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:
TITLE I
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $140,948,000, of which not to exceed $3,513,000 shall be available for the immediate Office of the Secretary; not to exceed $1,254,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $25,352,000 shall be available for the Office of the General Counsel; not to exceed $14,069,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $18,291,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $3,791,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $34,899,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $3,095,000 shall be available for the Office of Public Affairs; not to exceed $2,116,000 shall be available for the Office of the Executive Secretariat; not to exceed $14,821,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $19,747,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary...
of Transportation (referred to in this title as the “Secretary”) is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: Provided further, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $70,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $48,363,000, of which $44,718,000 shall remain available until expended: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public
authorities, and private sources for expenses incurred for
training: Provided further, That any reference in law, reg-
ulation, judicial proceedings, or elsewhere to the Research
and Innovative Technology Administration shall continue
to be deemed to be a reference to the Office of the Assist-
ant Secretary for Research and Technology of the Depart-
ment of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS
(INCLUDING TRANSFER OF FUNDS)

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

structure investments (including inland port infrastructure and land ports of entry); and projects investing in surface transportation facilities that are located on tribal land and for which title or maintenance responsibility is vested in the Federal Government: Provided further, That of the amount made available under this heading, the Secretary shall use an amount not more than $35,000,000 for competitive grants or cooperative agreements to develop and implement technical assistance, capacity building, planning, preparation or design of projects eligible for amounts made available under this heading, of which not less than $15,000,000 is for projects eligible for amounts made available under this heading located in or to directly benefit areas of persistent poverty or disadvantaged communities as defined in section 193 of this Act: Provided further, That grants awarded under the preceding proviso shall not be subject to a minimum grant size: Provided further, That the Secretary may use up to 20 percent of the amounts made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), if the Secretary finds that such use of the funds would advance the pur-
poses of this heading: Provided further, That in distributing amounts made available under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, including tribal areas, and the investment in a variety of transportation modes: Provided further, That a grant award under this heading shall be not less than $5,000,000 and not greater than $30,000,000: Provided further, That not more than 10 percent of the amounts made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an amount is provided under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That an award under this heading is an urban award if it is to a project located within or on the boundary of an Urbanized Area (UA), as designated by the Bureau of the Census, that had a population greater than 200,000 in the 2010 decennial census: Provided further, That for the purpose of determining if an award for planning, preparation or design is an urban award, the project location is the location of the project
being planned, prepared or designed: \textit{Provided further},

That each award under this heading that is not an urban award is a rural award: \textit{Provided further}, That of the amounts awarded under this heading, not more than 50 percent shall be awarded as urban awards and rural awards, respectively: \textit{Provided further}, That for rural awards, the minimum grant size shall be $1,000,000: \textit{Provided further}, That for rural awards, and awards to areas of persistent poverty or disadvantaged communities, the Secretary may increase the Federal share of costs above 80 percent: \textit{Provided further}, That projects conducted using amounts made available under this heading shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: \textit{Provided further}, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: \textit{Provided further}, That the Secretary may retain up to $20,000,000 of the amounts made available under this heading, and may transfer portions of such amounts to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: \textit{Provided further}, That none of the
amounts made available in the preceding proviso may be used to hire additional personnel: *Provided further,* That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2017 Notice of Funding Opportunity: *Provided further,* That, notwithstanding the preceding proviso, the Secretary shall not use the Federal share or an applicant’s ability to generate non-Federal revenue as a selection criteria in awarding projects: *Provided further,* That the Secretary shall issue the Notice of Funding Opportunity no later than 120 days after enactment of this Act: *Provided further,* That such Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: *Provided further,* That of the applications submitted under the preceding two provisos, the Secretary shall make grants no later than 330 days after enactment of this Act in such amounts that the Secretary determines.

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

For capital investments to improve the resilience of coastal transportation infrastructure vulnerable to current and future weather events and natural disasters, including sea level rise, coastal erosion, extreme weather, earthquakes, flooding, and permafrost thaw, $300,000,000, to
remain available until expended: \textit{Provided}, That the Secretary shall distribute amounts made available under this heading as competitive grants to be awarded to a State, local or tribal government, territory, transit agency, port authority, metropolitan planning organization, political subdivision of a State or local government, or a collaboration among such entities or in partnership with a university or university transportation center: \textit{Provided further,} That the Secretary shall prioritize grant awards for: (1) coastal infrastructure projects to address long-term risk of sea level rise; (2) projects located in geographically isolated areas with limited alternatives for the movement of freight and people; and (3) projects that use innovative solutions to improve resiliency, including, but not limited to, the use of innovative materials, nature-based solutions, and other innovative solutions developed through research conducted at university transportation centers: \textit{Provided further,} That projects eligible for amounts made available under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; airport projects; passenger and freight rail transportation projects; port infrastructure investments (including inland port infrastructure and land ports of entry); projects in-
vesting in surface transportation facilities that are located on tribal land and for which title or maintenance responsibility is vested in the Federal Government; and projects constructing, improving, or rehabilitating infrastructure that has the primary purpose of protecting transportation infrastructure: Provided further, That of the amount made available under this heading, the Secretary may use not more than $10,000,000 for the planning, preparation or design of projects eligible for amounts made available under this heading: Provided further, That of the amounts awarded under this heading, not less than 25 percent shall be awarded as rural awards, as defined under the “National Infrastructure Investments” heading in this Act: Provided further, That of the amounts awarded under this heading, not less than 10 percent may be awarded for projects that directly benefit areas of persistent poverty and disadvantaged communities as defined under section 193 of this Act: Provided further, That for rural awards, awards to areas of persistent poverty, or to disadvantaged communities, the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using amounts made available under this heading shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall apply to
projects under this heading the Federal requirements that
the Secretary determines are appropriate based on the
purpose of the building resilient infrastructure through in-
novative solutions program, the requirements expressly
stated under this heading, and the Federal requirements
applicable to comparable projects supported by other De-
partment of Transportation financial assistance programs:
Provided further, That the Secretary may retain up to 2
percent of the amounts made available under this heading,
and may transfer a portion of such amounts to the Admin-
istrators of the Federal Aviation Administration, Federal
Highway Administration, the Federal Transit Administra-
tion, the Federal Railroad Administration, and the Mari-
time Administration to fund the award and oversight of
grants made under the building resilient infrastructure
through innovative solutions program.

SAFE AND ACCESSIBLE ROADWAYS FOR ALL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out a safe and acces-
sible roadways for all grant program to support local ini-
tiatives to prevent death and serious injury for all users
on all public roads and streets, $50,000,000, to remain
available until September 30, 2025: Provided, That funds
made available under this heading may be made available
to develop a comprehensive safety action plan; to conduct
planning, design, development, and activities for projects and strategies identified in a comprehensive safety action plan; or to carry out infrastructure projects and strategies identified in a comprehensive safety action plan: Provided further, That the Secretary shall distribute amounts made available under this heading on a competitive basis to a State, local or tribal government, territory, political subdivision of a State or local government, metropolitan planning organization on behalf of one or more political subdivisions of a State or territory, including counties, cities, towns, and villages; a unit of local government, including a county or special district; a federally-recognized tribe or a consortium of federally-recognized tribes; or a multi-jurisdictional group of the entities described in this proviso: Provided further, That to be eligible for a grant from amounts made available under this heading, an entity described in the preceding proviso shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate: Provided further, That funds made available under this heading shall be prioritized to entities and projects that: (1) are shown to have the potential to reduce or eliminate transportation-related fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists,
and commercial operators, and any other transportation user type appropriate to the context, within the timeframe proposed by the eligible entity; (2) demonstrate engagement with a variety of public and private stakeholders, including underserved communities; (3) seek to adopt innovative technologies or strategies to promote safety; (4) employ low-cost, high-impact strategies that can improve safety over a wider geographical area; (5) ensure, or will ensure, equitable investment in the safety needs of underserved or rural communities in preventing transportation-related fatalities and injuries, including to address the safety and mobility needs of communities with elderly populations; (6) include evidence-based projects or strategies; and (7) meet other safety priorities as determined by the Secretary: Provided further, That not more than 15 percent of the funds made available under this heading may be awarded to eligible projects in a single State: Provided further, That up to 40 percent of the funds made available under this heading may be awarded to projects to develop a comprehensive safety action plan: Provided further, That not less than 25 percent of the funds made available under this heading shall be awarded as rural awards, as defined under the “National Infrastructure Investments” heading in this Act: Provided further, That of the amounts awarded under this heading, not less than 10 percent may be
awarded for projects that directly benefit areas of persistent poverty and disadvantaged communities as defined under section 193 of this Act: Provided further, That the Federal share of the cost of an eligible project carried out using a grant provided under this heading shall not exceed 80 percent, unless the Secretary determines that a higher Federal share would be in the public interest: Provided further, That for rural awards, and awards to areas of persistent poverty or to disadvantaged communities, the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using amounts made available under this heading shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall apply to projects under this heading the Federal requirements that the Secretary determines are appropriate based on the purpose of the safe and accessible roadways for all program, the requirements expressly stated under this heading, and the Federal requirements applicable to comparable projects supported by other Department of Transportation financial assistance programs: Provided further, That the Secretary may retain up to 2 percent of the amounts made available under this heading, and may transfer a portion of such amounts to the Administrator of the Federal Highways Administration, Federal
Railroad Administration, or Federal Transit Administration to fund the award, oversight, and administrative expenses of the program.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, $3,800,000, to remain available until expended: Provided, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to other amounts made available for such purposes and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING PROGRAM

The Secretary is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of
the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

FINANCIAL MANAGEMENT CAPITAL

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

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to network and information technology infrastructure, improvement of identity management and authentication capabilities, securing and protecting data, implementation of Federal cyber security initiatives, and implementation of enhanced security controls on agency computers and mobile devices, $39,440,000, to remain available until September 30, 2023.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $11,564,000.
TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, $30,413,000, to remain available until expended: Provided, That of such amount, $2,000,000 shall be for necessary expenses of the Inter-agency Infrastructure Permitting Improvement Center (IIPIC): Provided further, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: Provided further, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department in accordance with the preceding proviso: Provided further, That of the amounts made available under this heading, $7,616,000 shall be made available for the purposes, and in amounts, specified for Congressionally directed spending in the table entitled “Incorporation of Congressionally Directed Spending for Transportation Planning, Research, and De-
velopment” included in the explanatory statement accom-
ppanying this Act.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for operating costs and cap-
ital outlays of the Working Capital Fund, not to exceed
$419,173,000, shall be paid from appropriations made
available to the Department of Transportation: Provided,
That such services shall be provided on a competitive basis
to entities within the Department of Transportation
(DOT): Provided further, That the limitation in the pre-
ceding proviso on operating expenses shall not apply to
non-DOT entities: Provided further, That no funds made
available by this Act to an agency of the Department shall
be transferred to the Working Capital Fund without ma-
jority approval of the Working Capital Fund Steering
Committee and approval of the Secretary: Provided fur-
ther, That no assessments may be levied against any pro-
gram, budget activity, subactivity, or project funded by
this Act unless notice of such assessments and the basis
therefor are presented to the House and Senate Commit-
tees on Appropriations and are approved by such Commit-
tees.
SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $4,977,000, to remain available until September 30, 2023: Provided, That notwithstanding section 332 of title 49, United States Code, such amounts may be used for business opportunities related to any mode of transportation: Provided further, That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading “Office of the Secretary—Minority Business Resource Center Program”.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under sections 41731 through 41742 of title 49, United States Code, $317,700,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That basic essential air service minimum requirements shall not include the 15-
passenger capacity requirement under section 41732(b)(3) of title 49, United States Code: Provided further, That amounts authorized to be distributed for the essential air service program under section 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: Provided further, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ELECTRIC VEHICLE FLEET

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to transition to the General Services Administration’s leased vehicle fleet, for the purchase of electric passenger motor vehicles, and to provide necessary charging infrastructure, $11,000,000, to remain available until expended: Provided, That such amounts made available under this heading may be transferred to other accounts of the Department of Transportation for the purposes specified under this heading: Provided further, That such transfer authority is in addition to any other transfer authority provided by law.
ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available by this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the operating administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for congressional notification.

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

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department’s Working Capital Fund is authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and
section 3049 of SAFETEA–LU (5 U.S.C. 7905 note):

Provided, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: Provided further, That such reserve shall not exceed 1 month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: Provided further, That the Working Capital Fund shall be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

SEC. 104. Receipts collected in the Department’s Working Capital Fund, as authorized by section 327 of title 49, United States Code, for unused van pool benefits, in an amount not to exceed 10 percent of fiscal year 2022 collections, shall be available until expended in the Department’s Working Capital Fund to provide contractual services in support of section 190 of this Act: Provided, That obligations in fiscal year 2022 of such collections shall not exceed $1,000,000.

SEC. 105. None of the funds in this Act may be obligated or expended for retention or senior executive bonuses for an employee of the Department of Transportation without the prior written approval of the Assistant Secretary for Administration.
SEC. 106. In addition to authority provided by section 327 of title 49, United States Code, the Department’s Administrative Working Capital Fund is hereby authorized to transfer information technology equipment, software, and systems from Departmental sources or other entities and collect and maintain a reserve at rates which will return full cost of transferred assets.

SEC. 107. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: Provided, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 108. For an additional amount for “Railroad Rehabilitation and Improvement Financing Program” for
the cost of modifications, as defined by section 502 of the Federal Credit Reform Act of 1990, of direct loans issued pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, and included in cohort 3, as defined by the Department of Transportation’s memorandum to the Office of Management and Budget dated November 5, 2018, $10,000,000, to remain available until expended: Provided, That for a direct loan included in cohort 3, as defined in the memorandum described in the preceding proviso, that has satisfied all obligations attached to such loan, the Secretary shall repay the credit risk premiums of such loan, with interest accrued thereon, not later than 60 days after the enactment of this Act or, for a direct loan included in cohort 3 with obligations that have not yet been satisfied, not later than 60 days after the date on which all obligations attached to such loan have been satisfied.

Sec. 109. Section 312(a) of title 49 United States Code, shall be modified by striking “land-based,” after “operation of a”.
For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, $11,434,100,000, to remain available until September 30, 2023, of which $8,434,100,000 to be derived from the Airport and Airway Trust Fund: Provided, That of the amounts made available under this heading—

(1) not less than $1,536,298,000 shall be available for aviation safety activities;

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

(3) $32,470,000 shall be available for commercial space transportation activities;

(4) $892,216,000 shall be available for finance and management activities;
(5) $63,955,000 shall be available for NextGen and operations planning activities;

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

(7) $280,110,000 shall be available for staff offices:

Provided further, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation under this heading by more than 5 percent: Provided further, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of the Vision 100-Century of Aviation Reauthorization Act (49 U.S.C. 40101 note): Provided further, That the amounts made available under this heading shall be reduced by $100,000 for each day after 60 days after the submission of the budget request.
that such report has not been transmitted to Congress: 

Provided further, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amounts made available under this heading shall be reduced by $100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds made available by this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds made available by this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation, as offsetting collec-
tions, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the amounts made available under this heading, not less than $178,400,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: Provided further, That none of the funds made available by this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.
FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds made available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $3,200,000,000, of which $550,000,000 shall remain available until September 30, 2023, $2,264,280,200 shall remain available until September 30, 2024, and $385,719,800 shall remain available until September 30, 2028: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for ex-
penses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That not later than 60 days after submission of the budget request, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2023 through 2027, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $258,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2024: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: Provided further, That amounts made available under this
heading shall be used in accordance with the explanatory statement accompanying this Act: Provided further, That not to exceed 10 percent of any funding level specified under this heading in the explanatory statement accompanying this Act may be transferred to any other funding level specified under this heading in the explanatory statement accompanying this Act: Provided further, That no transfer may increase or decrease any funding level by more than 10 percent: Provided further, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices
and systems at airports of such title; for grants authorized
under section 41743 of title 49, United States Code; and
for inspection activities and administration of airport safety
programs, including those related to airport operating
certificates under section 44706 of title 49, United States
Code, $3,350,000,000, to be derived from the Airport and
Airway Trust Fund and to remain available until ex-
pended: Provided, That none of the amounts made avail-
able under this heading shall be available for the planning
or execution of programs the obligations for which are in
excess of $3,350,000,000, in fiscal year 2022, notwith-
standing section 47117(g) of title 49, United States Code:
Provided further, That none of the amounts made available
under this heading shall be available for the replacement
of baggage conveyor systems, reconfiguration of terminal
baggage areas, or other airport improvements that are
necessary to install bulk explosive detection systems: Pro-
vided further, That notwithstanding section 47109(a) of
title 49, United States Code, the Government’s share of
allowable project costs under paragraph (2) of such sec-
tion for subgrants or paragraph (3) of such section shall
be 95 percent for a project at other than a large or me-
dium hub airport that is a successive phase of a multi-
phased construction project for which the project sponsor
received a grant in fiscal year 2011 for the construction
project: Provided further, That notwithstanding any other
provision of law, of amounts limited under this heading,
not more than $127,165,000 shall be available for admin-
istration, not less than $15,000,000 shall be available for
the Airport Cooperative Research Program, not less than
$40,961,000 shall be available for Airport Technology Re-
search, and $10,000,000, to remain available until ex-
pended, shall be available and transferred to “Office of
the Secretary, Salaries and Expenses” to carry out the
Small Community Air Service Development Program: Pro-
vided further, That in addition to airports eligible under
section 41743 of title 49, United States Code, such pro-
gram may include the participation of an airport that
serves a community or consortium that is not larger than
a small hub airport, according to FAA hub classifications
effective at the time the Office of the Secretary issues a
request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for “Grants-In-Aid for Air-
ports”, to enable the Secretary of Transportation to make
grants for projects as authorized by subchapter 1 of chap-
ter 471 and subchapter 1 of chapter 475 of title 49,
United States Code, $603,471,000, to remain available
through September 30, 2024: Provided, That amounts
made available under this heading shall be derived from
the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of title 49, United States Code: Provided further, That of the amounts made available under this heading, $203,471,000 shall be made available for the purposes, and in amounts, specified for Congressionally directed spending in the table entitled “Incorporation of Congressionally Directed Spending for Airport Improvement Program” included in the explanatory statement accompanying this Act: Provided further, That any remaining funds available after the distribution of funds under the preceding proviso shall be available to the Secretary to distribute as discretionary grants to airports: Provided further, That the amounts made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the amounts made available under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Sec. 110. None of the funds made available by this Act may be used to compensate in excess of 600 technical
staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2022.

SEC. 111. None of the funds made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition on the use of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

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

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

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

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

SEC. 116. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner’s or operator’s aircraft reg-
istation number, Mode S transponder code, flight identification, call sign, or similar identifying information from any ground based display to the public that would allow the real-time or near real-time flight tracking of that aircraft’s movements, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 117. None of the funds made available by this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

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

SEC. 119. None of the funds made available by this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.
SEC. 119A. None of the funds made available by or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119B. None of the funds made available by this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants so long as the Federal Aviation Administration has received an application from the airport, and so long as the Administrator determines such tower is eligible using the factors set forth in Federal Aviation Administration published establishment criteria.

SEC. 119C. None of the funds made available by this Act may be used to open, close, redesignate as a lesser office, or reorganize a regional office, the aeronautical center, or the technical center unless the Administrator submits a request for the reprogramming of funds under section 405 of this Act.

SEC. 119D. The Federal Aviation Administration Administrative Services Franchise Fund may be reimbursed after performance or paid in advance from funds available to the Federal Aviation Administration and other Federal agencies for which the Fund performs services.
SEC. 119E. Of the funds provided under the heading “Grants-in-aid for Airports”, up to $3,500,000 shall be for necessary expenses, including an independent verification regime, to provide reimbursement to airport sponsors that do not provide gateway operations and providers of general aviation ground support services, or other aviation tenants, located at those airports closed during a temporary flight restriction (TFR) for any residence of the President that is designated or identified to be secured by the United States Secret Service, and for direct and incremental financial losses incurred while such airports are closed solely due to the actions of the Federal Government: Provided, That no funds shall be obligated or distributed to airport sponsors that do not provide gateway operations and providers of general aviation ground support services until an independent audit is completed: Provided further, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursements: Provided further, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.
SEC. 119F. In this fiscal year and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the FAA may be used to carry out the FAA’s obligations under section 44502(e) of title 49, United States Code, unless the eligible air traffic system or equipment to be transferred to the FAA under section 44502(e) of title 49, United States Code, was purchased by the transferor airport—

(1) during the period of time beginning on October 5, 2018 and ending on December 31, 2021; or

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

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $492,000,000 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration: Provided, That in addition, $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.
FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

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

HIGHWAY INFRASTRUCTURE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

There is hereby appropriated to the Secretary $2,839,611,000: Provided, That the funds made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2022 in this or any other Act for: (1) “Federal-aid High-
ways” under chapter 1 of title 23, United States Code; (2) the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240; or (3) the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and shall not affect the distribution or amount of funds provided in any other Act: Provided further, That, except for funds made available under this heading for the Northern Border Regional Commission, section 1101(b) of Public Law 114–94 shall apply to funds made available under this heading: Provided further, That unless otherwise specified, amounts made available under this heading shall be available until September 30, 2025: Provided further, That of the funds made available under this heading—

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

(2) $640,680,000 shall be for activities eligible under section 133(b) of title 23, United States Code, and to provide necessary charging infrastructure along corridor-ready or corridor-pending alternative
fuel corridors designated pursuant to section 151 of
title 23, United States Code;

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

(4) $650,000 shall be for activities eligible
under the Territorial Highway Program, as de-
dscribed in section 165(e)(6) of title 23, United
States Code;

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

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

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

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

(9) $16,000,000 shall be for the national scenic
byways program under section 162 of title 23,
United States Code; and
(10) $10,000,000 shall be transferred to the Northern Border Regional Commission (40 U.S.C. 15101 et seq.) to make grants to carry out pilot projects that demonstrate the capabilities of wood-based infrastructure projects:

Provided further, That for the purposes of funds made available under this heading, in paragraphs (2) and (7) of the fourth proviso, the term "State" means any of the 50 States or the District of Columbia: Provided further, That the funds made available under this heading, in paragraph (2) of the fourth proviso, shall be suballocated in the manner described in section 133(d) of title 23, United States Code, except that the set-aside described in section 133(h) of such title shall not apply to funds made available under this heading, in paragraph (2) of the fourth proviso: Provided further, That, except as otherwise provided under this heading, the funds made available under this heading, in paragraphs (1), (2), (6), (7), and (9) of the fourth proviso, shall be administered as if apportioned under chapter 1 of such title: Provided further, That the funds made available under this heading, in paragraph (1) of the fourth proviso, that are used for Tribal projects shall be administered as if allocated under chapter 2 of title 23, United States Code, except that the set-asides described in subparagraph (C) of section...
202(b)(3) of title 23, United States Code, and subsections
(a)(6), (e), (d), and (e) of section 202 of such title shall
not apply to such funds: Provided further, That, the funds
made available under this heading, in paragraph (2) of
the fourth proviso, shall be apportioned to the States in
the same ratio as the obligation limitation for fiscal year
2022 is distributed among the States in section 120(a)(5)
of this Act: Provided further, That, except as provided in
the following proviso, the funds made available under this
heading, in paragraph (3) of the fourth proviso, for activi-
ties eligible under the Puerto Rico Highway Program and,
in paragraph (4) of the fourth proviso, for activities eligi-
ble under the Territorial Highway Program shall be ad-
ministered as if allocated under sections 165(b) and
165(c), respectively, of title 23, United States Code: Pro-
vided further, That the funds made available under this
heading, in paragraph (3) of the fourth proviso, for activi-
ties eligible under the Puerto Rico Highway Program shall
not be subject to the requirements of sections
165(b)(2)(A) or 165(b)(2)(B) of such title: Provided fur-
ther, That not less than 25 percent of the funds made
available under this heading, in paragraph (5) of the
fourth proviso, for the nationally significant Federal lands
and tribal projects program under section 1123 of the
FAST Act shall be for competitive grants to tribal govern-
ments: Provided further, That for the purposes of funds made available under this heading, in paragraph (6) of the fourth proviso, for a bridge replacement and rehabilitation program, (1) the term “State” means any of the 50 States or the District of Columbia, and (2) the term “qualifying State” means any State in which the percentage of total deck area of bridges classified as in poor condition in such State is at least 5 percent or in which the percentage of total bridges classified as in poor condition in such State is at least 5 percent: Provided further, That, of the funds made available under this heading, in paragraph (6) of the fourth proviso, for a bridge replacement and rehabilitation program, the Secretary shall reserve $6,000,000 for each State that does not meet the definition of a qualifying State: Provided further, That, after making the reservations under the preceding proviso, the Secretary shall distribute the remaining funds made available under this heading, in paragraph (6) of the fourth proviso, for a bridge replacement and rehabilitation program to each qualifying State by the proportion that the percentage of total deck area of bridges classified as in poor condition in such qualifying State bears to the sum of the percentages of total deck area of bridges classified as in poor condition in all qualifying States: Provided further, That, of the funds made available under this heading,
in paragraph (6) of the fourth proviso, for the bridge replacement and rehabilitation program:

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

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

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

Provided further, That funds made available under this heading, in paragraph (6) of the fourth proviso, provided to States that do not meet the definition of a qualifying State for the bridge replacement and rehabilitation program under this heading shall be: (1) merged with amounts made available to such State under this heading, in paragraph (2) of the fourth proviso; (2) available for activities eligible under paragraph (2) of the fourth proviso; and (3) administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That, except as provided in the preceding proviso, the funds made available under this heading, in paragraph (6) of the fourth proviso, for a bridge replacement and rehabilitation program shall be used for highway bridge replace-
ment or rehabilitation projects on public roads: Provided further, That for purposes of this heading for the bridge replacement and rehabilitation program, the Secretary shall calculate the percentages of total deck area of bridges (including the percentages of total deck area classified as in poor condition) and the percentages of total bridge counts (including the percentages of total bridges classified as in poor condition) based on the National Bridge Inventory as of December 31, 2018: Provided further, That for the purposes of funds made available under this heading, in paragraph (7) of the fourth proviso, for a competitive highway bridge program, the Secretary shall provide competitive grants for replacement, rehabilitation, preservation, protection, and construction of bridges on public roads: Provided further, That for the purposes of funds made available under this heading, in paragraph (7) of the fourth proviso, for a competitive highway bridge program, the Secretary shall prioritize grant awards for bridge projects that are located in: (1) States with high bridge replacement unit costs; or (2) rural areas that are geographically isolated or do not have alternate roadways to access a community: Provided further, That for the purposes of funds made available under this heading, in paragraph (8) of the fourth proviso, for construction of the Appalachian Development Highway System, the term
“Appalachian State” means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region as defined in section 14102(a) of title 40, United States Code: *Provided further*, That funds made available under this heading for construction of the Appalachian Development Highway System shall remain available until expended: *Provided further*, That a project carried out with funds made available under this heading for construction of the Appalachian Development Highway System shall be carried out in the same manner as a project under section 14501 of title 40, United States Code: *Provided further*, That subject to the following proviso, funds made available under this heading for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2012 Appalachian Development Highway System Cost-to-Complete Estimate, adopted in Appalachian Regional Commission Resolution Number 736, and confirmed as each Appalachian State’s relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States
have modified and assigned a higher priority for comple-
tion of an Appalachian Development Highway System cor-
ridor, as reported in the 2020 Appalachian Development
Highway System Future Outlook: Provided further, That
the Secretary shall adjust apportionments made under the
preceding proviso so that no Appalachian State shall be
apportioned an amount in excess of 30 percent of the
amount made available for construction of the Appa-
lachian Development Highway System under this heading:
Provided further, That the Secretary shall consult with the
Appalachian Regional Commission in making adjustments
under the preceding two provisos: Provided further, That
the Federal share of the costs for which an expenditure
is made for construction of the Appalachian Development
Highway System under this heading shall be up to 100
percent: Provided further, That a grant made with funds
made available under this heading, in paragraph (10) of
the fourth proviso, shall be administered in the same man-
ner as a grant made under subtitle V of title 40, United
States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY
ADMINISTRATION

Sec. 120. (a) For fiscal year 2022, the Secretary of
Transportation shall—
(1) not distribute from the obligation limitation for Federal-aid highways—

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

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

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

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

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

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to
(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America’s Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by
(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

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

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.
(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

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

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

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

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

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

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

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

(8) section 105 of title 23, United States Code
(as in effect for fiscal years 1998 through 2004, but
only in an amount equal to $639,000,000 for each
of those fiscal years);
(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

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

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

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

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an
amount distributed cannot be obligated during that fiscal year; and

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

(d) Applicability of Obligation Limitations to Transportation Research Programs.—

(1) In general.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

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

(B) title VI of the Fixing America’s Surface Transportation Act.

(2) Exception.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and
(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) Redistribution of Certain Authorized Funds.—

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

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) Ratio.—Funds shall be distributed under paragraph (1) in the same proportion as the dis-
distribution of obligation authority under subsection (a)(5).

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

**SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.*

**SEC. 122.** Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.*
Sec. 123. None of the funds made available in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: Provided, That the written notification required in the preceding proviso shall be made not later than 180 days after the date of enactment of this Act.

Sec. 124. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: Provided, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of its intent to use its authority under this section and submits an annual report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall re-
main available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

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

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

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

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year,
and shall be applied to projects within the same general geographic area within 25 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories annually to the House and Senate Committees on Appropriations.

Sec. 125. Until final guidance is published, the Administrator of the Federal Highway Administration shall adjudicate requests for Buy America waivers under the criteria that were in effect prior to April 17, 2018.

Sec. 126. Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 109 Stat. 597; 118 Stat. 293; 133 Stat. 3018) is amended, in the first sentence, by inserting “clauses (i) and (iv) of subsection(c)(38)(A),” after “subsection (e)(37),”.
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implement-
tation, execution and administration of motor carrier safe-
ty operations and programs pursuant to section 31110 of
title 49, United States Code, as amended by the Fixing
America’s Surface Transportation Act (Public Law 114–
94), $288,000,000, to be derived from the Highway Trust
Fund (other than the Mass Transit Account), together
with advances and reimbursements received by the Fed-
eral Motor Carrier Safety Administration, the sum of
which shall remain available until expended: Provided,
That funds available for implementation, execution, or ad-
ministration of motor carrier safety operations and pro-
grams authorized under title 49, United States Code, shall
not exceed total obligations of $288,000,000, for “Motor
Carrier Safety Operations and Programs” for fiscal year
2022, of which $9,073,000, to remain available for obliga-
tion until September 30, 2024, is for the research and
technology program, and of which not less than
$35,334,000, to remain available for obligation until Sep-
tember 30, 2024, is for development, modernization, en-
hancement, continued operation, and maintenance of in-
formation technology and information management.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

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

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

(3) $49,900,000 shall be available for the high
priority activities program, of which $5,000,000 is to
be made available from prior year unobligated con-
tact authority provided for Motor Carrier Safety
Grants in the Transportation Equity Act for the
21st Century (Public Law 105–178), SAFETEA–
LU (Public Law 109–59), or other appropriations or
authorization Acts; and

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

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

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

Sec. 131. None of the funds appropriated or other-
wise made available to the Department of Transportation
by this Act or any other Act may be obligated or expended
to implement, administer, or enforce the requirements of
section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

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

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 403 of title 23, United States Code, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 4011 of the Fixing America’s Surface Transportation Act (Pub-
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amounts for behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls are in addition to any other funds provided for those purposes for fiscal year 2022 in this Act.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code, to remain available until expended, $623,017,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2022 are in excess of $623,017,000 for programs authorized under sections 402, 404, and 405 of title 23, United States Code, and grant administration expenses under chapter 4 of title 23, United States Code: Provided further, That of the sums appropriated under this heading—
(1) $279,800,000 shall be for “Highway Safety Programs” under section 402 of title 23, United States Code;

(2) $285,900,000 shall be for “National Priority Safety Programs” under section 405 of title 23, United States Code;

(3) $30,500,000 shall be for the “High Visibility Enforcement Program” under section 404 of title 23, United States Code; and

(4) $26,817,000 shall be for grant administrative expenses under chapter 4 of title 23, United States Code:

Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for “National Priority Safety Programs” under section 405 of title 23, United States Code, for “Impaired Driving Countermeasures” (as described in subsection (d) of that section) shall be available for technical assistance to the States: Provided further, That with respect to the “Transfers” provision under section 405(a)(8) of title 23, United States Code, any amounts transferred to increase the amounts made available under section 402 shall include
the obligation authority for such amounts: Provided further, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the preceding proviso or under section 405(a)(8) of title 23, United States Code, within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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

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

SEC. 142. None of the funds in this Act or any other Act shall be used to enforce the requirements of section 405(a)(9) of title 23, United States Code.
For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $242,757,000, of which $25,000,000 shall remain available until expended: Provided, That of the amounts provided under this heading, up to $2,100,000 shall be available for the alteration and repair of buildings and improvements for fire and life safety, emergency power system, waste and potable water management, and asbestos abatement projects, to carry out necessary railroad safety, training, and research activities at the Transportation Technology Center.

For necessary expenses for railroad research and development, $41,000,000, to remain available until expended.

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, $220,000,000, to remain available until expended: Provided, That expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring
rights-of-way) of a capital project as defined under section 24911(a)(2) of title 49, United States Code, are eligible for funding independently or in conjunction with proposed funding for construction: Provided further, That the Secretary may withhold up to 1 percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 22907 of title 49, United States Code, $522,860,000, to remain available until expended: Provided, That section 22905(f) of title 49, United States Code, shall not apply to projects for the implementation or sustainment of positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: Provided further, That amounts made available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: Provided further, That the Secretary
shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: Provided further, That for amounts available under this heading eligible recipients under section 22907(b) of title 49, United States Code, shall include any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102 of title 49, United States Code): Provided further, That unobligated balances remaining after 6 years from the date of enactment of this Act may be used for any eligible project under section 22907(c) of title 49, United States Code: Provided further, That of the amounts made available under this heading, $120,860,000 shall be made available for the purposes, and in amounts, specified for Congressionally directed spending in the table entitled “Incorporation of Congressionally Directed Spending, for Consolidated Rail Infrastructure and Safety Improvements” included in the explanatory statement accompanying this Act: Provided further, That any remaining funds available after the distribution of funds under the preceding proviso shall be available to the Secretary to distribute as discretionary grants under this heading: Provided further, That the Secretary may withhold up to 2 percent of the amount provided under this heading for the
costs of award and project management oversight of grants carried out under section 22907 of title 49, United States Code.

RESTORATION AND ENHANCEMENT

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, $2,000,000, to remain available until expended: Provided, That the Secretary may withhold up to 2 percent of the funds provided under this heading to fund the costs of award and project management and oversight: Provided further, That amounts made available under this heading may be provided to make payments for use of Amtrak equipment under Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (division B, title II of Public Law 110–432, as amended), whether characterized as a capital cost or operating cost, and notwithstanding any limitation in paragraph (e) of that section: Provided further, That the preceding proviso shall apply to amounts made available under this heading in previous fiscal years if such funds are announced in a notice of funding opportunity that includes funds made available under this heading.
NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America’s Surface Transportation Act (division A of Public Law 114–94), $968,692,693, to remain available until expended:

Provided, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114–94: Provided further, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114–94, the Secretary may retain up to an additional $5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: Provided further, That of the amounts made available under this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading, not less than $75,000,000 shall be made available to bring Am-
trak-served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, That of the amounts made available under this heading and the “National Network Grants to the National Railroad Passenger Corporation” heading, $100,000,000 shall be made available to fund the replacement of the single-level passenger cars used on the Northeast Corridor, State-supported routes, and long-distance routes, as such terms are defined in section 24102 of title 49, United States Code.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America’s Surface Transportation Act (division A of Public Law 114–94), $1,731,307,307, to remain available until expended: Provided, That the Secretary may retain up to an additional $2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code: Provided further, That at least $50,000,000 of the amount provided under this heading shall be available for the development, installation and operation of railroad safety improvements, including the im-
plementation of a positive train control system, on State-
supported routes as defined under section 24102(13) of
title 49, United States Code, on which positive train con-
trol systems are not required by law or regulation as iden-
tified on or before the date of enactment of this Act: Pro-
vided further, That any unobligated balances from
amounts provided under this heading in prior Acts for the
development, installation and operation of railroad safety
technology on State-supported routes on which positive
train control systems are not required by law or regulation
shall also be available for railroad safety improvements on
State-supported routes as identified on or before the date
of enactment of this Act: Provided further, That none of
the funds provided under this heading shall be used by
Amtrak to give notice under subsection (a) or (b) of sec-
tion 24706 of title 49, United States Code, with respect
to long-distance routes (as defined in section 24102 of title
49, United States Code) on which Amtrak is the sole oper-
ator on a host railroad’s line and a positive train control
system is not required by law or regulation, or, except in
an emergency or during maintenance or construction out-
ages impacting such routes, to otherwise discontinue, re-
duce the frequency of, suspend, or substantially alter the
route of rail service on any portion of such route operated
in fiscal year 2018, including implementation of service
permitted by section 24305(a)(3)(A) of title 49, United
States Code, in lieu of rail service.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
ADMINISTRATION
(INCLUDING RESCISSIONS)

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

SEC. 151. None of the funds made available to the
National Railroad Passenger Corporation under the head-
ings “Northeast Corridor Grants to the National Railroad
Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation” may be used to reduce the total number of Amtrak Police Department uniformed officers patrolling on board passenger trains or at stations, facilities or rights-of-way below the staffing level on May 1, 2019.

Sec. 152. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

Sec. 153. Of the unobligated balances of funds remaining from—

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

(A) Public Law 105–277 a total of $7,052.79 under the heading “Railroad Safety”;

(B) Public Law 113–235 a total of $190,265.91 from section 153 under the heading “Administrative Provisions—Federal Railroad Administration”; and

(C) Public Law 114–113 a total of $1,518,095.64; and
(2) “Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service” account totaling $13,327,006.39 appropriated by Public Law 111–117 is hereby permanently rescinded.

Sec. 154. It is the sense of Congress that—

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

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

Federal Transit Administration

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, $131,500,000 which shall remain available until September 30, 2023: Provided, That upon submission to the Congress of the fiscal year 2023 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on Capital Investment Grants, including proposed allocations for fiscal year 2023.
TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America’s Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America’s Surface Transportation Act, $10,800,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America’s Surface Transportation Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America’s Surface Transportation Act, shall not exceed total obligations of $10,150,348,462 in fiscal year 2022: Provided further, That the Federal share of the cost of activities carried out under 49 U.S.C. section 5312 shall not exceed 80 per-
cent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, low or no emission grants under section 5339(c) of such title, formula grants to rural areas under section 5311 of such title, high density state apportionments under section 5340(d) of such title, state of good repair grants under section 5337 of such title, ferry boats grants under section 5307(h) of such title, bus testing facilities under section 5318 of such title, grants to areas of persistent poverty, innovative mobility solutions grants under section 5312 of such title, and accelerating innovative mobility initiative grants under section 5312 such title, $756,998,000, to remain available until expended: Provided, That of the sums provided under this heading—

(1) $300,000,000 shall be available for the buses and bus facilities grants as authorized under section 5339 of such title, of which $200,000,000 shall be available for the buses and bus facilities formula grants as authorized under section 5339(a) of such title, and $100,000,000 shall be available for
buses and bus facilities competitive grants as au-

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

(3) $45,000,000 shall be available for formula
gratings for rural areas as authorized under section
5311 of such title;

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

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

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

(7) $2,000,000 shall be available for the oper-
ation and maintenance of the bus testing facilities
selected under section 5318 of such title;
(8) $20,000,000 shall be available for competitive grants to eligible entities to assist areas of persistent poverty or disadvantaged communities as defined in section 193 of this Act: Provided, That grants shall be for planning, engineering, or development of technical or financing plans for projects eligible under chapter 53 of title 49, United States Code: Provided further, That eligible entities are those defined as eligible recipients or subrecipients under sections 5307, 5310 or 5311 of title 49, United States Code, and are in areas of persistent poverty: Provided further, That the Federal Transit Administration should complete outreach to such counties and the departments of transportation within applicable States via personal contact, webinars, web materials and other appropriate methods determined by the Administrator of the Federal Transit Administration: Provided further, That State departments of transportation may apply on behalf of eligible entities within their States: Provided further, That the Federal Transit Administration should encourage grantees to work with non-profits or other entities of their choosing in order to develop planning, technical, engineering, or financing plans: Provided further, That the Federal Transit Administration-
tion shall encourage grantees to partner with non-profits that can assist with making projects low or no emissions;

(9) $1,000,000 shall be available for the demonstration and deployment of innovative mobility solutions as authorized under section 5312 of title 49, United States Code: Provided, That such amounts shall be available for competitive grants or cooperative agreements for the development of software to facilitate the provision of demand-response public transportation service that dispatches public transportation fleet vehicles through riders mobile devices or other advanced means: Provided further, That the Secretary shall evaluate the potential for software developed with grants or cooperative agreements to be shared for use by public transportation agencies;

(10) $1,000,000 shall be for the accelerating innovative mobility initiative as authorized under section 5312 of title 49, United States Code: Provided, That such amounts shall be available for competitive grants to improve mobility and enhance the rider experience with a focus on innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions in order to help dis-
seminate proven innovation mobility practices throughout the public transportation industry; and

(11) $152,998,000 shall be made available for the purposes, and in amounts, specified for Congressionally directed spending in the table entitled “Incorporation of Congressionally Directed Spending for Transit Infrastructure Grants” included in the explanatory statement accompanying this Act: *Provided further*, That any remaining funds available after the distribution of funds under the preceding proviso shall be available to the Secretary to distribute as discretionary grants under this heading: *Provided further*, That projects funded under paragraph (8) of this heading shall be for not less than 90 percent of the net total project cost: *Provided further*, That amounts made available by this heading shall be derived from the general fund: *Provided further*, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out section 5314 of title 49, United States Code, $7,500,000, to remain available until September 30, 2023, of which not less than $1,500,000 shall be for a cooperative agreement through
which the Federal Transit Administration assists small-
urban, rural and tribal public transit recipients and plan-
ning organizations with applied innovation and capacity-
building: *Provided*, That the assistance provided under
this heading does not duplicate the activities of section
5311(b) or section 5312 of title 49, United States Code.

**CAPITAL INVESTMENT GRANTS**

For necessary expenses to carry out fixed guideway
capital investment grants under section 5309 of title 49,
United States Code, and section 3005(b) of the Fixing
America’s Surface Transportation Act (Public Law 114–
94), $2,248,000,000, to remain available until September
30, 2025: *Provided*, That of the amounts made available
under this heading, $1,425,000,000 shall be available for
projects authorized under section 5309(d) of title 49,
United States Code, $450,000,000 shall be available for
projects authorized under section 5309(e) of title 49,
United States Code, $250,520,000 shall be available for
projects authorized under section 5309(h) of title 49,
United States Code, and $100,000,000 shall be available
for projects authorized under section 3005(b) of the Fix-
ing America’s Surface Transportation Act: *Provided fur-
ther*, That the Secretary shall continue to administer the
capital investment grants program in accordance with the
procedural and substantive requirements of section 5309
of title 49, United States Code, and of section 3005(b) of the Fixing America’s Surface Transportation Act: Provided further, That projects that receive a grant agreement under the Expedited Project Delivery for Capital Investment Grants Pilot Program under section 3005(b) of the Fixing America’s Surface Transportation Act shall be deemed eligible for funding provided for projects under section 5309 of title 49, United States Code, without further evaluation or rating under such section: Provided further, That such funding shall not exceed the Federal share under section 3005(b): Provided further, That funds allocated pursuant to 49 U.S.C. 5309 to any project during fiscal years 2015 or 2017 shall remain allocated to that project until December 31, 2023.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $150,000,000, to remain available until expended: Provided, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project:
Provided further, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: Provided further, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432).

TRANSIT RESEARCH

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

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

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

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading “Capital Investment Grants” of the Federal Transit Administration for projects specified in this Act
or identified in the explanatory statement accompanying this Act not obligated by September 30, 2025, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

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

SEC. 163. None of the funds made available by this Act or any other Act shall be used to adjust apportionments or withhold funds from apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(4)).

SEC. 164. An eligible recipient of a grant under section 5339(c) may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intend to participate in the implementation of a project under section 5339(c) of title 49, United States Code, and a project awarded with such partnership shall be treated as satisfying the requirement for a competitive procurement under section 5325(a) of title 49, United States Code, for the named entity.
SEC. 165. None of the funds made available by this Act or any other Act shall be used to impede or hinder project advancement or approval for any project seeking a Federal contribution from the capital investment grant program of greater than 40 percent of project costs as authorized under section 5309 of title 49, United States Code.

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

SEC. 167. Of the unobligated amounts made available for prior fiscal years to Formula Grants in Treasury Account 69–X–1129, a total of $6,734,356 are hereby permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

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

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

GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital infrastructure activities on portions of the Saint Lawrence Seaway owned, operated, and maintained by the Great Lakes St. Lawrence Seaway Development Corporation, $37,700,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238): Provided, That of the amounts made available under this heading, not less than $14,500,000 shall be for the seaway infrastructure program and not more than $1,500,000 shall be for activities pursuant to section 984(a)(12) of title 33, United States Code.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet as authorized under chapter 531 of title 46, United States Code, to serve the national security needs of the United States, $318,000,000, to remain available until expended: Provided, That of the obligated balances from prior year appropriations made available under this heading, $42,000,000 is hereby permanently rescinded.
CABLE SECURITY FLEET

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

TANKER SECURITY PROGRAM

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

OPERATIONS AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operations and training activities authorized by law, $172,204,000: Provided, That of the amounts made available under this heading—

(1) $85,032,000, to remain available until September 30, 2023, shall be for the operations of the United States Merchant Marine Academy;

(2) $5,500,000, to remain available until expended, shall be for facilities maintenance and repair, and equipment, at the United States Merchant Marine Academy;

(3) $10,000,000, to remain available until September 30, 2023, shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and
(4) $10,819,000, to remain available until expended, shall be for the America’s Marine Highways Program to make grants for the purposes authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code:

Provided further, That the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3510 of the National Defense Authorization Act for fiscal year 2017 (46 U.S.C. 51318): Provided further, That available balances under this heading for the Short Sea Transportation Program (now known as the America’s Marine Highway Program) from prior year recoveries shall be available to carry out activities authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code.

STATE MARITIME ACADEMY OPERATIONS

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

(1) $30,500,000, to remain available until expended, shall be for maintenance, repair, life exten-
sion, insurance, and capacity improvement of Na-
tional Defense Reserve Fleet training ships, and for
support of training ship operations at the State
Maritime Academies, of which up to $8,500,000, to
remain available until expended, shall be for ex-
penses related to training mariners; and for costs as-
associated with training vessel sharing pursuant to 46
U.S.C. 51504(g)(3) for costs associated with mobi-
лизирующих, оперирующих и демобилизующих судно, включая
транспортные затраты на студентов, факультет и экипаж, обозначенные
расходы на общего агента, экипаж, топливо, страхование, операционные
взносы, и арендные расходы судов, как определено
(2) $390,600,000, to remain available until ex-
pended, shall be for the National Security Multi-Mis-
sion Vessel Program, including funds for construc-
tion, planning, administration, and design of school
ships;
(3) $2,400,000 to remain available through
September 30, 2026, shall be for the Student Incentive Program;
(4) $3,800,000 shall remain available until ex-
pended, shall be for training ship fuel assistance;
and
(5) $6,000,000, to remain available until September 30, 2023, shall be for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, $20,000,000, to remain available until expended.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(including transfer of funds)

For administrative expenses to carry out the guaranteed loan program, $3,000,000, which shall be transferred to and merged with the appropriations for “Maritime Administration—Operations and Training”.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 50302(c) of title 46, United States Code, $240,000,000, to remain available until expended:

Provided, That projects eligible for amounts made available under this heading shall be projects for coastal sea-
ports, inland river ports, or Great Lakes ports: *Provided further*, That the Maritime Administration shall distribute amounts made available under this heading as discretionary grants to port authorities or commissions or their subdivisions and agents under existing authority, as well as to a State or political subdivision of a State or local government, a Tribal Government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities: *Provided further*, That projects eligible for amounts made available under this heading shall be designed to improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port and located—

1. within the boundary of a port; or
2. outside the boundary of a port, and directly related to port operations, or to an intermodal connection to a port:

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

1. port gate improvements;
2. road improvements both within and connecting to the port;
(3) rail improvements both within and connecting to the port;

(4) berth improvements (including docks, wharves, piers and dredging incidental to the improvement project);

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

(6) utilities necessary for safe operations (including lighting, stormwater, and other such improvements that are incidental to a larger infrastructure project);

(7) improvements that reduce environmental impact(s) of port operations (including resiliency improvements); or

(8) a combination of activities described above: Provided further, That the Federal share of the costs for which an amount is provided under this heading shall be up to 80 percent: Provided further, That for grants awarded under this heading, the minimum grant size shall be $1,000,000.
ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

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

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous
Materials Safety Administration, $66,829,000, of which $7,570,000 shall remain available until September 30, 2024: Provided, That up to $800,000 in fees collected under section 5108(g) of title 49, United States Code, shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by section 60107 of title 49, United States Code, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $182,650,000, to remain available until September 30, 2024, of which $27,650,000 shall be derived from the Oil Spill Liability Trust Fund; of which $146,600,000 shall be derived from the Pipeline Safety Fund; of which $400,000 shall be derived from the fees collected under
section 60303 of title 49, United States Code, and deposited in the Liquefied Natural Gas Siting Account for compliance reviews of liquefied natural gas facilities; and of which $8,000,000 shall be derived from fees collected under section 60302 of title 49, United States Code, and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out section 60141 of title 49, United States Code: Provided, That not less than $1,058,000 of the funds provided under this heading shall be for the One-Call State grant program: Provided further, That any amounts provided under this heading in this Act or in prior Acts for research contracts, grants, cooperative agreements or research other transactions agreements ("OTAs") shall require written notification to the House and Senate Committees on Appropriations not less than 3 full business days before such research contracts, grants, cooperative agreements, or research OTAs are announced by the Department of Transportation.

EMERGENCY PREPAREDNESS GRANTS

(LIMITATION ON OBLIGATIONS)

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than $28,318,000 shall remain available until September 30,
2024, from amounts made available by section 5116(h)
and subsections (b) and (c) of section 5128 of title 49,
United States Code: Provided, That notwithstanding sec-
tion 5116(h)(4) of title 49, United States Code, not more
than 4 percent of the amounts made available from this
account shall be available to pay the administrative costs
of carrying out sections 5116, 5107(e), and 5108(g)(2)
of title 49, United States Code: Provided further, That
notwithstanding subsections (b) and (c) of section 5128
of title 49, United States Code, and the limitation on obli-
gations provided under this heading, prior year recoveries
recognized in the current year shall be available to develop
and deliver hazardous materials emergency response train-
ing for emergency responders, including response activities
for the transportation of crude oil, ethanol, flammable liq-
uids, and other hazardous commodities by rail, consistent
with National Fire Protection Association standards, and
to make such training available through an electronic for-
mat: Provided further, That the prior year recoveries made
available under this heading shall also be available to carry
out sections 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e)
of title 49, United States Code.
Office of Inspector General

Salaries and Expenses

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $103,150,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

General Provisions—Department of Transportation

Sec. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code.

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, op-
eration, and deployment of unmanned aircraft systems
that advance the missions of the Department of Transpor-
tation or an operating administration of the Department
of Transportation.

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

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

SEC. 182. (a) No recipient of amounts made available
by this Act shall disseminate personal information (as de-
defined in section 2725(3) of title 18, United States Code)
obtained by a State department of motor vehicles in con-
nection with a motor vehicle record as defined in section
2725(1) of title 18, United States Code, except as pro-
vided in section 2721 of title 18, United States Code, for
a use permitted under section 2721 of title 18, United
States Code.
(b) Notwithstanding subsection (a), the Secretary shall not withhold amounts made available by this Act for any grantee if a State is in noncompliance with this provision.

Sec. 183. None of the funds made available by this Act shall be available for salaries and expenses of more than 125 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

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

Sec. 185. None of the funds made available by this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, letter of intent, federally funded cooperative agreement, full funding grant
agreement, or discretionary grant unless the Secretary of
Transportation notifies the House and Senate Committees
on Appropriations not less than 3 full business days before
any project competitively selected to receive any discre-
tionary grant award, letter of intent, loan commitment,
loan guarantee commitment, line of credit commitment,
federally funded cooperative agreement, or full funding
grant agreement is announced by the Department or its
operating administrations: Provided, That the Secretary
of Transportation shall provide the House and Senate
Committees on Appropriations with a comprehensive list
of all such loans, loan guarantees, lines of credit, letters
of intent, federally funded cooperative agreements, full
funding grant agreements, and discretionary grants prior
to the notification required under the preceding proviso:
Provided further, That the Secretary gives concurrent noti-
fication to the House and Senate Committees on Appro-
priations for any "quick release" of funds from the emer-
gency relief program: Provided further, That no notifica-
tion shall involve funds that are not available for obliga-
tion.

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

Sec. 187. Amounts made available by this Act or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: Provided, That amounts made available by this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Payment Integrity Information Act of 2019 (Public Law 116–117): Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the
purposes and period for which such appropriations are available: Provided further, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit the amounts to an appropriate account as offsetting collections and such amounts shall be available for the purposes and period associated with the account so credited: Provided further, That amounts credited to programs under this subparagraph shall not be subject to any limitation on obligations in this or any other Act; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payment” has the same meaning as that provided in section 3351(4) of title 31, United States Code.
SEC. 188. Notwithstanding any other provision of law, if any funds provided by or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of such reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and such reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: Provided, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days after the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. Funds appropriated by this Act to the operating administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable operating administration or administrations.

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

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 192. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

SEC. 193. For purposes of this Act—

(1) the term “areas of persistent poverty” means any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census; any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Sur-
vey of the Bureau of the Census; or any territory or
possession of the United States; and

(2) the term “disadvantaged community”
means a geographic area (or areas) including an In-
dian reservation that meet objective criteria of eco-

nomic distress developed by the Infrastructure Fi-
nance Authority in consultation with the Secretary
of the Treasury and the Secretary of the Depart-
ment of Housing and Urban Development, which
may include—

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

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

(C) the extent of blight and disinvestment;

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

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

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

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TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $13,000,000, to remain available until September 30, 2023: Provided, That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary of Housing and Urban Development (referred to in this title as “the Secretary”) for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $609,666,000, to remain available until September 30, 2023: Provided, That of the sums appropriated under this heading—

(1) $79,400,000 shall be available for the Office of the Chief Financial Officer;
(2) $115,200,000 shall be available for the Office of the General Counsel, of which not less than $19,900,000 shall be for the Departmental Enforcement Center;

(3) $216,400,000 shall be available for the Office of Administration;

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

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

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

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

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

Provided further, That funds made available under this heading may be used for necessary administrative and non-administrative expenses of the Department, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code: Provided further, That not-
withstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: Provided further, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide in electronic form all signed reports required by Congress.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, $972,687,000, to remain available until September 30, 2023: Provided, That of the sums appropriated under this heading—

(1) $260,500,000 shall be available for the Office of Public and Indian Housing;

(2) $147,887,000 shall be available for the Office of Community Planning and Development;

(3) $434,000,000 shall be available for the Office of Housing, of which not less than $13,300,000 shall be for the Office of Recapitalization;

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

(5) $84,100,000 shall be available for the Office of Fair Housing and Equal Opportunity; and
(6) $10,700,000 shall be available for the Office of Lead Hazard Control and Healthy Homes.

WORKING CAPITAL FUND
(INCLUDING TRANSFER OF FUNDS)
For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the “Fund”), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available only for Federal shared services used by offices and agencies of the Department, and for any such portion of any office or agency’s printing, records management, space renovation, furniture, or supply services the Secretary has determined shall be provided through the Fund, and the operational expenses of the Fund: Provided, That amounts within the Fund shall not be available to provide services not specifically authorized under this heading: Provided further, That upon a determination by the Secretary that any other service (or portion thereof) authorized under this heading shall be provided through the Fund, amounts made available in this title for salaries and expenses under the headings “Executive Offices”, “Administrative Support Offices”, “Program Offices”, and “Government Na-
tional Mortgage Association”, for such services shall be transferred to the Fund, to remain available until expended: Provided further, That the Secretary shall notify the House and Senate Committees on Appropriations of its plans for executing such transfers at least 15 days in advance of such transfers.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

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

(1) $24,526,926,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act)
and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2022 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any: Provided further, That the Secretary shall, to the extent necessary to stay within the amount spec-
ified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency’s allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2022: Provided further, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the MTW demonstration shall be funded in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any, and shall be subject to the same pro rata adjustments under the preceding provisos: Provided further, That the Secretary may offset public housing agencies’ calendar year 2022 allocations based on the excess amounts of public housing agencies’ net restricted assets accounts, including HUD-held
programmatic reserves (in accordance with VMS
data in calendar year 2021 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies’ calendar year 2022 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the preceding two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to $100,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be avail-
able to meet a commitment pursuant to section 8(o)(13) of the Act, or an adjustment for a funding obligation not yet expended in the previous calendar year for a MTW-eligible activity to develop affordable housing for an agency added to the MTW demonstration under the expansion authority provided in section 239 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113); (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding; (5) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers; (6) for withheld payments in accordance with section
8(o)(8)(A)(ii) of the Act for months in the previous
calendar year that were subsequently paid by the
public housing agency after the agency’s actual costs
were validated; and (7) for public housing agencies
that have experienced increased costs or loss of units
in an area for which the President declared a dis-
aster under title IV of the Robert T. Stafford Dis-
aster Relief and Emergency Assistance Act (42
U.S.C. 5170 et seq.): Provided further, That the
Secretary shall allocate amounts under the preceding
proviso based on need, as determined by the Sec-
retary;

(2) $100,000,000 shall be for section 8 rental
assistance for relocation and replacement of housing
units that are demolished or disposed of pursuant to
section 18 of the Act, conversion of section 23
projects to assistance under section 8, relocation of
witnesses (including victims of violent crimes) in
connection with efforts to combat crime in public
and assisted housing pursuant to a request from a
law enforcement or prosecution agency, enhanced
vouchers under any provision of law authorizing
such assistance under section 8(t) of the Act, Choice
Neighborhood vouchers, mandatory and voluntary
conversions, and tenant protection assistance includ-
ing replacement and relocation assistance or for
project-based assistance to prevent the displacement
of unassisted elderly tenants currently residing in
section 202 properties financed between 1959 and
1974 that are refinanced pursuant to Public Law
106–569, as amended, or under the authority as
provided under this Act: Provided, That when a pub-
lic housing development is submitted for demolition
or disposition under section 18 of the Act, the Sec-
retary may provide section 8 rental assistance when
the units pose an imminent health and safety risk to
residents: Provided further, That the Secretary may
provide section 8 rental assistance from amounts
made available under this paragraph for units as-
isted under a project-based subsidy contract funded
under the “Project-Based Rental Assistance” head-
ing under this title where the owner has received a
Notice of Default and the units pose an imminent
health and safety risk to residents: Provided further,
That of the amounts made available under this para-
graph, no less than $5,000,000 may be available to
provide tenant protection assistance, not otherwise
provided under this paragraph, to residents residing
in low vacancy areas and who may have to pay rents
greater than 30 percent of household income, as the
result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the preceding proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that
cease to be available as assisted housing, subject
only to the availability of funds;

(3) $2,474,117,000 shall be for administrative
and other expenses of public housing agencies in ad-
ministering the section 8 tenant-based rental assist-
ance program, of which up to $30,000,000 shall be
available to the Secretary to allocate to public hous-
ing agencies that need additional funds to admin-
ister their section 8 programs, including fees associ-
ated with section 8 tenant protection rental assist-
ance, the administration of disaster related vouchers,
HUD–VASH vouchers, and other special purpose in-
cremental vouchers: Provided, That no less than
$2,444,117,000 of the amount provided in this para-
graph shall be allocated to public housing agencies
for the calendar year 2022 funding cycle based on
section 8(q) of the Act (and related Appropriation
Act provisions) as in effect immediately before the
enactment of the Quality Housing and Work Re-
ponsibility Act of 1998 (Public Law 105–276): Pro-
vided further, That if the amounts made available
under this paragraph are insufficient to pay the
amounts determined under the preceding proviso,
the Secretary may decrease the amounts allocated to
agencies by a uniform percentage applicable to all
agencies receiving funding under this paragraph or
may, to the extent necessary to provide full payment
of amounts determined under the preceding proviso,
utilize unobligated balances, including recaptures
and carryover, remaining from funds appropriated to
the Department of Housing and Urban Development
under this heading from prior fiscal years, excluding
special purpose vouchers, notwithstanding the pur-
poses for which such amounts were appropriated:

Provided further, That all public housing agencies
participating in the MTW demonstration shall be
funded in accordance with the requirements of the
MTW demonstration program or their MTW agree-
ments, if any, and shall be subject to the same uni-
form percentage decrease as under the preceding
proviso: Provided further, That amounts provided
under this paragraph shall be only for activities re-
lated to the provision of tenant-based rental assist-
ance authorized under section 8, including related
development activities;

(4) $463,174,000 for the renewal of tenant-
based assistance contracts under section 811 of the
Cranston-Gonzalez National Affordable Housing Act
(42 U.S.C. 8013), including necessary administra-
tive expenses: Provided, That administrative and
other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: Provided further, That up to $10,000,000 shall be available only (1) for adjustments in the allocation for public housing agencies, after applications for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in Mainstream renewal costs resulting from unforeseen circumstances, and (2) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate the rental assistance for Mainstream families as a result of insufficient funding: Provided further, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary: Provided further, That upon turnover, section 811 special purpose vouchers funded under this heading in this or prior Acts, or under any other heading in prior Acts, shall be provided to non-elderly persons with disabilities;
(5) Of the amounts provided under paragraph (1) up to $5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD–VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: Provided, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD–VASH program: Provided further, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: Provided further, That such assistance shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the HUD–VASH program: Provided further, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding by the Secretary that any
such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: \textit{Provided further}, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: \textit{Provided further}, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under the Tribal HUD–VASH program under prior Acts to existing recipients under the Tribal HUD–VASH program;

(6) $50,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: \textit{Provided}, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing
agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $30,000,000 shall be made available for the family unification program as authorized under section 8(x) of the Act: Provided, That the amounts made available under this paragraph are provided as follows:
(A) $5,000,000 shall be for new incremental voucher assistance: Provided, That the assistance made available under this subparagraph shall continue to remain available for family unification upon turnover; and

(B) $25,000,000 shall be for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B): Provided, That assistance made available under this subparagraph shall continue to remain available for such eligible youth upon turnover: Provided further, That of the total amount made available under this subparagraph, up to $15,000,000 shall be available on a noncompetitive basis to public housing agencies that partner with public child welfare agencies to identify such eligible youth, that request such assistance to timely assist such eligible youth, and that meet any other criteria as specified by the Secretary: Provided further, That the Secretary shall review utilization of the assistance made available under the preceding proviso, at an interval to be determined by the Secretary, and unutilized voucher assistance that is no longer
needed shall be recaptured by the Secretary and
reallocated pursuant to the preceding proviso:

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

(8) $75,000,000 shall be for incremental rental
voucher assistance under section 8(o) of the United
States Housing Act of 1937 for voucher families
with young children and for related mobility services,
of which up to $16,000,000 may be for one-time eli-
gible expenses defined by notice to facilitate the leas-
ing of such vouchers (such as security deposit assist-
ance and other costs related to the retention and
support of participating owners) and for mobility re-
lated services that enable families receiving such
voucher assistance to move to lower-poverty areas:
Provided, That in awarding amounts under this paragraph, the Secretary shall: (A) consider need and administrative capacity; (B) ensure geographic diversity, including with respect to rural areas; and (C) give preference to applicants that provide or will provide preference for individuals and families who are homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), or at risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking; and

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2022 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administra-
tors, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior fiscal years that have been terminated shall be rescinded: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING FUND

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

(1) $5,019,000,000 shall be available to the Secretary to allocate pursuant to the Operating
Fund formula at part 990 of title 24, Code of Federal Regulations, for 2022 payments;

(2) $25,000,000 shall be available to the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to such Operating Fund formula to public housing agencies that experience, or are at risk of, financial shortfalls, as determined by the Secretary: Provided, That after all such shortfall needs are met, the Secretary may distribute any remaining funds to all public housing agencies on a pro-rata basis pursuant to such Operating Fund formula;

(3) $3,615,774,000 shall be available to the Secretary to allocate pursuant to the Capital Fund formula at section 905.400 of title 24, Code of Federal Regulations: Provided, That for funds provided under this paragraph, the limitation in section 9(g)(1) of the Act shall be 25 percent: Provided further, That the Secretary may waive the limitation in the preceding proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: Provided further, That the Secretary shall notify public housing agencies requesting waivers under the preceding proviso if the
request is approved or denied within 14 days of submit-
ming the request: *Provided further,* That from the
funds made available under this paragraph, the Sec-
retary shall provide bonus awards in fiscal year
2022 to public housing agencies that are designated
high performers: *Provided further,* That the Depart-
ment shall notify public housing agencies of their
formula allocation within 60 days of enactment of
this Act;

(4) $75,000,000 shall be available for the Sec-
retary to make grants, notwithstanding section 203
of this title, to public housing agencies for emer-
gency capital needs, including safety and security
measures necessary to address crime and drug-re-
lated activity, as well as needs resulting from unfor-
seen or unpreventable emergencies and natural dis-
asters excluding Presidentially declared emergencies
and natural disasters under the Robert T. Stafford
Disaster Relief and Emergency Act (42 U.S.C. 5121
et seq.) occurring in fiscal year 2022, of which
$45,000,000 shall be available for public housing
agencies under administrative and judicial receiver-
ships or under the control of a Federal monitor:
*Provided,* That of the amount made available under
this paragraph, not less than $10,000,000 shall be
for safety and security measures: Provided further, That in addition to the amount in the preceding proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2023, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

(5) $65,000,000 shall be for competitive grants to public housing agencies to evaluate and reduce residential health hazards in public housing, including lead-based paint (by carrying out the activities of risk assessments, abatement, and interim controls, as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)), carbon monoxide, mold, radon, and fire safety: Provided, That not less than $25,000,000 of the amounts provided under this paragraph shall be awarded for evaluating and reducing lead-based paint hazards: Provided further, That for purposes of environmental review, a grant under this paragraph shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42
U.S.C. 1437x) and shall be subject to the regulations implementing such section: Provided further, That amounts made available under this paragraph shall be combined with amounts made available under the sixth paragraph under this heading in the Consolidated Appropriations Act, 2021 (Public Law 116–260) and shall be used in accordance with the purposes and requirements under this paragraph;

(6) $15,000,000 shall be to support the costs of administrative and judicial receiverships and for competitive grants to PHAs in receivership, designated troubled or substandard, or otherwise at risk, as determined by the Secretary, for costs associated with public housing asset improvement, in addition to other amounts for that purpose provided under any heading under this title; and

(7) $23,000,000 shall be to support ongoing public housing financial and physical assessment activities:

Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2022, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of sec-
tion 9(j) of the Act regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $200,000,000, to remain available until September 30, 2024: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That the use of funds made available under this heading shall not be deemed to be for public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of af-
fordability determined by the Secretary of not fewer than
20 years. Provided further, That grantees shall provide a
match in State, local, other Federal or private funds. Provided
further, That grantees may include local govern-
ments, Tribal entities, public housing agencies, and non-
profit organizations. Provided further, That for-profit de-
velopers may apply jointly with a public entity. Provided
further, That purposes of environmental review, a
grantee shall be treated as a public housing agency under
section 26 of the United States Housing Act of 1937 (42
U.S.C. 1437x), and grants made with amounts available
under this heading shall be subject to the regulations
issued by the Secretary to implement such section. Pro-
vided further, That of the amount provided under this
heading, not less than $100,000,000 shall be awarded to
public housing agencies. Provided further, That such
grantees shall create partnerships with other local organi-
zations, including assisted housing owners, service agen-
cies, and resident organizations. Provided further, That
the Secretary shall consult with the Secretaries of Edu-
cation, Labor, Transportation, Health and Human Serv-
ices, Agriculture, and Commerce, the Attorney General,
and the Administrator of the Environmental Protection
Agency to coordinate and leverage other appropriate Fed-
eral resources. Provided further, That not more than
$5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: Provided further, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: Provided further, That the Secretary shall make grant awards not later than 1 year after the date of enactment of this Act in such amounts that the Secretary determines: Provided further, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2024, obligate any available unobligated balances made available under this heading in this or any prior Act.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2025, $170,000,000: Provided, That the amounts made available under this heading are provided as follows:

(1) $120,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United
States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency: Provided, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (e)(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of such Act, as determined by the Secretary: Provided further, That owners or sponsors of a multifamily property receiving project-based rental assistance under section 8 of such Act may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: Provided further, That such procedures established pursuant to the preceding proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) of such Act and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program;
(2) $35,000,000 shall be for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(3) $15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: Provided, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: Provided further, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: Provided further, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United
States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice.

NATIVE AMERICAN PROGRAMS

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

(1) $772,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: Provided,
That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of NAHASDA with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That the Secretary will notify grantees of their formula allocation within 60 days of the date of enactment of this Act;

(2) $150,000,000 shall be available for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: Provided, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: Provided further, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation of housing: Provided further, That a grant funded pursuant to this paragraph shall be in an amount not less than $500,000 and not greater than $10,000,000: Provided further, That any funds
transferred for the necessary costs of administering
and overseeing the obligation and expenditure of
such additional amounts in prior Acts may also be
used for the necessary costs of administering and
overseeing such additional amount;

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

(4) $70,000,000 shall be available for grants to
Indian tribes for carrying out the Indian Community
Development Block Grant program under title I of
the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety: Provided, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration; and

(5) $7,000,000 shall be available for providing training and technical assistance to Indian tribes, Indian housing authorities, and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: Provided, That of the funds made available under this paragraph, not less than $2,000,000 shall be available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): Provided further, That amounts made available under this paragraph may be used, contracted, or competed as determined
by the Secretary: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $3,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That an additional $500,000, to remain available until expended, shall be available for administrative contract expenses including management
processes to carry out the loan guarantee program: Provided further, That for fiscal year 2022 funds made available in this and prior Acts for the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated, including recaptures and carryover, are available to subsidize total loan principal, any part of which is to be guaranteed, up to $1,400,000,000, to remain available until September 30, 2023.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $15,000,000, to remain available until September 30, 2026: Provided, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts made available under this heading in investment securities and other obligations: Provided further, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.
NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
PROGRAM ACCOUNT
(INCLUDING RESCISSION)

New commitments to guarantee loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), any part of which is to be guaranteed, shall not exceed $28,000,000 in total loan principal: Provided, That the Secretary may enter into commitments to guarantee loans used for refinancing: Provided further, That any unobligated balances, including recaptures and carryover, remaining from amounts made available under this heading in prior Acts and any remaining total loan principal guarantee limitation associated with such amounts in such prior Acts are hereby rescinded.

COMMUNITY PLANNING AND DEVELOPMENT
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $450,000,000, to remain available until September 30, 2023, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2024: Provided, That the Secretary shall renew or replace all expiring contracts for permanent supportive
housing that initially were funded under section 854(c)(5)
of such Act from funds made available under this heading
in fiscal year 2010 and prior fiscal years that meet all
program requirements before awarding funds for new con-
tracts under such section: Provided further, That the proc-
ess for submitting amendments and approving replace-
ment contracts shall be established by the Secretary in a
notice: Provided further, That the Department shall notify
grantees of their formula allocation within 60 days of en-
actment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to States and units of general local
government, and other entities, for economic and commu-
nity development activities, and other purposes,
$4,190,444,000, to remain available until September 30,
2025, unless otherwise specified: Provided, That of the
total amount provided under this heading, $3,550,000,000
is for carrying out the community development block grant
program under title I of the Housing and Community De-
velopment Act of 1974, as amended (42 U.S.C. 5301 et
seq.) (in this heading “the Act”): Provided further, That
unless explicitly provided for under this heading, not to
exceed 20 percent of any grant made with funds made
available under this heading shall be expended for plan-
ning and management development and administration:
Provided further, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but shall use such funds for activities eligible under title I of the Act: Provided further, That notwithstanding section 105(e)(1) of the Act, no funds made available under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2) of section 105: Provided further, That of the total amount provided under this heading, $25,000,000 shall be for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): Provided further, That the funds allocated pursuant to the preceding proviso shall not adversely affect the amount of any formula assistance received by a State under the first proviso: Provided further, That the Secretary shall allocate the funds for such activities based on the notice establishing the funding formula published in 84 FR 16027 (April 17, 2019) except that the formula shall use age-adjusted rates of drug overdose deaths for 2019 based on
data from the Centers for Disease Control and Prevention:

Provided further, That of the total amount made available under this heading, $615,444,000 shall be available for grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Congressionally directed spending in the table entitled “Incorporation of Congressionally Directed Spending for Economic Development Initiatives” included in the explanatory statement accompanying this Act: Provided further, That none of the amounts made available in the preceding proviso shall be used for reimbursement of expenses incurred prior to the obligation of funds: Provided further, That the Department of Housing and Urban Development shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES

PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), during fiscal year 2022, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108:
Provided, That the Secretary shall collect fees from bor-
rowers, notwithstanding subsection (m) of such section
108, to result in a credit subsidy cost of zero for guaran-
teeing such loans, and any such fees shall be collected in
accordance with section 502(7) of the Congressional
Budget Act of 1974: Provided further, That such commit-
ment authority funded by fees may be used to guarantee,
or make commitments to guarantee, notes or other obliga-
tions issued by any State on behalf of non-entitlement
communities in the State in accordance with the require-
ments of such section 108: Provided further, That any
State receiving such a guarantee or commitment under the
preceding proviso shall distribute all funds subject to such
guarantee to the units of general local government in non-
entitlement areas that received the commitment.

HOME INVESTMENT PARTNERSHIPS PROGRAM
For the HOME Investment Partnerships program, as
authorized under title II of the Cranston-Gonzalez Na-
tional Affordable Housing Act, as amended (42 U.S.C.
12721 et seq.), $1,450,000,000, to remain available until
September 30, 2025: Provided, That notwithstanding sec-
tion 231(b) of such Act (42 U.S.C. 12771(b)), all unobli-
gated balances remaining from amounts recaptured pursu-
ant to such section that remain available until expended
shall be combined with amounts made available under this
heading and allocated in accordance with the formula under section 217(b)(1)(A) of such Act (42 U.S.C. 12747(b)(1)(A)): Provided further, That the Department shall notify grantees of their formula allocations within 60 days after enactment of this Act: Provided further, That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in any calendar year from 2016 through 2024 under that section: Provided further, That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction’s HOME Investment Trust Fund in any calendar year from 2018 through 2024 under that section.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), and for related activities and assistance, $65,000,000, to remain available until September 30, 2024: Provided, That the amounts made available under this heading—
(1) $15,000,000 shall be for the Self-Help Homeownership Opportunity Program as authorized under such section 11;

(2) $41,000,000 shall be for the second, third, and fourth capacity building entities specified in section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be for rural capacity building activities: Provided, That for purposes of awarding grants from amounts made available in this paragraph, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations;

(3) $5,000,000 shall be for capacity building by national rural housing organizations having experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofit organizations, local governments, and Indian Tribes serving high need rural communities;

(4) $4,000,000, shall be for a program to rehabilitate and modify the homes of disabled or low-income veterans, as authorized under section 1079 of the Carl Levin and Howard P. “Buck” MeKeon National Defense Authorization Act for Fiscal Year
2015 (38 U.S.C. 2101 note): Provided, That the issuance of a Notice of Funding Opportunity for the amounts made available in this paragraph shall be completed not later than 120 days after enactment of this Act and such amounts shall be awarded not later than 180 days after such issuance.

HOMELESS ASSISTANCE GRANTS

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

(1) $290,000,000 shall be for the Emergency Solutions Grants program authorized under subtitle B of such title IV (42 U.S.C. 11371 et seq.): Provided, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program not later than 60 days after enactment of this Act;

(2) $2,856,000,000 shall be for the Continuum of Care program authorized under subtitle C of such title IV (42 U.S.C. 11381 et seq.) and the Rural Housing Stability Assistance programs authorized under subtitle D of such title IV (42 U.S.C. 11408):
Provided, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: Provided further, That the Secretary shall provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid re-housing services: Provided further, That of the amounts made available for the Continuum of Care program under this paragraph, not less than $52,000,000 shall be for grants for new rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking: Provided further, That amounts made available for the Continuum of Care program under this heading in this Act and any remaining unobligated balances from prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Continuum of Care program, notwithstanding any con-
flict with the requirements of the Continuum of Care program;

(3) $7,000,000 shall be for the national homeless data analysis project: Provided, That notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301–6308), the amounts made available under this paragraph and any remaining unobligated balances under this heading for such purposes in prior Acts may be used by the Secretary to enter into cooperative agreements with such entities as may be determined by the Secretary, including public and private organizations, agencies, and institutions; and

(4) $107,000,000 shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: Provided, That of the amount made available under this paragraph, not less than $25,000,000 shall be for youth homelessness system improvement grants to support communities, including but not limited to the communities assisted under the matter preceding this proviso, in estab-
lishing and implementing a response system for youth homelessness, or for improving their existing system: Provided further, That of the amount made available under this paragraph, up to $10,000,000 shall be to provide technical assistance to communities, including but not limited to the communities assisted in the preceding proviso and the matter preceding such proviso, on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: Provided further, That the Secretary may use up to 10 percent of the amount made available under the preceding proviso to build the capacity of current technical assistance providers or to train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness:

Provided further, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) to
receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: *Provided further*, That persons eligible under section 103(a)(5) of the McKinney-Vento Homeless Assistance Act may be served by any project funded under this heading to provide both transitional housing and rapid re-housing: *Provided further*, That for all matching funds requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That none of the funds made available under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care’s system performance: *Provided further*, That any unobligated amounts remaining from funds made available under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabili-
station projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading in fiscal year 2019 or prior years, except for rental assistance amounts that were recaptured and made available until expended, shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $13,570,000,000, to remain available until expended, shall be available on October 1, 2021 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2021), and $400,000,000, to remain available until expended, shall be available on October 1, 2022: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8
moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this heading: Provided further, That of the total amounts provided under this heading, not to exceed $355,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): Provided further, That the Secretary may also use such amounts in the preceding proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under
section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): Provided further, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: Provided further, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes the Department or a housing finance agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until
expended: *Provided further*, That amounts deposited pursuant to the preceding proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

**HOUSING FOR THE ELDERLY**

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 5-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), and for supportive services associated with the housing, $956,000,000 to remain available until September 30, 2025: *Provided*, That of the amount made available under this heading, up to $125,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That any funding for existing service coordinators under the preceding proviso shall be provided within 120 days of enactment of this Act: *Provided further*, That amounts made
available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2025: Provided further, That amounts deposited in this account pursuant to the preceding proviso shall be available, in addition to the amounts otherwise provided by this heading, for the purposes authorized under this heading: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated: Provided further, That of the total amount made available under this heading, up to $6,000,000 shall
be used by the Secretary to support preservation trans-
actions of housing for the elderly originally developed with
a capital advance and assisted by a project rental assist-
ance contract under the provisions of section 202(e) of the
Housing Act of 1959.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to cap-
ital advance contracts, for supportive housing for persons
with disabilities, as authorized by section 811 of the Cran-
ston-Gonzalez National Affordable Housing Act (42
U.S.C. 8013), for project rental assistance for supportive
housing for persons with disabilities under section
811(d)(2) of such Act, for project assistance contracts
pursuant to subsection (h) of section 202 of the Housing
Act of 1959, as added by section 205(a) of the Housing
and Community Development Amendments of 1978 (Pub-
lic Law 95–557: 92 Stat. 2090), including amendments
to contracts for such assistance and renewal of expiring
contracts for such assistance for up to a 1-year term, for
project rental assistance to State housing finance agencies
and other appropriate entities as authorized under section
811(b)(3) of the Cranston-Gonzalez National Affordable
Housing Act, and for supportive services associated with
the housing for persons with disabilities as authorized by
section 811(b)(1) of such Act, $227,000,000, to remain
available until September 30, 2025: Provided, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: Provided further, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to remain available until September 30, 2025: Provided further, That amounts deposited in this account pursuant to the preceding proviso shall be available in addition to the amounts otherwise provided by this heading for the purposes authorized under this heading: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended,
$57,500,000, to remain available until September 30, 2023, including up to $4,500,000 for administrative contract services: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That for purposes of awarding grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $14,000,000 shall be derived from the Manufactured Housing Fees Trust Fund (established under section 620(e) of such Act (42 U.S.C. 5419(e)): Provided, That not to exceed the total amount appropriated under this
heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2022 so as to result in a final fiscal year 2022 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2022 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Trust Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620 of such Act, for necessary expenses of such Act: Provided further, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.
Federal Housing Administration

Mutual Mortgage Insurance Program Account

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2023: Provided, That during fiscal year 2022, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $1,000,000: Provided further, That the foregoing amount in the preceding proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: Provided further, That for administrative contract expenses of the Federal Housing Administration, $150,000,000, to remain available until September 30, 2023: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2022, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000: Provided further, That notwithstanding the limitation in the
first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), during fiscal year 2022 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2023: Provided, That during fiscal year 2022, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.
Government National Mortgage Association

Guarantees of Mortgage-Backed Securities Loan

Guarantee Program Account

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $900,000,000,000, to remain available until September 30, 2023: Provided, That $36,000,000, to remain available until September 30, 2023, shall be for necessary salaries and expenses of the Office of Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2022, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act (12 U.S.C. 1716 et seq.) shall be credited as offsetting collections to this account.
For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $105,000,000, to remain available until September 30, 2023: Provided, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian Tribes, tribally designated housing entities, or colleges or universities for research projects: Provided further, That with respect to the preceding proviso, such partners to the cooperative agreements shall contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the preceding two provisos, the Secretary shall comply with section 2(b) of the Federal Funding Accountability 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
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.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not oth-
erwise provided for, as authorized by title VIII of the Civil
Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
561 of the Housing and Community Development Act of
1987 (42 U.S.C. 3616a), $85,000,000, to remain available
until September 30, 2023: Provided, That notwithstanding
section 3302 of title 31, United States Code, the Secretary
may assess and collect fees to cover the costs of the Fair
Housing Training Academy, and may use such funds to
develop on-line courses and provide such training: Pro-
vided further, That none of the funds made available under
this heading may be used to lobby the executive or legisla-
tive branches of the Federal Government in connection
with a specific contract, grant, or loan: Provided further,
That of the funds made available under this heading, $1,000,000 shall be available to the Secretary for the cre-
ation and promotion of translated materials and other pro-
grams that support the assistance of persons with limited
English proficiency in utilizing the services provided by
the Department of Housing and Urban Development.

Office of Lead Hazard Control and Healthy Homes

Lead Hazard Reduction

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

(1) $300,000,000 shall be for the award of
grants pursuant to such section 1011, of which not
less than $95,000,000 shall be provided to areas
with the highest lead-based paint abatement needs;

(2) $90,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502
of the Housing and Urban Development Act of
1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards, and mitigating housing-related health and safety hazards in housing of low-income families, of which—

(A) $5,000,000 of such amounts shall be for the implementation of projects in up to five communities that are served by both the Healthy Homes Initiative and the Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes; and

(B) $15,000,000 of such amounts shall be for grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs and renovations to meet the needs of low-income elderly homeowners to enable them to remain in their primary residence: Provided, That of the total amount made available under this subparagraph no less than
$5,000,000 shall be available to meet such needs in communities with substantial rural populations;

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

(4) $5,000,000 shall be for grants for a radon testing and mitigation safety demonstration program (the radon demonstration) in public housing: Provided, That the testing method, mitigation method, or action level used under the radon demonstration shall be as specified by applicable state or local law, if such law is more protective of human health or the environment than the method or level specified by the Secretary:

Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program, or other demonstrations or programs under this heading or under prior appropriations Acts for such purposes under this heading, or under the heading “Housing for the Elderly” under prior Appropriations Acts, shall
be considered to be funds for a special project for purposes of section 305(e) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That each applicant for a grant or cooperative agreement under this heading shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading, except for amounts in paragraphs (2)(B) for home modification repairs and renovations, in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

INFORMATION TECHNOLOGY FUND

For Department-wide and program-specific information technology systems and infrastructure, $300,000,000, to remain available until September 30, 2024, of which up to $40,000,000 shall be for development, modernization, and enhancement activities, including planning for such activities: Provided, That not more than 10 percent of the funds made available under this heading for development, modernization, and enhancement may be obli-
gated until the Secretary submits a plan to the House and
Senate Committees on Appropriations for approval that—
(A) identifies for each development, modernization, and
enhancement project to be funded from available balances,
including carryover: (i) plain language summaries of the
project scope; (ii) the estimated total project cost; and (iii)
key milestones to be met; and (B) identifies for each major
modernization project: (i) the functional and performance
capabilities to be delivered and the mission benefits to be
realized; (ii) the estimated life-cycle cost; (iii) key mile-
stones to be met through the project end date, including
any identified system decommissioning; (iv) a description
of the governance structure for the project and the num-
ber of HUD staff and contractors supporting the project;
and (v) certification from the Chief Information Officer
that each project is compliant with the Department’s en-
terprise architecture, life-cycle management and capital
planning and investment control requirements: Provided
further, That not later than 30 days after the end of each
quarter, the Secretary shall submit an updated report to
the Committees on Appropriations of the House of Rep-
resentatives and the Senate summarizing the status, cost
and plan for all modernization projects; and for each
major modernization project with an approved project
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.

Office of Inspector General

For necessary salaries and expenses of the Office of
Inspector General in carrying out the Inspector General
Act of 1978, as amended, $140,000,000: Provided, That
the Inspector General shall have independent authority
over all personnel issues within this office.

General Provisions—Department of Housing and
Urban Development

(including transfer of funds)

(including rescission)

Sec. 201. Fifty percent of the amounts of budget au-

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

Sec. 202. None of the funds made available by this Act may be used during fiscal year 2022 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

Sec. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

Sec. 204. Section 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535) is amended by adding at the end the following new subsection:
“(u)(1) Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

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

Sec. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

Sec. 206. The Secretary shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

Sec. 207. None of the funds made available by this title may be used for an audit of the Government National
Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

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

“(l) Authority to Transfer Project-Based Assistance and Debt.—

“(1) In general.—Notwithstanding any other provision of law, subject to the conditions listed under this section, the Secretary may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

“(2) Phased transfers.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under paragraph (3).
“(3) CONDITIONS.—The transfer authorized in paragraph (1) is subject to the following conditions:

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

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

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

“(B) The transferring project shall, as determined by the Secretary, be either physically
obsolete or economically nonviable, or be rea-
sonably expected to become economically non-
viable when complying with state or Federal re-
quirements for community integration and re-
duced concentration of individuals with disabil-
ities.

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

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

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

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

“(G) If either the transferring project or
the receiving project or projects meets the con-
dition specified in paragraph (4)(B)(i), any lien
on the receiving project resulting from addi-
tional financing obtained by the owner shall be
subordinate to any lien insured by the Federal
Housing Administration transferred to, or
placed on, such project by the Secretary, except
that the Secretary may waive this requirement
upon determination that such a waiver is nec-
essary to facilitate the financing of acquisition,
construction, and/or rehabilitation of the receiv-
ing project or projects.

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

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

“(4) For purposes of this section—

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

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

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

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

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

“(iv) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as such section existed
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before the enactment of the Cranston-
Gonzales National Affordable Housing Act;

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

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

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

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

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

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

“(iv) interest reduction payments
under section 236 and/or additional assist-
ance payments under section 236(f)(2) of
the National Housing Act (12 U.S.C. 1715z–1);

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

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

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

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

“(5) IMPLEMENTATION.—The Secretary shall implement this subsection by publishing notice in the Federal Register.”.
SEC. 209. Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended by adding the following new subsection:

“(g) Restrictions on Assistance and Eligibility.—

“(1) No assistance shall be provided under section 8 of this Act to any individual who—

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

“(B) is under 24 years of age;

“(C) is not a veteran;

“(D) is unmarried;

“(E) does not have a dependent child;

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

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

“(H) is not otherwise individually eligible, or has parents who, individually or jointly, are
not eligible, to receive assistance under section 8 of this Act.

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

Sec. 210. The funds made available for Native Alaskans under paragraph (1) under the heading “Native American Programs” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005, and only such recipients shall be eligible to apply for funds made available under paragraph (2) of such heading.

Sec. 211. Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding the following subsection:
“(m) MAINTAINING RENTAL ASSISTANCE PROGRAMS DURING THE DISPOSITION OF MULTIFAMILY PROPERTY.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary, and during the process of foreclosure on any property with a contract for rental assistance payments under this section or other programs administered by the Secretary, the Secretary shall maintain any rental assistance payments under this section and other programs that are attached to any dwelling units in the property.

“(2) COST CONSIDERATIONS.—To the extent the Secretary determines, in consultation with the tenants and the local government that such a multifamily property owned or having a mortgage held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

“(A) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments, if applicable, under section 524 of the Multifamily Assisted Housing Reform and
Affordability Act of 1997 (‘MAHRAA’) (42 U.S.C. 1437f note); and

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

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

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

Sec. 212. Public housing agencies that own and operate 400 or fewer public housing units may elect to be ex-
empt from any asset management requirement imposed by
the Secretary in connection with the operating fund rule:
Provided, That an agency seeking a discontinuance of a
reduction of subsidy under the operating fund formula
shall not be exempt from asset management requirements.

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

SEC. 214. No official or employee of the Department
of Housing and Urban Development shall be designated
as an allotment holder unless the Office of the Chief Fi-
nancial Officer has determined that such allotment holder
has implemented an adequate system of funds control and
has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts “Executive Offices”, “Administrative Support Offices”, “Program Offices”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.

SEC. 215. The Secretary shall, for fiscal year 2022, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding opportunity (NOFO) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2022, the Secretary may make the NOFO available only on the Internet at the appropriate Government website or through other electronic media, as determined by the Secretary.

SEC. 216. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations.
SEC. 217. The Secretary is authorized to transfer up to 10 percent or $5,000,000, whichever is less, of funds appropriated for any office under the headings “Administrative Support Offices” or “Program Offices” to any other such office under such headings: Provided, That no appropriation for any such office under such headings shall be increased or decreased by more than 10 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide notification to such Committees 3 business days in advance of any such transfers under this section up to 10 percent or $5,000,000, whichever is less.

SEC. 218. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary, and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or a contract for similar project-based assistance—
(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or 

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

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

(c)(1) Within 15 days of the issuance of the Real Estate Assessment Center ("REAC") inspection, the Secretary shall provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary shall provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner’s appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.
(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

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

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

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

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, who will be obligated to promptly make all required repairs and to accept renewal of the assistance contract if such renewal is offered;

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

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

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies
or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

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

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (‘‘MAHRAA’’); and
(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

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

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

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

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.
The first report shall be submitted to the Senate and House Committees on Appropriations not later than 30 days after the enactment of this Act, and the second report shall be submitted within 180 days of the transmittal of the first report.

Sec. 219. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2022.

Sec. 220. None of the funds made available by this Act and provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, Tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.
SEC. 221. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 222. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Association, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 223. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 224. Amounts made available by this Act that are appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research of the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and that are unexpended at the time of completion of a contract, grant, or cooperative
agreement, may be deobligated and shall immediately be-
come available and may be reobligated in that fiscal year
or the subsequent fiscal year for the research, evaluation,
or statistical purposes for which the amounts are made
available to that Office subject to reprogramming require-
ments in section 234 of this Act.

Sec. 225. None of the funds provided in this Act or
any other Act may be used for awards, including perform-
ance, special act, or spot, for any employee of the Depart-
ment of Housing and Urban Development subject to ad-
ministrative discipline (including suspension from work),
in this fiscal year, but this prohibition shall not be effec-
tive prior to the effective date of any such administrative
discipline or after any final decision over-turning such dis-
cipline.

Sec. 226. With respect to grant amounts awarded
under the heading “Homeless Assistance Grants” for fis-
cal years 2015 through 2022 for the Continuum of Care
(CoC) program as authorized under subtitle C of title IV
of the McKinney-Vento Homeless Assistance Act, costs
paid by program income of grant recipients may count to-
ward meeting the recipient’s matching requirements, pro-
vided the costs are eligible CoC costs that supplement the
recipient’s CoC program.
SEC. 227. (a) From amounts made available under this title under the heading “Homeless Assistance Grants”, the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

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

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

SEC. 229. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.
SEC. 230. None of the amounts made available in this Act may be used to consider Family Self-Sufficiency performance measures or performance scores in determining funding awards for programs receiving Family Self-Sufficiency program coordinator funding provided in this Act.

SEC. 231. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of division L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat. 2897) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–28), notwithstanding the purposes for which such funds were appropriated.

SEC. 232. None of the amounts made available by this Act may be used to prohibit any public housing agency under receivership or the direction of a Federal monitor...
from applying for, receiving, or using funds made available under the heading “Public Housing Fund” for competitive grants to evaluate and reduce lead-based paint hazards in this Act or that remain available and not awarded from prior Acts, or be used to prohibit a public housing agency from using such funds to carry out any required work pursuant to a settlement agreement, consent decree, voluntary agreement, or similar document for a violation of the Lead Safe Housing or Lead Disclosure Rules.

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

Sec. 234. Except as otherwise provided in this Act, none of the funds provided in this title, provided by previous appropriations Acts to the Department of Housing and Urban Development that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury derived by the collection of fees and available to the Department of Housing and Urban Development, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) For Program and Information Technology funds—
(A) initiates or creates a new program, project, or activity;

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

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

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

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

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

(2) For Salaries and Expenses funds—

(A) assigns personnel or hires to support the creation of a new program, project, or activity not previously included in the President’s budget;

(B) increases the personnel or other resources for any program, project, or activity for
which funds have been denied or restricted by
the Congress;

(C) relocates or closes an office; or

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

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

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

(2) for program and information technology
funds, a delineation in the table for each appropria-
tion and its respective prior year enacted level by program, project, and activity as detailed in this Act, the explanatory statement accompanying this Act, accompanying reports of the House and Senate Committees on Appropriations, or the budget appendix for the respective appropriation, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget authority is provided;

(3) for salaries and expenses funds, an organizational chart for each office that includes detail to the branch level, and clearly identifies those “organizational units” to which paragraph (2) shall be applied; and

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

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

(1) in the initial undesignated matter, by striking “and ‘Public Housing Operating Fund’” and inserting “, ‘Public Housing Operating Fund’, and ‘Public Housing Fund’”;
(2) in the second proviso, by striking “2024” and inserting “2028”;

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

(4) after the fourth proviso, by inserting the following new provisos: “Provided further, That at properties with assistance under section 9 of the Act requesting to partially convert such assistance, and where an event under section 18 of the Act occurs that results in the eligibility for tenant protection vouchers under section 8(o) of the Act, the Secretary may convert the tenant protection voucher assistance to assistance under a project-based subsidy contract under section 8 of the Act, which shall be eligible for renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, or assistance under section 8(o)(13) of the Act, so long as the property meets any additional requirements established by the Secretary to facilitate conversion: Provided further, That to facilitate the conversion of assistance under the preceding proviso, the Secretary may transfer an amount equal to the total amount that would have been allocated for tenant protection voucher assistance for properties that have requested such conversions from amounts made
available for tenant protection voucher assistance
under the heading ‘Tenant-Based Rental Assistance’
to the heading ‘Project-Based Rental Assistance’:

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

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

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

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

(7) by striking the twenty-first proviso, as reor-
dered above, and inserting the following four pro-
visos: “Provided further, That owners of properties
assisted under section 101 of the Housing and
Urban Development Act of 1965, section 236(f)(2)
of the National Housing Act, or section 8(e)(2) of
the United States Housing Act of 1937, for which
an event after October 1, 2006 has caused or results
in the termination of rental assistance or afford-
ability restrictions and the issuance of tenant protec-
tion vouchers under section 8(o) of the Act shall be
eligible, subject to requirements established by the
Secretary, for conversion of assistance available for
such vouchers or assistance contracts to assistance
under a long term project-based subsidy contract
under section 8 of the Act: Provided further, That
owners of properties with a project rental assistance
contract under section 202(c)(2) of the Housing Act
of 1959 shall be eligible, subject to requirements es-
tablished by the Secretary, including but not limited
to the subordination, restructuring, or both, of any
capital advance documentation, including any note,
mortgage, use agreement or other agreements, evi-
dencing or securing a capital advance previously pro-
vided by the Secretary under section 202(c)(1) of
the Housing Act of 1959 as necessary to facilitate
the conversion of assistance while maintaining the
affordability period and the designation of the prop-
erty as serving elderly persons, and tenant consulta-
tion procedures, for conversion of assistance avail-
able for such assistance contracts to assistance
under a long term project-based subsidy contract
under section 8 of the Act: Provided further, That owners of properties with a project rental assistance contract under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act, shall be eligible, subject to requirements established by the Secretary, including but not limited to the subordination, restructuring, or both, of any capital advance documentation, including any note, mortgage, use agreement or other agreements, evidencing or securing a capital advance previously provided by the Secretary under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act as necessary to facilitate the conversion of assistance while maintaining the affordability period and the designation of the property as serving persons with disabilities, and tenant consultation procedures, for conversion of assistance contracts to assistance under a long term project-based subsidy contract under section 8 of the Act: Provided further, That long term project-based subsidy contracts under section 8 of the Act which are established under this Second Component shall have a term of no less than 20 years, with rent adjustments only by an operating cost factor established by the Secretary, which shall be eligible for renewal under section 524 of the Multifamily Assisted
Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), or, subject to agreement of the administering public housing agency, to assistance under section 8(o)(13) of the Act, to which the limitation under subsection (B) of section 8(o)(13) of the Act shall not apply and for which the Secretary may waive or alter the provisions of subparagraphs (C) and (D) of section 8(o)(13) of the Act:”; (8) after the twenty-fifth proviso, as reordered above, by inserting the following new proviso: “Provided further, That the Secretary may waive or alter the requirements of section 8(c)(1)(A) of the Act for contracts provided to properties converting assistance from section 202(c)(2) of the Housing Act of 1959 or section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act as necessary to ensure the ongoing provision and coordination of services or to avoid a reduction in project subsidy:”; and (9) in the thirty-first proviso, as reordered above, by— (A) striking “heading ‘Housing for the Elderly’” and inserting “headings ‘Housing for the Elderly’ and ‘Housing for Persons with Disabilities’”; and
(B) inserting “or section 811 project rental assistance contract” after “section 202 project rental assistance contract”.

SEC. 237. In this fiscal year, if the Secretary determines or has determined that, in any prior formula allocation administered by the Secretary under any account under the headings “Public and Indian Housing”, “Community Planning and Development” and “Housing Programs” under this title, a recipient received an allocation larger than the amount such recipient should have received for a formula allocation cycle pursuant to applicable statutes and regulations, the Secretary may adjust for any such funding error from available balances in the next feasible formula allocation cycle by (a) offsetting each such recipient’s formula allocation (if eligible for a formula allocation in such subsequent cycle) by the amount of any such funding error; and (b) re-allocating the offset amount to the recipient or recipients that would have been allocated the funds in the cycle in which any such error occurred (if eligible for a formula allocation under such subsequent cycle) in an amount proportionate to such subsequent cycle’s formula amount or formula component amount: Provided, That all offsets and reallocations from such available balances shall be recognized in the fiscal year of such adjustments instead of the fiscal year of any
error, notwithstanding any inconsistent fiscal year ac-
counting or other requirements: Provided further, That if,
upon request by a recipient and giving consideration to
all Federal resources available to the recipient for that
purpose, the Secretary determines that the offset in such
subsequent formula allocation would critically impair the
recipient’s ability to accomplish the purpose of the grant,
the Secretary may adjust for the funding error in two or
more formula cycles and reallocate such offset amounts
in accordance with (b) in the matter preceding the first
proviso.

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

(b) Emergency.—Amounts repurposed pursuant to
this section that were previously designated by the Con-
gress as an emergency requirement pursuant to the Bal-
anced Budget and Emergency Deficit Control Act of 1985
are designated by the Congress as an emergency require-
ment pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022 and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

SEC. 240. Notwithstanding any other provision of law, including section 208 of the National Housing Act (12 U.S.C. 1714 (Taxation Provisions)), as of the enactment of this provision, no 1 to 4 unit property with a mortgage insured, guaranteed, made, or held by the Secretary of Housing and Urban Development shall be subject as priming lien securing repayment of to a new residential Property Assessed Clean Energy (PACE or R-PACE) loan or equivalent financing without the PACE loan or equivalent financing provider obtaining prior written consent from the Secretary of HUD, subject to such terms and conditions as the Secretary may prescribe: Provided, That any new residential Property Assessed Clean Energy (PACE or R-PACE) loan or equivalent financing
that is entered into by a PACE Provider absent such consent shall be deemed void ab initio and the PACE Provider shall bear all costs associated with the transactions with no recourse against the homeowner resulting from the PACE transaction, including all costs incurred by any holder of an insured or guaranteed mortgage or the Secretary in obtaining good and marketable title: Provided further, That any Property Assessed Clean Energy (PACE or R-PACE) assessments will not have a lien priority above a lien for any mortgage insured, guaranteed, made, or held by the Secretary of Housing and Urban Development.

Sec. 241. (a) With respect to the funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading “Homeless Assistance Grants” in the Department of Housing and Urban Development Appropriations Act, 2021 (Public Law 116–260), under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a), or in this title, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to applications by or awards for projects to be carried out—
(1) on or off reservation or trust lands for
awards made to Indian tribes or tribally designated
housing entities; or

(2) on reservation or trust lands for awards
made to eligible entities as defined in section 401 of
the McKinney-Vento Homeless-Assistance Act (42

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

(1) applications for projects to be carried out
on reservations or trust land shall contain a certifi-
cation of consistency with an approved Indian hous-
ing plan developed under section 102 of the Native
American Housing Assistance and Self-Determi-
nation Act (NAHASDA) (25 U.S.C. 4112), notwith-
standing section 106 of the Cranston-Gonzalez Na-
tional Affordable Housing Act (42 U.S.C. 12706)
and section 403 of the McKinney-Vento Homeless
Assistance Act (42 U.S.C. 11361);
(2) Indian tribes and tribally designated housing entities that are recipients of awards for projects on reservations or trust land shall certify that they are following an approved housing plan developed under section 102 of NAHASDA (25 U.S.C. 4112); and

(3) a collaborative applicant for a Continuum of Care whose geographic area includes only reservation and trust land is not required to meet the requirement in section 402(f)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(2)).

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2022”.

TITLE III
RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792), $9,750,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 46107), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; and uniforms or allowances therefore, as authorized by sections 5901 and 5902 of title 5, United States Code, $32,869,000: Provided, That not to exceed $3,500 shall be for official reception and representation expenses.
For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $26,248,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in such Act, to investigate allegations of fraud, including false statements to the Government under section 1001 of title 18, United States Code, by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the National Railroad Passenger Corporation:
Passenger Corporation: Provided further, That concurrent with the President’s budget request for fiscal year 2023, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2023 in similar format and substance to budget requests submitted by executive agencies of the Federal Government.

**NATIONAL TRANSPORTATION SAFETY BOARD**

**SALARIES AND EXPENSES**

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code, $123,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses: Provided, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.
NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $163,000,000: Provided, That an additional $3,000,000, to remain available until September 30, 2025, shall be for the promotion and development of shared equity housing models.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by section 3109 of title 5, United States Code, $39,152,000: Provided, That, notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the amounts made available under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2022, to result in a final appropriation from the general fund estimated at not more than $37,902,000.
For necessary expenses, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code, of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,800,000.
TITLE IV

GENERAL PROVISIONS—THIS ACT

Sec. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Sec. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

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

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

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

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

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

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

Sec. 405. Except as otherwise provided in this Act, none of the funds provided in titles I or III of this Act, provided by previous appropriations Acts to the agencies or entities funded in titles I or III of this Act that remain available for obligation or expenditure in fiscal year 2022, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by titles I or III of this Act, shall be available for obliga-
tion or expenditure through a reprogramming of funds that—

(1) creates a new program;

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

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

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

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

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

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

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

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement accompanying this Act, accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is
provided, as well as to discretionary grants and
discretionary grant allocations; and

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

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

Sec. 407. No funds in this Act may be used to sup-
port any Federal, State, or local projects that seek to use
the power of eminent domain, unless eminent domain is
employed only for a public use: Provided, That for pur-
poses of this section, public use shall not be construed to
include economic development that primarily benefits pri-
ivate entities: Provided further, That any use of funds for
mass transit, railroad, airport, seaport or highway
projects, as well as utility projects which benefit or serve
the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

Sec. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Sec. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application
for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

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

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

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

Sec. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport
Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

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

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the
Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

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

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

Sec. 417. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General’s access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General’s right of access.
(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

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

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Sec. 418. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.
SEC. 419. (a) Section 4117 and subsections (a) and (b) of section 4195 of title 25, United States Code are amended by striking “2013” and inserting “2023”.

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

(e) Section 1715z–13a(i)(5)(C) of title 12, United States Code, is amended by striking “2012” and inserting “2023”.
TITLE V

REFORMING DISASTER RECOVERY ACT

SHORT TITLE

Sec. 501. This title may be cited as the “Reforming Disaster Recovery Act”.

FINDINGS

Sec. 502. Congress finds that—

(1) following a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the subset of communities that are most impacted and distressed as a result of the disaster face critical social, economic, and environmental obstacles to recovery, including insufficient public and private resources to address disaster-related housing and community development needs for lower income households and distressed communities;

(2) unmet disaster recovery needs, including housing assistance needs, can be especially widespread among persons with extremely low, low, and moderate incomes;

(3) economic, social, and housing hardships that affect communities before disasters are exacerbated during crises and can delay and complicate
long-term recovery, especially after catastrophic
major disasters;

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

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

(6) undertaking activities that mitigate the ef-
teffects of future natural disasters and extreme weath-
er and increase the stock of affordable housing, in-
cluding affordable rental housing, as part of long-
term recovery can significantly reduce future fiscal
and social costs, especially within high-risk areas,
and can help to address outstanding housing and
community development needs by creating jobs and
providing other economic and social benefits within
communities that further promote recovery and resil-
ience; and

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

DEFINITIONS

SEC. 503. In this Act:

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

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

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

DUTIES OF THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

SEC. 504. (a) IN GENERAL.—The offices and officers
of the Department shall be responsible for—
(1) leading and coordinating the disaster-related responsibilities of the Department under the National Response Framework, the National Disaster Recovery Framework, and the National Mitigation Framework;

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

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

(4) collaborating with the Federal Emergency Management Agency, the Small Business Administration, and across the Department to align disaster-related regulations and policies, including incorporation of consensus-based codes and standards and insurance purchase requirements, and ensuring coordi-
nation and reducing duplication among other Federal disaster recovery programs;

(5) promoting best practices in mitigation and land use planning, including consideration of traditional, natural, and nature-based infrastructure alternatives;

(6) coordinating technical assistance, including mitigation, resiliency, and recovery training and information on all relevant legal and regulatory requirements, to entities that receive disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) that demonstrate capacity constraints; and

(7) supporting State, Tribal, and local governments in developing, coordinating, and maintaining their capacity for disaster resilience and recovery, and developing pre-disaster recovery and hazard mitigation plans, in coordination with the Federal Emergency Management Agency and other Federal agencies.

(b) Establishment of the Office of Disaster Management and Resiliency.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following:
'Office of Disaster Management and Resiliency.—

“(1) Establishment.—There is established, in the Office of the Secretary, the Office of Disaster Management and Resiliency.

“(2) Duties.—The Office of Disaster Management and Resiliency shall—

“(A) be responsible for oversight and coordination of all departmental disaster preparedness and response responsibilities; and

“(B) coordinate with the Federal Emergency Management Agency, the Small Business Administration, and the Office of Community Planning and Development and other offices of the Department in supporting recovery and resilience activities to provide a comprehensive approach in working with communities.”.

LONG-TERM DISASTER RECOVERY FUND

Sec. 505. (a) Establishment.—There is established in the Treasury of the United States an account to be known as the Long-Term Disaster Recovery Fund.

(b) Deposits, Transfers, and Credit.—

(1) In General.—The Fund shall consist of amounts appropriated, transferred, and credited to the Fund.
(2) Transfers.—The following may be transferred to the Fund:

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

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

(3) Use of transferred amounts.—

Amounts transferred to the Fund shall be used for the eligible uses described in subsection (c).

(c) Eligible uses of Fund.—

(1) In general.—Amounts in the Fund shall be available—

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

(B) for activities of the Department that support the provision of such assistance, includ-
ing necessary salaries and expenses, information technology, capacity building and technical assistance (including assistance related to pre-disaster planning), and readiness and other pre-disaster planning activities that are not readily attributable to a single major disaster.

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

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

(A) may be transferred to the account under the heading for “Program Offices—Community Planning and Development”, or any successor account, for the Department to carry out activities described in paragraph (1)(B); and

(B) may be used for the activities described in paragraph (1)(B) and for the administrative costs of administering any funds appropriated to the Department under the heading “Community Planning and Development—Community Development Fund” for any major
disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in any Act before the establishment of the Fund.

(d) **INTERCHANGEABILITY OF prior ADMINISTRATIVE AMOUNTS.**—Any amounts appropriated in any Act prior to the establishment of the Fund and transferred to the account under the heading “Program Offices Salaries and Expenses—Community Planning and Development”, or any predecessor account, for the Department for the costs of administering funds appropriated to the Department under the heading “Community Planning and Development—Community Development Fund” for any major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be available for the costs of administering any such funds provided by any prior or future Act, notwithstanding the purposes for which those amounts were appropriated and in addition to any amount provided for the same purposes in other appropriations Acts.

(e) **AVAILABILITY OF AMOUNTS.**—Amounts appropriated, transferred and credited to the Fund shall remain available until expended.
(f) **FORMULA ALLOCATION.**—Use of amounts in the Fund for grants shall be made by formula allocation in accordance with the requirements of section 123(a) of the Housing and Community Development Act of 1974, as added by section 506.

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

**ESTABLISHMENT OF CDBG DISASTER RECOVERY PROGRAM**

Sec. 506. Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

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

(A) in paragraph (20)—

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

(ii) in subparagraph (C), as so redesignated, by inserting “or (B)” after “sub-

paragraph (A)”; and
(iii) by inserting after subparagraph (A) the following:

“(B) The term ‘persons of extremely low income’ means families and individuals whose income levels do not exceed household income levels determined by the Secretary under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)(C)), except that the Secretary may provide alternative definitions for the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.”; and

(B) by adding at the end the following:

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

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

(A) in subparagraph (A)—

(i) by striking “declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)”;
(ii) inserting “States for use in non-
entitlement areas and to” before “metrop-
olitan cities”; and

(iii) inserting “major” after “affected
by the”; (B) in subparagraph (C)—

(i) by striking “metropolitan city or”
and inserting “State, metropolitan city,
or”; (ii) by striking “city or county” and
inserting “State, city, or county”; and

(iii) by inserting “major” before “dis-
aster”; (C) in subparagraph (D), by striking “met-
ropolitan cities and” and inserting “States,
metropolitan cities, and”; (D) in subparagraph (F)—

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

(ii) by inserting “major” before “dis-
aster”; and (E) in subparagraph (G), by striking “met-
ropolitan city or” and inserting “State, metro-
politan city, or”; and
(3) in section 122 (42 U.S.C. 5321), by striking “disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.)” and inserting “major disaster”; and

(4) by adding at the end the following:

“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM.

“(a) Authorization, formula, and allocation.—

“(1) Authorization.—The Secretary is authorized to make community development block grant disaster recovery grants from the Long-Term Disaster Recovery Fund established under section 505 of the Reforming Disaster Recovery Act (hereinafter referred to as the ‘Fund’) for necessary expenses for activities authorized under subsection (f)(1) related to disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a catastrophic major disaster.

“(2) Grant awards.—Grants shall be awarded under this section to States, units of general local government, and Indian tribes based on capacity and
the concentration of damage, as determined by the
Secretary, to support the efficient and effective ad-
ministration of funds.

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

“(4) FEDERAL REGISTER NOTICE.—

“(A) IN GENERAL.—Not later than 30
days after the date of enactment of this section,
the Secretary shall issue a notice in the Federal
Register containing the latest formula allocation
methodologies used to determine the total esti-
mate of unmet needs related to housing, eco-

demic revitalization, and infrastructure in the
most impacted and distressed areas resulting
from a catastrophic major disaster.

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

“(i) the methodologies described in
subparagraph (A) and seek alternative
methods for formula allocation within a
similar total amount of funding;
“(ii) the impact of formula methodologies on rural areas and Tribal areas;

“(iii) adjustments to improve targeting to the most serious needs;

“(iv) objective criteria for grantee capacity and concentration of damage to inform grantee determinations and minimum allocation thresholds; and

“(v) research and data to inform an additional amount to be provided for mitigation depending on type of disaster, which shall be no more than 30 percent of the total estimate of unmet needs.

“(5) REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula to allocate assistance from the Fund to the most impacted and distressed areas resulting from a catastrophic major disaster.

“(B) FORMULA REQUIREMENTS.—The formula established under subparagraph (A) shall—

“(i) set forth criteria to determine that a major disaster is catastrophic, which criteria shall consider the presence of a
high concentration of damaged housing or
businesses that individual, State, Tribal,
and local resources could not reasonably be
expected to address without additional
Federal assistance, or other nationally en-
compassing data that the Secretary deter-
mines are adequate to assess relative im-
 pact and distress across geographic areas.

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

“(iii) include an allocation calculation
that considers the unmet serious needs re-
sulting from the catastrophic major dis-
aster and an additional amount up to 30
percent for activities to reduce risks of loss
resulting from other natural disasters in
the most impacted and distressed area, pri-
marily for the benefit of low- and mod-
erate-income persons, with particular focus
on activities that reduce repetitive loss of
property and critical infrastructure; and
“(iv) establish objective criteria for periodic review and updates to the formula to reflect changes in available science and data.

“(C) MINIMUM ALLOCATION THRESHOLD.—The Secretary shall, by regulation, establish a minimum allocation threshold.

“(D) INTERIM ALLOCATION.—Until such time that the Secretary issues final regulations under this paragraph, the Secretary shall—

“(i) allocate assistance from the Fund using the formula allocation methodology published in accordance with paragraph (4); and

“(ii) include an additional amount for mitigation equal to 15 percent of the total estimate of unmet need.

“(6) ALLOCATION OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) except as provided in clause (ii), not later than 90 days after the President declares a major disaster, use best available data to determine whether the major disaster is catastrophic and qualifies for assistance under the formula in paragraph
(4) or (5), unless data is insufficient to make this determination; and

“(ii) if the best available data is insufficient to make the determination required under clause (i) within the 90-day period described in that clause, the Secretary shall determine whether the major disaster qualifies when sufficient data becomes available, but in no case shall the Secretary make the determination later than 120 days after the declaration of the major disaster.

“(B) ANNOUNCEMENT OF ALLOCATION.—If amounts are available in the Fund at the time the Secretary determines that the major disaster is catastrophic and qualifies for assistance under the formula in paragraph (4) or (5), the Secretary shall immediately announce an allocation for a grant under this section.

“(C) ADDITIONAL AMOUNTS.—If additional amounts are appropriated to the Fund after amounts are allocated under subparagraph (B), the Secretary shall announce an allocation or additional allocation (if a prior allocation under subparagraph (B) was less than
the formula calculation) within 15 days of any
such appropriation.

“(7) PRELIMINARY FUNDING.—

“(A) IN GENERAL.—To speed recovery, the
Secretary is authorized to allocate and award
preliminary grants from the Fund before mak-
ing a determination under paragraph (6) if the
Secretary projects, based on a preliminary as-

essment of impact and distress, that a major
disaster is catastrophic and would likely qualify
for funding under the formula in paragraph (4)
or (5).

“(B) AMOUNT.—

“(i) MAXIMUM.—The Secretary may
award preliminary funding under subpara-

graph (A) in an amount that is not more
than $5,000,000.

“(ii) SLIDING SCALE.—The Secretary
shall, by regulation, establish a sliding
scale for preliminary funding awarded
under subparagraph (A) based on the size
of the preliminary assessment of impact
and distress.
“(C) Use of Funds.—The uses of preliminary funding awarded under subparagraph (A) shall be limited to eligible activities that—

“(i) in the determination of the Secretary, will support faster recovery, improve the ability of the grantee to assess unmet recovery needs, plan for the prevention of improper payments, and reduce fraud, waste, and abuse; and

“(ii) may include evaluating the interim housing, permanent housing, and supportive service needs of the disaster impacted community, with special attention to vulnerable populations, such as homeless and low- to moderate-income households, to inform the grantee action plan required under subsection (c).

“(D) Consideration of Funding.—Preliminary funding awarded under subparagraph (A)—

“(i) is not subject to the certification requirements of paragraph (h)(1); and

“(ii) shall not be considered when calculating the amount of the grant used for administrative costs, technical assistance,
and planning activities that are subject to
the requirements under subsection (f)(2).

“(E) Waiver.—To expedite the use of
preliminary funding for activities described in
this paragraph, the Secretary may waive re-
quirements of this section in accordance with
subsection (i).

“(F) Amended Award.—

“(i) In general.—An award for pre-
liminary funding under subparagraph (A)
may be amended to add any subsequent
amount awarded because of a determina-
tion by the Secretary that a major disaster
is catastrophic and qualifies for assistance
under the formula.

“(ii) Applicability.—Notwith-
standing subparagraph (D), amounts pro-
vided by an amendment under clause (i)
are subject to the requirements under sub-
sections (h)(1) and (f)(1) and other re-
quirements on grant funds under this sec-
tion.

“(G) Technical Assistance.—Concur-
rent with the allocation of any preliminary
funding awarded under this paragraph, the Sec-
Secretary shall assign or provide technical assistance to the recipient of the grant.

“(b) INTERCHANGEABILITY.—The Secretary—

“(1) is authorized to approve the use of grants under this section to be used interchangeably and without limitation for the same activities in the most impacted and distressed areas resulting from a declaration of another catastrophic major disaster that qualifies for assistance under the formula established under paragraph (4) or (5) of subsection (a); and

“(2) shall establish requirements to expedite the use of grants under this section for the purpose described in paragraph (1).

“(c) GRANTEE PLANS.—

“(1) REQUIREMENT.—Not later than 90 days after the date on which the Secretary announces a grant allocation under this section, unless an extension is granted by the Secretary, the grantee shall submit to the Secretary a plan for approval describing—

“(A) the activities the grantee will carry out with the grant under this section;

“(B) the criteria of the grantee for awarding assistance and selecting activities;
“(C) how the use of the grant under this section will address disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas

“(D) how the use of the grant funds for mitigation is consistent with hazard mitigation plans submitted to the Federal Emergency Management Agency under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

“(E) the estimated amount proposed to be used for activities that will benefit persons of low- and moderate-income;

“(F) how the use of grant funds will repair and replace existing housing stock for vulnerable populations, including low- to moderate-income households;

“(G) how the grantee will address the priorities described in paragraph (5);

“(H) how uses of funds are proportional to unmet needs, as required under paragraph (5);

“(I) for State grantees that plan to distribute grant amounts to units of general local
government, a description of the method of dis-
tribution; and

“(J) such other information as may be de-
determined by the Secretary in regulation.

“(2) PUBLIC CONSULTATION.—To permit pub-
lic examination and appraisal of the plan described
in paragraph (1), to enhance the public account-
ability of grantees, and to facilitate coordination of
activities with different levels of government, when
developing the plan or substantial amendments pro-
posed to the plan required under paragraph (1), a
grantee shall—

“(A) publish the plan before adoption;

“(B) provide citizens, affected units of
general local government, and other interested
parties with reasonable notice of, and oppor-
tunity to comment on, the plan, with a public
comment period of not less than 14 days;

“(C) consider comments received before
submission to the Secretary;

“(D) follow a citizen participation plan for
disaster assistance adopted by the grantee that,
at a minimum, provides for participation of
residents of the most impacted and distressed
area affected by the major disaster that re-
resulted in the grant under this section and other
considerations established by the Secretary; and

“(E) undertake any consultation with inter-
ested parties as may be determined by the
Secretary in regulation.

“(3) APPROVAL.—The Secretary shall—

“(A) by regulation, specify criteria for the
approval, partial approval, or disapproval of a
plan submitted under paragraph (1), including
approval of substantial amendments to the
plan;

“(B) review a plan submitted under para-
graph (1) upon receipt of the plan;

“(C) allow a grantee to revise and resub-
mit a plan or substantial amendment to a plan
under paragraph (1) that the Secretary dis-
approves;

“(D) by regulation, specify criteria for
when the grantee shall be required to provide
the required revisions to a disapproved plan or
substantial amendment under paragraph (1) for
public comment prior to resubmission of the
plan or substantial amendment to the Sec-
retary; and
“(E) approve, partially approve, or dis-
approve a plan or substantial amendment under
paragraph (1) not later than 60 days after the
date on which the plan or substantial amend-
ment is received by the Secretary.

“(4) Low- and moderate-income overall
benefit.—

“(A) Use of funds.—Not less than 70
percent of a grant made under this section shall
be used for activities that benefit persons of low
and moderate income unless the Secretary—

“(i) specifically finds that—

“(I) there is compelling need to
reduce the percentage for the grant;
and

“(II) the housing needs of low-
and moderate-income residents have
been addressed; and

“(ii) issues a waiver and alternative
requirements pursuant to subsection (i) to
lower the percentage.

“(B) Regulations.—The Secretary shall,
by regulation, establish protocols consistent
with the findings of section 502 of the Reform-
ing Disaster Recovery Act to prioritize the use
of funds by a grantee under this section to meet
the needs of low- and moderate-income persons
and businesses serving primarily persons of low
and moderate income.

“(5) PRIORITY.—The grantee shall prioritize activities that—

“(A) assist persons with extremely low, low, and moderate incomes and other vulnerable populations to better recover from and with-stand future disasters, emphasizing those with the most severe needs;

“(B) address affordable housing, including affordable rental housing, needs arising from a disaster or those needs present prior to a dis-aster;

“(C) prolong the life of housing and infra-
structure;

“(D) use cost-effective means of preventing harm to people and property and incorporate protective features, redundancies, energy sav-
ings; and

“(E) other measures that will assure the continuation of critical services during future disasters.

“(6) PROPORTIONAL ALLOCATION.—
“(A) IN GENERAL.—A grantee under this section shall allocate grant funds proportional to unmet needs between housing activities, economic revitalization, and infrastructure, unless the Secretary—

“(i) specifically finds that—

“(I) there is a compelling need for a disproportional allocation among those unmet needs; and

“(II) the disproportional allocation described in subclause (I) is not inconsistent with the requirements under paragraph (4); and

“(ii) issues a waiver and alternative requirement pursuant to subsection (i) to allow for the disproportional allocation described in clause (i)(I).

“(B) HOUSING ACTIVITIES.—With respect to housing activities described in subparagraph (A)(i), grantees should address proportional needs between homeowners and renters, including low-income households in public housing and federally subsidized housing.

“(7) DISASTER RISK MITIGATION.—
“(A) DEFINITION.—In this paragraph, the term ‘hazard-prone areas’—

“(i) means areas identified by the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, at risk from natural hazards that threaten property damage or health, safety, and welfare, such as floods, wildfires (including Wildland-Urban Interface areas), earthquakes, lava inundation, tornados, and high winds; and

“(ii) includes areas having special flood hazards as identified under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) or the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(B) HAZARD-PRONE AREAS.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish minimum construction standards, insurance purchase requirements, and other requirements for the use of grant funds in hazard-prone areas.
“(C) Special flood hazards.—For the areas described in subparagraph (A)(ii), the insurance purchase requirements established under subparagraph (B) shall meet or exceed the requirements under section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(a)).

“(D) Consideration of future risks.—The Secretary may consider future risks to protecting property and health, safety, and general welfare, and the likelihood of those risks, when making the determination of or modification to hazard-prone areas under this paragraph.

“(8) Relocation.—

“(A) In general.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to activities assisted under this section to the extent determined by the Secretary in regulation, or as provided in waivers and alternative requirements authorized in accordance with subsection (i).
“(B) Policy.—Each grantee under this section shall establish a relocation assistance policy that—

“(i) minimizes displacement and describes the benefits available to persons displaced as a direct result of acquisition, rehabilitation, or demolition in connection with an activity that is assisted by a grant under this section; and

“(ii) includes any appeal rights or other requirements that the Secretary establishes by regulation.

“(d) Certifications.—Any grant under this section shall be made only if the grantee certifies to the satisfaction of the Secretary that—

“(1) the grantee is in full compliance with the requirements under subsection (c)(2);

“(2) for grants other than grants to Indian tribes, the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Fair Housing Act (42 U.S.C. 3601 et seq.);

“(3) the projected use of funds has been developed so as to give maximum feasible priority to activities that will benefit extremely low-, low-, and
moderate-income families and activities described in subsection (e)(5), and may also include activities that are designed to aid in the prevention or elimination of slum and blight to support disaster recovery, meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs, and alleviate future threats to human populations, critical natural resources, and property that an analysis of hazards shows are likely to result from natural disasters in the future;

“(4) the grant funds shall principally benefit persons of low and moderate income as described in subsection (e)(4);

“(5) for grants other than grants to Indian tribes, within 24 months of receiving a grant or at the time of its 3 or 5-year update, whichever is sooner, the grantee will review and make modifications to its non-disaster housing and community development plans and strategies required by subsections (e) and (m) of section 104 to reflect the disaster recovery needs identified by the grantee and consistency with the plan under subsection (e)(1);
“(6) the grantee will not attempt to recover any capital costs of public improvements assisted in whole or part under this section by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless—

“(A) funds received under this section are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this chapter; or

“(B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that the grantee lacks sufficient funds received under this section to comply with the requirements of subparagraph (A);
“(8) the grantee will follow a relocation assistance policy that includes any minimum requirements identified by the Secretary; and

“(9) the grantee will adhere to construction standards, insurance purchase requirements, and other requirements for development in hazard-prone areas described in subsection (e)(7).

“(e) PERFORMANCE REVIEWS AND REPORTING.—

“(1) IN GENERAL.—The Secretary shall, on not less frequently than an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether a grantee under this section has—

“(A) carried out activities using grant funds in a timely manner;

“(B) met the performance targets established by paragraph (2);

“(C) carried out activities using grant funds in accordance with the requirements of this section, the other provisions of this title that apply to assistance under this section, and other applicable laws; and

“(D) a continuing capacity to carry out activities in a timely manner.
“(2) PERFORMANCE TARGETS.—The Secretary shall develop and make publicly available critical performance targets for review, which shall include spending thresholds for each year from the date on which funds are obligated by the Secretary to the grantee until such time all funds have been expended.

“(3) FAILURE TO MEET TARGETS.—

“(A) SUSPENSION.—If a grantee under this section fails to meet 1 or more critical performance targets under paragraph (2), the Secretary may temporarily suspend the grant.

“(B) PERFORMANCE IMPROVEMENT PLAN.—If the Secretary suspends a grant under subparagraph (A), the Secretary shall provide to the grantee a performance improvement plan with the specific requirements needed to lift the suspension within a defined time period.

“(C) REPORT.—If a grantee fails to meet the spending thresholds established under paragraph (2), the grantee shall submit to the Secretary, the appropriate committees of Congress, and each member of Congress who represents a district or State of the grantee a written report

identifying technical capacity, funding, or other Federal or State impediments affecting the ability of the grantee to meet the spending thresholds.

“(4) COLLECTION OF INFORMATION AND REPORTING.—

“(A) REQUIREMENT TO REPORT.—A grantee under this section shall provide to the Secretary such information as the Secretary may determine necessary for adequate oversight of the grant program under this section.

“(B) PUBLIC AVAILABILITY.—Subject to subparagraph (D), the Secretary shall make information submitted under subparagraph (A) available to the public and to the Inspector General for the Department of Housing and Urban Development, disaggregated by income, geography, and all classes of individuals protected under section 109.

“(C) SUMMARY STATUS REPORTS.—To increase transparency and accountability of the grant program under this section the Secretary shall, on not less frequently than an annual basis, post on a public facing dashboard sum-
mary status reports for all active grants under this section that includes—

“(i) the status of funds by activity;

“(ii) the percentages of funds allocated and expended to benefit low- and moderate-income communities;

“(iii) performance targets, spending thresholds, and accomplishments; and

“(iv) other information the Secretary determines to be relevant for transparency.

“(D) CONSIDERATIONS.—In carrying out this paragraph, the Secretary—

“(i) shall take such actions as may be necessary to ensure that personally identifiable information regarding applicants for assistance provided from funds made available under this section is not made publicly available; and

“(ii) may make full and unredacted information available to academic institutions for the purpose of researching into the equitable distribution of recovery funds and adherence to civil rights protections.

“(f) ELIGIBLE ACTIVITIES.—
“(1) IN GENERAL.—Activities assisted under this section—

“(A) may include activities permitted under section 105 or other activities permitted by the Secretary by waiver or alternative requirement pursuant to subsection (i); and

“(B) shall be related to disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from the major disaster for which the grant was awarded.

“(2) PROHIBITION.—Grant funds under this section may not be used for costs reimbursable by, or for which funds have been made available by, the Federal Emergency Management Agency or the United States Army Corps of Engineers.

“(3) ADMINISTRATIVE COSTS, TECHNICAL ASSISTANCE AND PLANNING.—

“(A) IN GENERAL.—The Secretary shall establish in regulation the maximum grant amounts a grantee may use for administrative costs, technical assistance and planning activities, taking into consideration size of grant, complexity of recovery, and other factors as de-
terminated by the Secretary, but not to exceed 10 percent for administration and 20 percent in total.

“(B) Availability.—Amounts available for administrative costs for a grant under this section shall be available for eligible administrative costs of the grantee for any grant made under this section, without regard to a particular disaster.

“(4) Program Income.—Notwithstanding any other provision of law, any grantee under this section may retain program income that is realized from grants made by the Secretary under this section if the grantee agrees that the grantee will utilize the program income in accordance with the requirements for grants under this section, except that the Secretary may—

“(A) by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with this paragraph creates an unreasonable administrative burden on the grantee; or

“(B) permit the grantee to transfer remaining program income to the other grants of
the grantee under this title upon closeout of the
grant.

“(5) Prohibition on use of assistance for
employment relocation activities.—

“(A) In general.—Grants under this sec-
tion may not be used to assist directly in the
relocation of any industrial or commercial plant,
facility, or operation, from one area to another
area, if the relocation is likely to result in a sig-
nificant loss of employment in the labor market
area from which the relocation occurs.

“(B) Applicability.—The prohibition
under subparagraph (A) shall not apply to a
business that was operating in the disaster-de-
clared labor market area before the incident
date of the applicable disaster and has since
moved, in whole or in part, from the affected
area to another State or to a labor market area
within the same State to continue business.

“(6) Requirements.—Grants under this sec-
tion are subject to the requirements of this section,
the other provisions of this title that apply to assist-
ance under this section, and other applicable laws,
unless modified by waivers and alternative require-
ments in accordance with subsection (i).
“(g) ENVIRONMENTAL REVIEW.—

“(1) ADOPTION.—A recipient of funds provided under this section that uses the funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), 428, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5173, 5174(c)(4), 5189f, 5192) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and that adoption shall satisfy the responsibilities of the recipient with respect to the environmental review, approval, or permit under section 104(g)(1).

“(2) APPROVAL OF RELEASE OF FUNDS.—Notwithstanding section 104(g)(2), the Secretary or a State may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project to be assisted under this section if the recipient has adopted an environmental review, approval, or permit under paragraph (1) or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
“(3) Units of general local government.—The provisions of section 104(g)(4) shall apply to assistance under this section that a State distributes to a unit of general local government.

“(h) Financial Controls and Procedures.—

“(1) In general.—The Secretary shall develop requirements and procedures to demonstrate that a grantee under this section—

“(A) has adequate financial controls and procurement processes;

“(B) has adequate procedures to detect and prevent fraud, waste, abuse and duplication of benefit; and

“(C) maintains a comprehensive and publicly accessible website.

“(2) Certification.—Before making a grant under this section, the Secretary shall certify that the grantee has in place proficient processes and procedures to comply with the requirements developed under paragraph (1), as determined by the Secretary.

“(3) Compliance before allocation.—The Secretary may permit a State, unit of general local government, or Indian tribe to demonstrate compliance with the requirements for adequate financial
controls developed under paragraph (1) before a disaster occurs and before receiving an allocation for a grant under this section.

“(4) Duplication of Benefits.—

“(A) In General.—Funds made available under this subsection shall be used in accordance with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254), and such rules as may be prescribed under such section 312.

“(B) Penalties.—In any case in which the use of grant funds under this section results in a prohibited duplication of benefits, the grantee shall—

“(i) apply an amount equal to the identified duplication to any allowable costs of the award consistent with actual, immediate cash requirement;

“(ii) remit any excess amounts to the Secretary to be credited to the obligated, undisbursed balance of the grant con-
sistent with requirements on Federal pay-
ments applicable to such grantee; and

“(iii) if excess amounts under clause
(ii) are identified after the period of per-
formance or after the closeout of the
award, remit such amounts to the Sec-
retary to be credited to the Fund.

“(C) FAILURE TO COMPLY.—A grantee
that fails to comply with subparagraph (A)
shall be subject to remedies for noncompliance
under section 111, unless the Secretary pub-
lishes a determination in the Federal Register
that it is not in the best interest of the Federal
Government to pursue remedial actions.

“(i) WAIVERS.—

“(1) IN GENERAL.—In administering grants
under this section, the Secretary may waive, or
specify alternative requirements for, any provision of
any statute or regulation that the Secretary admin-
isters in connection with the obligation by the Sec-
retary or the use by the grantee of those funds (ex-
cept for requirements related to fair housing, non-
discrimination, labor standards, the environment,
and the requirements of this section that do not ex-
pressly authorize modifications by waiver or alter-
native requirement), if the Secretary makes a public finding that good cause exists for the waiver or alternative requirement and the waiver or alternative requirement would not be inconsistent with the findings in section 502 of the Reforming Disaster Recovery Act.

“(2) EFFECTIVE DATE.—A waiver or alternative requirement described in paragraph (1) shall not take effect before the date that is 5 days after the date of publication of the waiver or alternative requirement on the website of the Department of Housing and Urban Development or the effective date for any regulation published in the Federal Register.

“(3) PUBLIC NOTIFICATION.—The Secretary shall notify the public of all waivers described in paragraph (1) in accordance with the requirements of section 7(q)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)(3)).

“(j) UNUSED AMOUNTS.—

“(1) DEADLINE TO USE AMOUNTS.—A grantee under this section shall use an amount equal to the grant within 6 years beginning on the date on which the Secretary obligates the amounts to the grantee,
as such period may be extended under paragraph (4).

“(2) Recapтуре.—The Secretary shall recapтуре and credit to the Fund any amount that is unused by a grantee under this section upon the earlier of—

“(A) the date on which the grantee notifies the Secretary that the grantee has completed all activities identified in the disaster grantee’s plan under subsection (c); or

“(B) the expiration of the 6-year period described in paragraph (1), as such period may be extended under paragraph (4).

“(3) Retention of Funds.—Notwithstanding paragraph (1), the Secretary may allow a grantee under this section to retain—

“(A) amounts needed to close out grants; and

“(B) up to 10 percent of the remaining funds to support maintenance of the minimal capacity to launch a new program in the event of a future disaster and to support pre-disaster long-term recovery and mitigation planning.

“(4) Extension of Period for Use of Funds.—The Secretary may extend the 6-year pe-
period described in paragraph (1) by not more than 4 years, or not more than 6 years for mitigation activities, if—

“(A) the grantee submits to the Secretary—

“(i) written documentation of the exigent circumstances impacting the ability of the grantee to expend funds that could not be anticipated; or

“(ii) a justification that such request is necessary due to the nature and complexity of the program and projects; and

“(B) the Secretary submits a written justification for the extension to the Committees on Appropriations of Senate and the House of Representatives that specifies the period of that extension.”.

REGULATIONS

SEC. 507. (a) PROPOSED RULES.— Following consultation with the Federal Emergency Management Agency, the Small Business Administration, and other Federal agencies, not later than 6 months after the date of enactment of this Act, the Secretary shall issue proposed rules to carry out this Act and the amendments made by this
Act and shall provide a 90-day period for submission of public comments on those proposed rules.

(b) Final Rules.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue final regulations to carry out section 123 of the Housing and Community Development Act of 1974, as added by section 506.

COORDINATION OF DISASTER RECOVERY ASSISTANCE, BENEFITS, AND DATA WITH OTHER FEDERAL AGENCIES

Sec. 508. (a) Coordination of Disaster Recovery Assistance.—In order to ensure a comprehensive approach to Federal disaster relief, long-term recovery, restoration of housing and infrastructure, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a catastrophic major disaster, the Secretary shall coordinate with the Federal Emergency Management Agency, to the greatest extent practicable, in the implementation of assistance authorized under section 123 of the Housing and Community Development Act of 1974, as added by section 506.

(b) Data Sharing Agreements.—To support the coordination of data to prevent duplication of benefits with other Federal disaster recovery programs while also expediting recovery and reducing burden on disaster survivors, the Department shall establish data sharing agreements
that safeguard privacy with relevant Federal agencies to ensure disaster benefits effectively and efficiently reach intended beneficiaries, while using effective means of preventing harm to people and property.

(c) DATA TRANSFER FROM FEMA AND SBA TO HUD.—As permitted and deemed necessary for efficient program execution, and consistent with a computer matching agreement entered into under subsection (f)(1), the Administrator of the Federal Emergency Management Agency and the Administrator of the Small Business Administration shall provide data on disaster applicants to the Department, including, when necessary, personally identifiable information, disaster recovery needs, and resources determined eligible for, and amounts expended, to the Secretary for all major disasters declared by the President pursuant to section 401 of Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the purpose of providing additional assistance to disaster survivors and prevent duplication of benefits.

(d) DATA TRANSFERS FROM HUD TO HUD GRANTEES.—The Secretary is authorized to provide to grantees under section 123 of the Housing and Community Development Act of 1974, as added by section 506, offices of the Department, technical assistance providers, and lenders information that in the determination of the Secretary
is reasonably available and appropriate to inform the provision of assistance after a major disaster, including information provided to the Secretary by the Administrator of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, or other Federal agencies.

(e) **DATA TRANSFERS FROM HUD GRANTEES TO HUD, FEMA, AND SBA.**—

(1) **REPORTING.**—Grantees under section 123 of the Housing and Community Development Act of 1974, as added by section 506, shall report information requested by the Secretary on households, businesses, and other entities assisted and the type of assistance provided.

(2) **SHARING INFORMATION.**—The Secretary shall share information collected under paragraph (1) with the Federal Emergency Management Agency, the Small Business Administration, and other Federal agencies to support the planning and delivery of disaster recovery and mitigation assistance.

(f) **PRIVACY PROTECTION.**—The Secretary may make and receive data transfers authorized under this section, including the use and retention of that data for computer matching programs, to inform the provision of assistance, assess disaster recovery needs, and prevent the duplication
of benefits and other waste, fraud, and abuse, provided that—

(1) the Secretary enters a computer matching agreement with the Administrator of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, or other Federal agencies covering the transfer of data;

(2) the Secretary publishes intent to disclose data in the Federal Register;

(3) notwithstanding paragraphs (1) and (2), section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), or any other law, the Secretary is authorized to share data with an entity identified in subsection (d), and the entity is authorized to use the data as described in this section, if the Secretary enters a data sharing agreement with the entity before sharing or receiving any information under transfers authorized by this section, which data sharing agreement shall—

(A) in the determination of the Secretary, include measures adequate to safeguard the privacy and personally identifiable information of individuals; and

(B) include provisions that describe how the personally identifiable information of an in-
individual will be adequately safeguarded and protected, which requires consultation with the Secretary and the head of each Federal agency the data of which is being shared subject to the agreement.

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022”.

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