines that the major
16 disaster is catastrophic and qualifies for assist-
17 ance under the formula in paragraph (4) or (5),
18 the Secretary shall immediately announce an al-
19 location for a grant under this section.

20 “(C) ADDITIONAL AMOUNTS.—If addi-
21 tional amounts are appropriated to the Fund
22 after amounts are allocated under subpara-
23 graph (B), the Secretary shall announce an al-
24 location or additional allocation (if a prior allo-
25 cation under subparagraph (B) was less than

1 the formula calculation) within 15 days of any
2 such appropriation.

3 “(7) PRELIMINARY FUNDING.—

4 “(A) IN GENERAL.—To speed recovery, the
5 Secretary is authorized to allocate and award
6 preliminary grants from the Fund before mak-
7 ing a determination under paragraph (6) if the
8 Secretary projects, based on a preliminary as-
9 sessment of impact and distress, that a major
10 disaster is catastrophic and would likely qualify
11 for funding under the formula in paragraph (4)
12 or (5).

13 “(B) AMOUNT.—

14 “(i) MAXIMUM.—The Secretary may
15 award preliminary funding under subpara-
16 graph (A) in an amount that is not more
17 than \$5,000,000.

18 “(ii) SLIDING SCALE.—The Secretary
19 shall, by regulation, establish a sliding
20 scale for preliminary funding awarded
21 under subparagraph (A) based on the size
22 of the preliminary assessment of impact
23 and distress.

1 “(C) USE OF FUNDS.—The uses of pre-
2 liminary funding awarded under subparagraph
3 (A) shall be limited to eligible activities that—

4 “(i) in the determination of the Sec-
5 retary, will support faster recovery, im-
6 prove the ability of the grantee to assess
7 unmet recovery needs, plan for the preven-
8 tion of improper payments, and reduce
9 fraud, waste, and abuse; and

10 “(ii) may include evaluating the in-
11 terim housing, permanent housing, and
12 supportive service needs of the disaster im-
13 pacted community, with special attention
14 to vulnerable populations, such as homeless
15 and low- to moderate-income households,
16 to inform the grantee action plan required
17 under subsection (c).

18 “(D) CONSIDERATION OF FUNDING.—Pre-
19 liminary funding awarded under subparagraph
20 (A)—

21 “(i) is not subject to the certification
22 requirements of paragraph (h)(1); and

23 “(ii) shall not be considered when cal-
24 culating the amount of the grant used for
25 administrative costs, technical assistance,

1 and planning activities that are subject to
2 the requirements under subsection (f)(2).

3 “(E) WAIVER.—To expedite the use of
4 preliminary funding for activities described in
5 this paragraph, the Secretary may waive re-
6 quirements of this section in accordance with
7 subsection (i).

8 “(F) AMENDED AWARD.—

9 “(i) IN GENERAL.—An award for pre-
10 liminary funding under subparagraph (A)
11 may be amended to add any subsequent
12 amount awarded because of a determina-
13 tion by the Secretary that a major disaster
14 is catastrophic and qualifies for assistance
15 under the formula.

16 “(ii) APPLICABILITY.—Notwith-
17 standing subparagraph (D), amounts pro-
18 vided by an amendment under clause (i)
19 are subject to the requirements under sub-
20 sections (h)(1) and (f)(1) and other re-
21 quirements on grant funds under this sec-
22 tion.

23 “(G) TECHNICAL ASSISTANCE.—Concur-
24 rent with the allocation of any preliminary
25 funding awarded under this paragraph, the Sec-

1 retary shall assign or provide technical assist-
2 ance to the recipient of the grant.

3 “(b) INTERCHANGEABILITY.—The Secretary—

4 “(1) is authorized to approve the use of grants
5 under this section to be used interchangeably and
6 without limitation for the same activities in the most
7 impacted and distressed areas resulting from a dec-
8 laration of another catastrophic major disaster that
9 qualifies for assistance under the formula estab-
10 lished under paragraph (4) or (5) of subsection (a);
11 and

12 “(2) shall establish requirements to expedite the
13 use of grants under this section for the purpose de-
14 scribed in paragraph (1).

15 “(c) GRANTEE PLANS.—

16 “(1) REQUIREMENT.—Not later than 90 days
17 after the date on which the Secretary announces a
18 grant allocation under this section, unless an exten-
19 sion is granted by the Secretary, the grantee shall
20 submit to the Secretary a plan for approval describ-
21 ing—

22 “(A) the activities the grantee will carry
23 out with the grant under this section;

24 “(B) the criteria of the grantee for award-
25 ing assistance and selecting activities;

1 “(C) how the use of the grant under this
2 section will address disaster relief, long-term re-
3 covery, restoration of housing and infrastruc-
4 ture, economic revitalization, and mitigation in
5 the most impacted and distressed areas

6 “(D) how the use of the grant funds for
7 mitigation is consistent with hazard mitigation
8 plans submitted to the Federal Emergency
9 Management Agency under section 322 of the
10 Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5165);

12 “(E) the estimated amount proposed to be
13 used for activities that will benefit persons of
14 low- and moderate-income;

15 “(F) how the use of grant funds will repair
16 and replace existing housing stock for vulner-
17 able populations, including low- to moderate-in-
18 come households;

19 “(G) how the grantee will address the pri-
20 orities described in paragraph (5);

21 “(H) how uses of funds are proportional to
22 unmet needs, as required under paragraph (5);

23 “(I) for State grantees that plan to dis-
24 tribute grant amounts to units of general local

1 government, a description of the method of dis-
2 tribution; and

3 “(J) such other information as may be de-
4 termined by the Secretary in regulation.

5 “(2) PUBLIC CONSULTATION.—To permit pub-
6 lic examination and appraisal of the plan described
7 in paragraph (1), to enhance the public account-
8 ability of grantees, and to facilitate coordination of
9 activities with different levels of government, when
10 developing the plan or substantial amendments pro-
11 posed to the plan required under paragraph (1), a
12 grantee shall—

13 “(A) publish the plan before adoption;

14 “(B) provide citizens, affected units of
15 general local government, and other interested
16 parties with reasonable notice of, and oppor-
17 tunity to comment on, the plan, with a public
18 comment period of not less than 14 days;

19 “(C) consider comments received before
20 submission to the Secretary;

21 “(D) follow a citizen participation plan for
22 disaster assistance adopted by the grantee that,
23 at a minimum, provides for participation of
24 residents of the most impacted and distressed
25 area affected by the major disaster that re-

1 sulted in the grant under this section and other
2 considerations established by the Secretary; and

3 “(E) undertake any consultation with in-
4 terested parties as may be determined by the
5 Secretary in regulation.

6 “(3) APPROVAL.—The Secretary shall—

7 “(A) by regulation, specify criteria for the
8 approval, partial approval, or disapproval of a
9 plan submitted under paragraph (1), including
10 approval of substantial amendments to the
11 plan;

12 “(B) review a plan submitted under para-
13 graph (1) upon receipt of the plan;

14 “(C) allow a grantee to revise and resub-
15 mit a plan or substantial amendment to a plan
16 under paragraph (1) that the Secretary dis-
17 approves;

18 “(D) by regulation, specify criteria for
19 when the grantee shall be required to provide
20 the required revisions to a disapproved plan or
21 substantial amendment under paragraph (1) for
22 public comment prior to resubmission of the
23 plan or substantial amendment to the Sec-
24 retary; and

1 “(E) approve, partially approve, or dis-
2 approve a plan or substantial amendment under
3 paragraph (1) not later than 60 days after the
4 date on which the plan or substantial amend-
5 ment is received by the Secretary.

6 “(4) LOW- AND MODERATE-INCOME OVERALL
7 BENEFIT.—

8 “(A) USE OF FUNDS.—Not less than 70
9 percent of a grant made under this section shall
10 be used for activities that benefit persons of low
11 and moderate income unless the Secretary—

12 “(i) specifically finds that—

13 “(I) there is compelling need to
14 reduce the percentage for the grant;
15 and

16 “(II) the housing needs of low-
17 and moderate-income residents have
18 been addressed; and

19 “(ii) issues a waiver and alternative
20 requirements pursuant to subsection (i) to
21 lower the percentage.

22 “(B) REGULATIONS.—The Secretary shall,
23 by regulation, establish protocols consistent
24 with the findings of section 502 of the Reform-
25 ing Disaster Recovery Act to prioritize the use

1 of funds by a grantee under this section to meet
2 the needs of low- and moderate-income persons
3 and businesses serving primarily persons of low
4 and moderate income.

5 “(5) PRIORITIZATION.—The grantee shall
6 prioritize activities that—

7 “(A) assist persons with extremely low,
8 low, and moderate incomes and other vulnerable
9 populations to better recover from and with-
10 stand future disasters, emphasizing those with
11 the most severe needs;

12 “(B) address affordable housing, including
13 affordable rental housing, needs arising from a
14 disaster or those needs present prior to a dis-
15 aster;

16 “(C) prolong the life of housing and infra-
17 structure;

18 “(D) use cost-effective means of preventing
19 harm to people and property and incorporate
20 protective features, redundancies, energy sav-
21 ings; and

22 “(E) other measures that will assure the
23 continuation of critical services during future
24 disasters.

25 “(6) PROPORTIONAL ALLOCATION.—

1 “(A) IN GENERAL.—A grantee under this
2 section shall allocate grant funds proportional
3 to unmet needs between housing activities, eco-
4 nomic revitalization, and infrastructure, unless
5 the Secretary—

6 “(i) specifically finds that—

7 “(I) there is a compelling need
8 for a disproportional allocation among
9 those unmet needs; and

10 “(II) the disproportional alloca-
11 tion described in subclause (I) is not
12 inconsistent with the requirements
13 under paragraph (4); and

14 “(ii) issues a waiver and alternative
15 requirement pursuant to subsection (i) to
16 allow for the disproportional allocation de-
17 scribed in clause (i)(I).

18 “(B) HOUSING ACTIVITIES.—With respect
19 to housing activities described in subparagraph
20 (A)(i), grantees should address proportional
21 needs between homeowners and renters, includ-
22 ing low-income households in public housing
23 and federally subsidized housing.

24 “(7) DISASTER RISK MITIGATION.—

1 “(A) DEFINITION.—In this paragraph, the
2 term ‘hazard-prone areas’—

3 “(i) means areas identified by the
4 Secretary, in consultation with the Admin-
5 istrator of the Federal Emergency Man-
6 agement Agency, at risk from natural haz-
7 ards that threaten property damage or
8 health, safety, and welfare, such as floods,
9 wildfires (including Wildland-Urban Inter-
10 face areas), earthquakes, lava inundation,
11 tornados, and high winds; and

12 “(ii) includes areas having special
13 flood hazards as identified under the Flood
14 Disaster Protection Act of 1973 (42
15 U.S.C. 4002 et seq.) or the National Flood
16 Insurance Act of 1968 (42 U.S.C. 4001 et
17 seq.).

18 “(B) HAZARD-PRONE AREAS.—The Sec-
19 retary, in consultation with the Administrator
20 of the Federal Emergency Management Agency,
21 shall establish minimum construction standards,
22 insurance purchase requirements, and other re-
23 quirements for the use of grant funds in haz-
24 ard-prone areas.

1 “(C) SPECIAL FLOOD HAZARDS.—For the
2 areas described in subparagraph (A)(ii), the in-
3 surance purchase requirements established
4 under subparagraph (B) shall meet or exceed
5 the requirements under section 102(a) of the
6 Flood Disaster Protection Act of 1973(42
7 U.S.C. 4012a(a)).

8 “(D) CONSIDERATION OF FUTURE
9 RISKS.—The Secretary may consider future
10 risks to protecting property and health, safety,
11 and general welfare, and the likelihood of those
12 risks, when making the determination of or
13 modification to hazard-prone areas under this
14 paragraph.

15 “(8) RELOCATION.—

16 “(A) IN GENERAL.—The Uniform Reloca-
17 tion Assistance and Real Property Acquisition
18 Policies Act of 1970 (42 U.S.C. 4601 et seq.)
19 shall apply to activities assisted under this sec-
20 tion to the extent determined by the Secretary
21 in regulation, or as provided in waivers and al-
22 ternative requirements authorized in accordance
23 with subsection (i).

1 “(B) POLICY.—Each grantee under this
2 section shall establish a relocation assistance
3 policy that—

4 “(i) minimizes displacement and de-
5 scribes the benefits available to persons
6 displaced as a direct result of acquisition,
7 rehabilitation, or demolition in connection
8 with an activity that is assisted by a grant
9 under this section; and

10 “(ii) includes any appeal rights or
11 other requirements that the Secretary es-
12 tablishes by regulation.

13 “(d) CERTIFICATIONS.—Any grant under this section
14 shall be made only if the grantee certifies to the satisfac-
15 tion of the Secretary that—

16 “(1) the grantee is in full compliance with the
17 requirements under subsection (c)(2);

18 “(2) for grants other than grants to Indian
19 tribes, the grant will be conducted and administered
20 in conformity with the Civil Rights Act of 1964 (42
21 U.S.C. 2000a et seq.) and the Fair Housing Act (42
22 U.S.C. 3601 et seq.);

23 “(3) the projected use of funds has been devel-
24 oped so as to give maximum feasible priority to ac-
25 tivities that will benefit extremely low-, low-, and

1 moderate-income families and activities described in
2 subsection (c)(5), and may also include activities
3 that are designed to aid in the prevention or elimi-
4 nation of slum and blight to support disaster recov-
5 ery, meet other community development needs hav-
6 ing a particular urgency because existing conditions
7 pose a serious and immediate threat to the health or
8 welfare of the community where other financial re-
9 sources are not available to meet such needs, and al-
10 leviate future threats to human populations, critical
11 natural resources, and property that an analysis of
12 hazards shows are likely to result from natural dis-
13 asters in the future;

14 “(4) the grant funds shall principally benefit
15 persons of low and moderate income as described in
16 subsection (c)(4);

17 “(5) for grants other than grants to Indian
18 tribes, within 24 months of receiving a grant or at
19 the time of its 3 or 5-year update, whichever is soon-
20 er, the grantee will review and make modifications to
21 its non-disaster housing and community development
22 plans and strategies required by subsections (c) and
23 (m) of section 104 to reflect the disaster recovery
24 needs identified by the grantee and consistency with
25 the plan under subsection (c)(1);

1 “(6) the grantee will not attempt to recover any
2 capital costs of public improvements assisted in
3 whole or part under this section by assessing any
4 amount against properties owned and occupied by
5 persons of low and moderate income, including any
6 fee charged or assessment made as a condition of
7 obtaining access to such public improvements, un-
8 less—

9 “(A) funds received under this section are
10 used to pay the proportion of such fee or as-
11 sessment that relates to the capital costs of
12 such public improvements that are financed
13 from revenue sources other than under this
14 chapter; or

15 “(B) for purposes of assessing any amount
16 against properties owned and occupied by per-
17 sons of moderate income, the grantee certifies
18 to the Secretary that the grantee lacks suffi-
19 cient funds received under this section to com-
20 ply with the requirements of subparagraph (A);

21 “(7) the grantee will comply with the other pro-
22 visions of this title that apply to assistance under
23 this section and with other applicable laws;

1 “(8) the grantee will follow a relocation assist-
2 ance policy that includes any minimum requirements
3 identified by the Secretary; and

4 “(9) the grantee will adhere to construction
5 standards, insurance purchase requirements, and
6 other requirements for development in hazard-prone
7 areas described in subsection (c)(7).

8 “(e) PERFORMANCE REVIEWS AND REPORTING.—

9 “(1) IN GENERAL.—The Secretary shall, on not
10 less frequently than an annual basis, make such re-
11 views and audits as may be necessary or appropriate
12 to determine whether a grantee under this section
13 has—

14 “(A) carried out activities using grant
15 funds in a timely manner;

16 “(B) met the performance targets estab-
17 lished by paragraph (2);

18 “(C) carried out activities using grant
19 funds in accordance with the requirements of
20 this section, the other provisions of this title
21 that apply to assistance under this section, and
22 other applicable laws; and

23 “(D) a continuing capacity to carry out ac-
24 tivities in a timely manner.

1 “(2) PERFORMANCE TARGETS.—The Secretary
2 shall develop and make publicly available critical
3 performance targets for review, which shall include
4 spending thresholds for each year from the date on
5 which funds are obligated by the Secretary to the
6 grantee until such time all funds have been ex-
7 pended.

8 “(3) FAILURE TO MEET TARGETS.—

9 “(A) SUSPENSION.—If a grantee under
10 this section fails to meet 1 or more critical per-
11 formance targets under paragraph (2), the Sec-
12 retary may temporarily suspend the grant.

13 “(B) PERFORMANCE IMPROVEMENT
14 PLAN.—If the Secretary suspends a grant
15 under subparagraph (A), the Secretary shall
16 provide to the grantee a performance improve-
17 ment plan with the specific requirements needed
18 to lift the suspension within a defined time pe-
19 riod.

20 “(C) REPORT.—If a grantee fails to meet
21 the spending thresholds established under para-
22 graph (2), the grantee shall submit to the Sec-
23 retary, the appropriate committees of Congress,
24 and each member of Congress who represents a
25 district or State of the grantee a written report

1 identifying technical capacity, funding, or other
2 Federal or State impediments affecting the abil-
3 ity of the grantee to meet the spending thresh-
4 olds.

5 “(4) COLLECTION OF INFORMATION AND RE-
6 PORTING.—

7 “(A) REQUIREMENT TO REPORT.—A
8 grantee under this section shall provide to the
9 Secretary such information as the Secretary
10 may determine necessary for adequate oversight
11 of the grant program under this section.

12 “(B) PUBLIC AVAILABILITY.—Subject to
13 subparagraph (D), the Secretary shall make in-
14 formation submitted under subparagraph (A)
15 available to the public and to the Inspector
16 General for the Department of Housing and
17 Urban Development, disaggregated by income,
18 geography, and all classes of individuals pro-
19 tected under section 109.

20 “(C) SUMMARY STATUS REPORTS.—To in-
21 crease transparency and accountability of the
22 grant program under this section the Secretary
23 shall, on not less frequently than an annual
24 basis, post on a public facing dashboard sum-

1 mary status reports for all active grants under
2 this section that includes—

3 “(i) the status of funds by activity;

4 “(ii) the percentages of funds allo-
5 cated and expended to benefit low- and
6 moderate-income communities;

7 “(iii) performance targets, spending
8 thresholds, and accomplishments; and

9 “(iv) other information the Secretary
10 determines to be relevant for transparency.

11 “(D) CONSIDERATIONS.—In carrying out
12 this paragraph, the Secretary—

13 “(i) shall take such actions as may be
14 necessary to ensure that personally identi-
15 fiable information regarding applicants for
16 assistance provided from funds made avail-
17 able under this section is not made publicly
18 available; and

19 “(ii) may make full and unredacted
20 information available to academic institu-
21 tions for the purpose of researching into
22 the equitable distribution of recovery funds
23 and adherence to civil rights protections.

24 “(f) ELIGIBLE ACTIVITIES.—

1 “(1) IN GENERAL.—Activities assisted under
2 this section—

3 “(A) may include activities permitted
4 under section 105 or other activities permitted
5 by the Secretary by waiver or alternative re-
6 quirement pursuant to subsection (i); and

7 “(B) shall be related to disaster relief,
8 long-term recovery, restoration of housing and
9 infrastructure, economic revitalization, and
10 mitigation in the most impacted and distressed
11 areas resulting from the major disaster for
12 which the grant was awarded.

13 “(2) PROHIBITION.—Grant funds under this
14 section may not be used for costs reimbursable by,
15 or for which funds have been made available by, the
16 Federal Emergency Management Agency or the
17 United States Army Corps of Engineers.

18 “(3) ADMINISTRATIVE COSTS, TECHNICAL AS-
19 SISTANCE AND PLANNING.—

20 “(A) IN GENERAL.—The Secretary shall
21 establish in regulation the maximum grant
22 amounts a grantee may use for administrative
23 costs, technical assistance and planning activi-
24 ties, taking into consideration size of grant,
25 complexity of recovery, and other factors as de-

1 terminated by the Secretary, but not to exceed 10
2 percent for administration and 20 percent in
3 total.

4 “(B) AVAILABILITY.—Amounts available
5 for administrative costs for a grant under this
6 section shall be available for eligible administra-
7 tive costs of the grantee for any grant made
8 under this section, without regard to a par-
9 ticular disaster.

10 “(4) PROGRAM INCOME.—Notwithstanding any
11 other provision of law, any grantee under this sec-
12 tion may retain program income that is realized
13 from grants made by the Secretary under this sec-
14 tion if the grantee agrees that the grantee will uti-
15 lize the program income in accordance with the re-
16 quirements for grants under this section, except that
17 the Secretary may—

18 “(A) by regulation, exclude from consider-
19 ation as program income any amounts deter-
20 mined to be so small that compliance with this
21 paragraph creates an unreasonable administra-
22 tive burden on the grantee; or

23 “(B) permit the grantee to transfer re-
24 maining program income to the other grants of

1 the grantee under this title upon closeout of the
2 grant.

3 “(5) PROHIBITION ON USE OF ASSISTANCE FOR
4 EMPLOYMENT RELOCATION ACTIVITIES.—

5 “(A) IN GENERAL.—Grants under this sec-
6 tion may not be used to assist directly in the
7 relocation of any industrial or commercial plant,
8 facility, or operation, from one area to another
9 area, if the relocation is likely to result in a sig-
10 nificant loss of employment in the labor market
11 area from which the relocation occurs.

12 “(B) APPLICABILITY.—The prohibition
13 under subparagraph (A) shall not apply to a
14 business that was operating in the disaster-de-
15 clared labor market area before the incident
16 date of the applicable disaster and has since
17 moved, in whole or in part, from the affected
18 area to another State or to a labor market area
19 within the same State to continue business.

20 “(6) REQUIREMENTS.—Grants under this sec-
21 tion are subject to the requirements of this section,
22 the other provisions of this title that apply to assist-
23 ance under this section, and other applicable laws,
24 unless modified by waivers and alternative require-
25 ments in accordance with subsection (i).

1 “(g) ENVIRONMENTAL REVIEW.—

2 “(1) ADOPTION.—A recipient of funds provided
3 under this section that uses the funds to supplement
4 Federal assistance provided under section 402, 403,
5 404, 406, 407, 408(c)(4), 428, or 502 of the Robert
6 T. Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172,
8 5173, 5174(c)(4), 5189f, 5192) may adopt, without
9 review or public comment, any environmental review,
10 approval, or permit performed by a Federal agency,
11 and that adoption shall satisfy the responsibilities of
12 the recipient with respect to the environmental re-
13 view, approval, or permit under section 104(g)(1).

14 “(2) APPROVAL OF RELEASE OF FUNDS.—Not-
15 withstanding section 104(g)(2), the Secretary or a
16 State may, upon receipt of a request for release of
17 funds and certification, immediately approve the re-
18 lease of funds for an activity or project to be as-
19 sisted under this section if the recipient has adopted
20 an environmental review, approval, or permit under
21 paragraph (1) or the activity or project is categori-
22 cally excluded from review under the National Envi-
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.).

1 “(3) UNITS OF GENERAL LOCAL GOVERN-
2 MENT.—The provisions of section 104(g)(4) shall
3 apply to assistance under this section that a State
4 distributes to a unit of general local government.

5 “(h) FINANCIAL CONTROLS AND PROCEDURES.—

6 “(1) IN GENERAL.—The Secretary shall develop
7 requirements and procedures to demonstrate that a
8 grantee under this section—

9 “(A) has adequate financial controls and
10 procurement processes;

11 “(B) has adequate procedures to detect
12 and prevent fraud, waste, abuse and duplication
13 of benefit; and

14 “(C) maintains a comprehensive and pub-
15 licly accessible website.

16 “(2) CERTIFICATION.—Before making a grant
17 under this section, the Secretary shall certify that
18 the grantee has in place proficient processes and
19 procedures to comply with the requirements devel-
20 oped under paragraph (1), as determined by the
21 Secretary.

22 “(3) COMPLIANCE BEFORE ALLOCATION.—The
23 Secretary may permit a State, unit of general local
24 government, or Indian tribe to demonstrate compli-
25 ance with the requirements for adequate financial

1 controls developed under paragraph (1) before a dis-
2 aster occurs and before receiving an allocation for a
3 grant under this section.

4 “(4) DUPLICATION OF BENEFITS.—

5 “(A) IN GENERAL.—Funds made available
6 under this subsection shall be used in accord-
7 ance with section 312 of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5155), as amended by section 1210
10 of the Disaster Recovery Reform Act of 2018
11 (division D of Public Law 115–254), and such
12 rules as may be prescribed under such section
13 312.

14 “(B) PENALTIES.—In any case in which
15 the use of grant funds under this section results
16 in a prohibited duplication of benefits, the
17 grantee shall—

18 “(i) apply an amount equal to the
19 identified duplication to any allowable costs
20 of the award consistent with actual, imme-
21 diate cash requirement;

22 “(ii) remit any excess amounts to the
23 Secretary to be credited to the obligated,
24 undisbursed balance of the grant con-

1 sistent with requirements on Federal pay-
2 ments applicable to such grantee; and

3 “(iii) if excess amounts under clause
4 (ii) are identified after the period of per-
5 formance or after the closeout of the
6 award, remit such amounts to the Sec-
7 retary to be credited to the Fund.

8 “(C) FAILURE TO COMPLY.—A grantee
9 that fails to comply with subparagraph (A)
10 shall be subject to remedies for noncompliance
11 under section 111, unless the Secretary pub-
12 lishes a determination in the Federal Register
13 that it is not in the best interest of the Federal
14 Government to pursue remedial actions.

15 “(i) WAIVERS.—

16 “(1) IN GENERAL.—In administering grants
17 under this section, the Secretary may waive, or
18 specify alternative requirements for, any provision of
19 any statute or regulation that the Secretary admin-
20 isters in connection with the obligation by the Sec-
21 retary or the use by the grantee of those funds (ex-
22 cept for requirements related to fair housing, non-
23 discrimination, labor standards, the environment,
24 and the requirements of this section that do not ex-
25 pressly authorize modifications by waiver or alter-

1 native requirement), if the Secretary makes a public
2 finding that good cause exists for the waiver or al-
3 ternative requirement and the waiver or alternative
4 requirement would not be inconsistent with the find-
5 ings in section 502 of the Reforming Disaster Re-
6 covery Act.

7 “(2) EFFECTIVE DATE.—A waiver or alter-
8 native requirement described in paragraph (1) shall
9 not take effect before the date that is 5 days after
10 the date of publication of the waiver or alternative
11 requirement on the website of the Department of
12 Housing and Urban Development or the effective
13 date for any regulation published in the Federal
14 Register.

15 “(3) PUBLIC NOTIFICATION.—The Secretary
16 shall notify the public of all waivers described in
17 paragraph (1) in accordance with the requirements
18 of section 7(q)(3) of the Department of Housing and
19 Urban Development Act (42 U.S.C. 3535(q)(3)).

20 “(j) UNUSED AMOUNTS.—

21 “(1) DEADLINE TO USE AMOUNTS.—A grantee
22 under this section shall use an amount equal to the
23 grant within 6 years beginning on the date on which
24 the Secretary obligates the amounts to the grantee,

1 as such period may be extended under paragraph
2 (4).

3 “(2) RECAPTURE.—The Secretary shall recapture
4 and credit to the Fund any amount that is un-
5 used by a grantee under this section upon the earlier
6 of—

7 “(A) the date on which the grantee notifies
8 the Secretary that the grantee has completed all
9 activities identified in the disaster grantee’s
10 plan under subsection (c); or

11 “(B) the expiration of the 6-year period
12 described in paragraph (1), as such period may
13 be extended under paragraph (4).

14 “(3) RETENTION OF FUNDS.—Notwithstanding
15 paragraph (1), the Secretary may allow a grantee
16 under this section to retain—

17 “(A) amounts needed to close out grants;
18 and

19 “(B) up to 10 percent of the remaining
20 funds to support maintenance of the minimal
21 capacity to launch a new program in the event
22 of a future disaster and to support pre-disaster
23 long-term recovery and mitigation planning.

24 “(4) EXTENSION OF PERIOD FOR USE OF
25 FUNDS.—The Secretary may extend the 6-year pe-

1 Act and shall provide a 90-day period for submission of
2 public comments on those proposed rules.

3 (b) FINAL RULES.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall issue
5 final regulations to carry out section 123 of the Housing
6 and Community Development Act of 1974, as added by
7 section 506.

8 COORDINATION OF DISASTER RECOVERY ASSISTANCE,
9 BENEFITS, AND DATA WITH OTHER FEDERAL AGENCIES

10 SEC. 508. (a) COORDINATION OF DISASTER RECOV-
11 ERY ASSISTANCE.—In order to ensure a comprehensive
12 approach to Federal disaster relief, long-term recovery,
13 restoration of housing and infrastructure, economic revi-
14 talization, and mitigation in the most impacted and dis-
15 tressed areas resulting from a catastrophic major disaster,
16 the Secretary shall coordinate with the Federal Emer-
17 gency Management Agency, to the greatest extent prac-
18 ticable, in the implementation of assistance authorized
19 under section 123 of the Housing and Community Devel-
20 opment Act of 1974, as added by section 506.

21 (b) DATA SHARING AGREEMENTS.—To support the
22 coordination of data to prevent duplication of benefits with
23 other Federal disaster recovery programs while also expe-
24 diting recovery and reducing burden on disaster survivors,
25 the Department shall establish data sharing agreements

1 that safeguard privacy with relevant Federal agencies to
2 ensure disaster benefits effectively and efficiently reach in-
3 tended beneficiaries, while using effective means of pre-
4 venting harm to people and property.

5 (c) DATA TRANSFER FROM FEMA AND SBA TO
6 HUD.—As permitted and deemed necessary for efficient
7 program execution, and consistent with a computer match-
8 ing agreement entered into under subsection (f)(1), the
9 Administrator of the Federal Emergency Management
10 Agency and the Administrator of the Small Business Ad-
11 ministration shall provide data on disaster applicants to
12 the Department, including, when necessary, personally
13 identifiable information, disaster recovery needs, and re-
14 sources determined eligible for, and amounts expended, to
15 the Secretary for all major disasters declared by the Presi-
16 dent pursuant to section 401 of Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5170) for the purpose of providing additional assistance
19 to disaster survivors and prevent duplication of benefits.

20 (d) DATA TRANSFERS FROM HUD TO HUD GRANT-
21 EES.—The Secretary is authorized to provide to grantees
22 under section 123 of the Housing and Community Devel-
23 opment Act of 1974, as added by section 506, offices of
24 the Department, technical assistance providers, and lend-
25 ers information that in the determination of the Secretary

1 is reasonably available and appropriate to inform the pro-
2 vision of assistance after a major disaster, including infor-
3 mation provided to the Secretary by the Administrator of
4 the Federal Emergency Management Agency, the Admin-
5 istrator of the Small Business Administration, or other
6 Federal agencies.

7 (e) DATA TRANSFERS FROM HUD GRANTEES TO
8 HUD, FEMA, AND SBA.—

9 (1) REPORTING.—Grantees under section 123
10 of the Housing and Community Development Act of
11 1974, as added by section 506, shall report informa-
12 tion requested by the Secretary on households, busi-
13 nesses, and other entities assisted and the type of
14 assistance provided.

15 (2) SHARING INFORMATION.—The Secretary
16 shall share information collected under paragraph
17 (1) with the Federal Emergency Management Agen-
18 cy, the Small Business Administration, and other
19 Federal agencies to support the planning and deliv-
20 ery of disaster recovery and mitigation assistance.

21 (f) PRIVACY PROTECTION.—The Secretary may make
22 and receive data transfers authorized under this section,
23 including the use and retention of that data for computer
24 matching programs, to inform the provision of assistance,
25 assess disaster recovery needs, and prevent the duplication

1 of benefits and other waste, fraud, and abuse, provided
2 that—

3 (1) the Secretary enters a computer matching
4 agreement with the Administrator of the Federal
5 Emergency Management Agency, the Administrator
6 of the Small Business Administration, or other Fed-
7 eral agencies covering the transfer of data;

8 (2) the Secretary publishes intent to disclose
9 data in the Federal Register;

10 (3) notwithstanding paragraphs (1) and (2),
11 section 552a of title 5, United States Code (com-
12 monly known as the “Privacy Act of 1974”), or any
13 other law, the Secretary is authorized to share data
14 with an entity identified in subsection (d), and the
15 entity is authorized to use the data as described in
16 this section, if the Secretary enters a data sharing
17 agreement with the entity before sharing or receiving
18 any information under transfers authorized by this
19 section, which data sharing agreement shall—

20 (A) in the determination of the Secretary,
21 include measures adequate to safeguard the pri-
22 vacy and personally identifiable information of
23 individuals; and

24 (B) include provisions that describe how
25 the personally identifiable information of an in-

1 dividual will be adequately safeguarded and
2 protected, which requires consultation with the
3 Secretary and the head of each Federal agency
4 the data of which is being shared subject to the
5 agreement.

6 This Act may be cited as the “Transportation, Hous-
7 ing and Urban Development, and Related Agencies Appro-
8 priations Act, 2022”.

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