S. 4670

Making appropriations for the Departments of Transportation, and Housing
and Urban Development, and related agencies for the fiscal year ending
September 30, 2023, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

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, 2023, 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, 2023, and for other purposes, namely:
For necessary expenses of the Office of the Secretary, $171,014,000: Provided, That of the sums appropriated under this heading—

(1) $3,569,000 shall be available for the immediate Office of the Secretary;

(2) $1,277,000 shall be available for the immediate Office of the Deputy Secretary;

(3) $28,089,000 shall be available for the Office of the General Counsel;

(4) $17,469,000 shall be available for the Office of the Under Secretary of Transportation for Policy, of which $2,000,000 is for the Office for Multimodal Freight Infrastructure and Policy;

(5) $21,026,000 shall be available for the Office of the Assistant Secretary for Budget and Programs;

(6) $3,968,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs;

(7) $41,399,000 shall be available for the Office of the Assistant Secretary for Administration;
(8) $5,727,000 shall be available for the Office of Public Affairs and Public Engagement;
(9) $2,312,000 shall be available for the Office of the Executive Secretariat;
(10) $15,533,000 shall be available for the Office of Intelligence, Security, and Emergency Response;
(11) $29,195,000 shall be available for the Office of the Chief Information Officer; and
(12) $1,450,000 shall be available for the Office of Tribal Government Affairs:

Provided further, 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, $48,396,000, of which $33,718,000 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, regulation, 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 Assistant Secretary for Research and Technology of the Department of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out a local and regional project assistance grant program under section 6702 of title 49, United States Code, $1,090,000,000, to remain available until expended: Provided, That section 6702(f)(2) of title 49, United States Code, shall not apply
to amounts made available under this heading in this Act:

Provided further, That of amounts made available under this heading in this Act, not less than $20,000,000 shall be awarded to projects in historically disadvantaged communities or areas of persistent poverty as defined under section 6702(a)(1) of title 49, United States Code: Provided further, That section 6702(g) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: Provided further, That of the amounts made available under this heading in this Act not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects: Provided further, That grants awarded under this heading in this Act for eligible projects for planning, preparation, or design shall not be subject to a minimum grant size: Provided further, That in distributing amounts made available under this heading in this Act, 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 section 6702(c)(2)(C) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: Provided further, That a grant award under this heading in this Act shall
be not greater than $45,000,000: Provided further, That section 6702(c)(3) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: Provided further, That not more than 15 percent of the amounts made available under this heading in this Act may be awarded to projects in a single State: Provided further, That for amounts made available under this heading in this Act, 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 section 6702(f)(1) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: Provided further, That of the amounts awarded under this heading in this Act, not more than 50 percent shall be allocated for eligible projects located in rural areas and not more than 50 percent shall be allocated for eligible projects located in urbanized areas: Provided further, That for the purpose of determining if an award for planning, preparation, or design under this heading in this Act is an urban award, the project location is the location of the project being planned, prepared, or designed: Provided further, That the Secretary may retain up to 2 percent of the amounts made available under this heading in this Act, and may transfer portions of such amounts to the Administrators of the
Federal Aviation Administration, 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 program authorized under section 6702 of title 49, United States Code: Provided further, That for amounts made available under this heading in this Act, the Secretary shall consider and award projects based solely on the selection criteria as identified under section 6702(d)(3) and (d)(4) of title 49, United States Code.

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, $8,850,000, 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.

INFRASTRUCTURE ADVANCEMENT INITIATIVE FOR THRIVING COMMUNITIES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide technical assistance and cooperative agreements for planning and capacity building for transportation infrastructure improvements as established in section 21205 of Public Law 117–58 and under the heading “Thriving Communities Initiative” in division L of Public Law 117–103, $25,000,000, to remain available until September 30, 2025: Provided, That the Secretary may enter into cooperative agreements with philanthropic entities, non-profit organizations, other Federal agencies, State or local governments and their agencies, Indian Tribes, or other technical assistance providers, to provide technical assistance, planning, and capacity building to State, local, or Tribal governments, United States territories, metropolitan planning organizations, transit agencies, or other political subdivisions of State or local governments: Provided further, That to be eligible for a cooperative agreement under this heading, a recipient shall provide assistance to entities described
in the preceding proviso on engaging in public planning processes with residents, local businesses, non-profit organizations, and to the extent practicable, philanthropic organizations, educational institutions, or other community stakeholders: *Provided further,* That such cooperative agreements shall facilitate the planning and development of transportation and community revitalization activities supported by the Department of Transportation under titles 23, 46, and 49, United States Code, that increase mobility, support economic growth, alleviate supply chain congestion, improve safety, reduce pollution from transportation sources, expand affordable transportation options, facilitate efficient land use, preserve or expand jobs, enhance connections to health care, education, and food security, or improve health outcomes: *Provided further,* That the Secretary may prioritize assistance provided with amounts made available under this heading to communities that have disproportionate rates of pollution and poor air quality, communities experiencing disproportionate effects (as defined by Executive Order No. 12898), rural areas, Tribal communities, Native Alaskan communities, Native Hawaiian communities, areas of persistent poverty as defined in section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: *Provided further,* That the preceding proviso shall not pre-
vent the Secretary from providing assistance with amounts made available under this heading to entities described in the first proviso under this heading that request assistance: Provided further, That planning and technical assistance made available under this heading may include preapplication assistance for capital projects eligible under titles 23, 46, and 49, United States Code: Provided further, That the Secretary may retain amounts made available under this heading for the necessary administrative expenses of (1) developing and disseminating best practices, modeling, and cost-benefit analysis methodologies to assist entities described in the first proviso under this heading with applications for financial assistance programs under titles 23, 46, and 49, United States Code, and (2) award, administration, and oversight of cooperative agreements to carry out the provisions under this heading: Provided further, That any amounts made available for section 21205 of Public Law 117–58 in this Act or unobligated balances from prior Acts may be transferred to this account: Provided further, That amounts transferred to this account under the preceding proviso shall not be subject to other provisos under this heading: Provided further, That the Secretary may transfer amounts made available under this heading among the Office of the Secretary and the oper-
Railroad Rehabilitation and Improvement Financing Program

The Secretary is authorized to issue direct loans and loan guarantees pursuant to chapter 224 of title 49, United States Code, and 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, 2024.

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, $48,100,000, to remain available until September 30, 2024.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $17,014,000.
TRANSPORTATION PLANNING, RESEARCH, AND
DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation
planning, research, systems development, development ac-
tivities, and making grants, $36,543,000, to remain avail-
able until expended: Provided, That of such amount,
$5,436,000 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 ex-
penses 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 agen-
cies provide funding to the Department in accordance with
the preceding proviso: Provided further, That of the
amounts made available under this heading, $12,914,000
shall be made available for the purposes, and in amounts,
specified for Congressionally Directed Spending in the
table entitled “Congressionally Directed Spending” in-
For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $505,285,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the limitation in the preceding proviso on operating expenses shall not apply to entities external to the Department of Transportation or for funds provided in Public Law 117–58: 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 majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: Provided further, That no assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.
SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $5,132,000, to remain available until September 30, 2024: 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, $368,727,000, 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: Provided further, That, notwithstanding section 41733 of title 49, United States Code, for fiscal year 2023, the requirements established under subparagraphs (B) and (C) of section 41731(a)(1) of title 49, United States Code, and the subsidy cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, shall not apply to maintain eligibility under section 41731 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, and for the purchase of electric passenger motor vehicles and necessary supporting charging or fueling infrastructure, $16,000,000, to remain available until expended: Pro-
vided, That such amounts made available under this heading may be transferred to other accounts of the Department of Transportation for the purposes of this heading.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

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 reim-
bursements 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 transit and van pool benefits, in an amount not to exceed 10 percent of fiscal year 2023 collections, shall be available until expended in the Department’s Working Capital Fund to provide contractual services in support of section 189 of this Act: Provided, That obligations in fiscal year 2023 of such collections shall not exceed $1,000,000.
SEC. 105. None of the funds in this title 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 de-
scription 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 necessary ex-
penses of the Volpe National Transportation Systems Cen-
ter, as authorized in section 328 of title 49, United States
Code, $4,500,000, to remain available until expended.

Sec. 109. (a) The remaining unobligated balances,
as of September 30, 2022, from amounts made available
for the “Department of Transportation—Office of the
Secretary—National Infrastructure Investments” in divi-
sion H of the Further Consolidated Appropriations Act,
2020 (Public Law 116–94) are hereby permanently re-
scinded, and an amount of additional new budget author-
ity equivalent to the amount rescinded is hereby appro-
priated on September 30, 2022, to remain available until
September 30, 2024, and shall be available, without addi-
tional competition, for completing the funding of awards
made pursuant to the fiscal year 2020 national infrastruc-
ture investments program.

(b) The remaining unobligated balances, as of Sep-
tember 30, 2022, from amounts made available in section
105 of division L of the Consolidated Appropriations Act,
2021 (Public Law 116–260) are hereby permanently re-
scinded, and an amount of additional new budget author-
ity equivalent to the amount rescinded is hereby appro-
priated on September 30, 2022, to remain available until
September 30, 2024, and shall be available, without addi-
tional competition, for completing the funding of awards
made pursuant to the fiscal year 2019 national infrastruc-
ture investments program.

(c) This section shall become effective immediately
upon enactment of this Act.

(d) If this Act is enacted after September 30, 2022,
this section shall be applied as if it were in effect on Sep-
tember 30, 2022.

SEC. 109A. (a) Amounts made available to the Sec-
retary of Transportation or the Department of Transpor-
tation’s operating administrations in this Act or in Public
Law 117–103 for the costs of award, administration, or
oversight of financial assistance under the programs iden-
tified in subsection (c) may be transferred to the account
identified in section 801 of division J of Public Law 117–
58, to remain available until expended, for the necessary
expenses of award, administration, or oversight of any fi-
nancial assistance programs in the Department of Trans-
portation.

(b) Amounts transferred under the authority in this
section are available in addition to amounts otherwise
available for such purpose.
(c) The programs from which funds made available under this Act or in Public Law 117–103 may be transferred under subsection (a) are:

(1) the local and regional project assistance program under section 6702 of title 49, United States Code; and

(2) the Transportation Resilience and Adaptation Centers of Excellence program under section 520 of title 23, United States Code.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, $11,900,821,000, to remain available until September 30, 2024, of which $9,933,821,000 to be derived from the Airport and Airway
Trust Fund: Provided, That of the sums appropriated under this heading—

(1) not less than $1,601,842,000 shall be available for aviation safety activities;

(2) $8,787,490,000 shall be available for air traffic organization activities;

(3) $35,854,000 shall be available for commercial space transportation activities;

(4) $915,049,000 shall be available for finance and management activities;

(5) $158,118,000 shall be available for security and hazardous materials safety activities;

(6) $58,135,000 shall be available for research and development activities;

(7) $41,465,000 shall be available for integration and engagement activities; and

(8) $302,868,000 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 fur-
ther, 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 collect-
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 oper-
ation 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: Pro-
vided further, That of the amounts made available under
this heading, not less than $188,000,000 shall be used to
fund direct operations of the current air traffic control
towers in the contract tower program, including the con-
tact 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)

(INVOKE TRANSFER OF FUNDS)

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, $3,060,000,000, of which $570,000,000 is for personnel and related expenses and shall remain available until September 30, 2024, $2,311,000,000 shall remain available until September 30, 2025, and $179,000,000 is for terminal facilities and shall remain available until September 30, 2027: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That 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 2024 through 2028, 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: Provided further, That section 405 of this Act shall apply to amounts made available under this heading in title VIII of the Infrastructure Investments and Jobs Appropriations Act (division J of Public Law 117–58):
Provided further, That the amounts in the table entitled “Allocation of Funds for FAA Facilities and Equipment from the Infrastructure Investment and Jobs Act—Fiscal Year 2023” in the explanatory statement accompanying this Act shall be the baseline for application of reprogramming and transfer authorities for the current fiscal year pursuant to paragraph (7) of such section 405 for amounts referred to in the preceding proviso: Provided further, That, notwithstanding paragraphs (5) and (6) of such section 405, unless prior approval is received from the House and Senate Committees on Appropriations, not to exceed 10 percent of any funding level specified for projects and activities in the table referred to in the preceding proviso may be transferred to any other funding level specified for projects and activities in such table and no transfer of such funding levels may increase or decrease any funding level in such table by more than 10 percent: Provided further, That of the amounts made available under this heading for terminal facilities, $45,000,000 shall be made available for the purposes, and in amounts, specified for Congressionally Directed Spending in the table entitled “Congressionally Directed Spending” included in the explanatory statement accompanying this Act.
RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

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, $266,100,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2025: 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 reprogram-
mring of funds under section 405 of this Act and shall not
be available for obligation or expenditure except in compli-
ance 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 com-
patibility planning and programs as authorized under sub-
chapter I of chapter 471 and subchapter I of chapter 475
of title 49, United States Code, and under other law au-
thorizing 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 safe-
ty 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 2023, notwithstanding 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: Provided 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 section for subgrants or paragraph (3) of such section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multiphased 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 $137,372,000 shall be available for administration, not less than $15,000,000 shall be available for the Airport Cooperative Research Program, not less than $40,828,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the
Small Community Air Service Development Program: Provided further, That in addition to airports eligible under section 41743 of title 49, United States Code, such program 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 Airports”, to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, $516,951,000, to remain available through September 30, 2025: 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 sums appropriated under this heading—

(1) $116,951,000 shall be made available for the purposes, and in amounts, specified for Congressionally Directed Spending in the table entitled
“Congressionally Directed Spending” included in the explanatory statement accompanying this Act; and

(2) up to $400,000,000 shall be made available to the Secretary to distribute as discretionary grants to airports, of which not less than $25,000,000 shall be made available to any commercial service airport, notwithstanding the requirement for the airport to be located in an air quality nonattainment or maintenance area in section 47102(3)(K) and 47102(3)(L) of title 49, United States Code, for work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, other related air quality improvements, acquisition of airport-owned vehicles or ground support equipment with low-emission technology:

Provided further, That the Secretary may make discretionary grants to primary airports for airport-owned infrastructure required for the on-airport distribution, blending, or storage of sustainable aviation fuels that achieve at least a 50 percent reduction in lifecycle greenhouse gas emissions, using a methodology determined by the Secretary, including, but not limited to, on-airport construction or expansion of pipelines, rail lines and spurs, loading and off-loading facilities, blending facilities, and storage tanks: Provided further, That the Secretary may make dis-
cretionary grants for airport development improvements of
runways, taxiways, and aprons necessary to sustain com-
mercial service flight operations at a nonhub, small hub,
medium hub, or large hub airport to increase resilience
for the purpose of resuming flight operations under visual
flight rules following an earthquake, flooding, high water,
hurricane, storm surge, tidal wave, tornado, tsunami, wind
driven water, or winter storms: 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 devel-
opment center contract between the Federal Aviation Ad-
ministration and the Center for Advanced Aviation Sys-
tems Development during fiscal year 2023.
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 available 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 registration 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 Gov-
ernment 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 Fed-
eral 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 ex-
plains 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 busi-
ness days in advance.

Sec. 119A. None of the funds made available by or
limited by this Act may be used to change weight restric-
tions 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. 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 noncontiguous States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $473,535,991 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 authorized Federal-aid highway and highway safety construction programs shall not exceed total obligations
of $58,764,510,674 for fiscal year 2023: Provided, That
the limitation on obligations under this heading shall only
apply to contract authority authorized from the Highway
Trust Fund (other than the Mass Transit Account), un-
less otherwise specified in law.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying
out authorized Federal-aid highway and highway safety
construction programs, $59,503,510,674 shall be derived
from the Highway Trust Fund (other than the Mass Tran-
sit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

There is hereby appropriated to the Secretary
$3,159,652,000: 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
2023 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 au-
thorized under section 1069(y) of Public Law 102–240;
(3) the nationally significant Federal lands and Tribal
projects program under section 1123 of the FAST Act,
as amended (23 U.S.C. 201 note); (4) the Tribal high pri-
ority projects program under section 1123 of MAP–21 (as
amended by Public Law 117–58); (5) the Northern Bor-
der Regional Commission (40 U.S.C. 15101 et seq.); or
(6) the Denali Commission, and shall not affect the dis-
tribution 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 and the Denali Commission, section 11101(e)
of Public Law 117–58 shall apply to funds made available
under this heading: Provided further, That unless other-
wise specified, amounts made available under this heading
shall be available until September 30, 2026, and shall not
be subject to any limitation on obligations for Federal-aid
highways or highway safety construction programs set
forth in any Act making annual appropriations: Provided
further, That of the sums appropriated under this head-
ing—

    (1) $628,652,000 shall be for the purposes, and
in the amounts, specified for Congressionally Di-
rected Spending in the table entitled “Congression-
ally Directed Spending” included in the explanatory
statement accompanying this Act: Provided, That,
except as otherwise provided under this heading, the
funds made available under this paragraph shall be
administered as if apportioned under chapter 1 of

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title 23, United States Code: Provided further, That funds made available under this paragraph 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), (c), and (e) of section 202 of such title, and section 1123(h)(1) of MAP–21 (as amended by Public Law 117–58), shall not apply to such funds;

(2) $100,000,000 shall be for necessary expenses for construction of the Appalachian Development Highway System, as authorized under section 1069(y) of Public Law 102–240: Provided, That for the purposes of funds made available under this paragraph, 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, except as provided in the following proviso, funds made available under
this heading for construction of the Appalachian De-
velopment Highway System shall be administered as
if apportioned under chapter 1 of title 23, United
States Code: Provided further, That a project carried
out with funds made available under this heading for
construction of the Appalachian Development High-
way 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 Devel-
opment Highway System shall be apportioned to Ap-
palachian States according to the percentages de-
derived from the 2012 Appalachian Development
Highway System Cost-to-Complete Estimate, adopt-
ed 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 completion of an Appalachian Development
Highway System corridor, 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 Appalachian 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;

(3) $51,000,000 shall be for the nationally significant Federal lands and Tribal projects program under section 1123 of the FAST Act, as amended (23 U.S.C. 201 note);

(4) $25,000,000 shall be to carry out the Tribal high priority projects program under section 1123 of MAP–21 (as amended by Public Law 117–58);

(5) $1,382,000,000 shall be for a bridge replacement and rehabilitation program: Provided,
That, for the purposes of funds made available under this paragraph, the term “State” means any of the 50 States or the District of Columbia and 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 paragraph, 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 paragraph 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 paragraph—

(A) no qualifying State shall receive more than $60,000,000;
(B) each State shall receive an amount not
less than $6,000,000; and

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

Provided further, That the funds made available
under this paragraph shall be used for highway
bridge replacement or rehabilitation projects on pub-
lic roads: Provided further, That for purposes of this
paragraph, the Secretary shall calculate the percent-
ages of total deck area of bridges (including the per-
centages of total deck area classified as in poor con-
dition) 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 fur-
ther, That, except as otherwise provided under this
heading, the funds made available under this para-
graph shall be administered as if apportioned under
chapter 1 of title 23, United States Code;

(6) $16,000,000 shall be for the national scenic
byways program under section 162 of title 23,
United States Code: Provided, That, except as other-
wise provided under this heading, the funds made
available under this paragraph shall be administered
as if apportioned under chapter 1 of title 23, United
States Code;

(7) $10,000,000 shall be transferred to the
Northern Border Regional Commission (40 U.S.C.
15101 et seq.) to make grants, in addition to
amounts otherwise made available to the Northern
Border Regional Commission for such purpose, to
carry out pilot projects that demonstrate the capa-
bilities of wood-based infrastructure projects: Pro-
vided, That a grant made with funds made available
under this paragraph shall be administered in the
same manner as a grant made under subtitle V of
title 40, United States Code;

(8) $250,000,000 shall be for competitive
awards for activities eligible under section 176(d)(4)
of title 23, United States Code, of which
$200,000,000 shall be for such activities eligible
under subparagraph (A) of such section, and of
which $50,000,000 shall be for such activities eligi-
ble under subparagraph (C) of such section: Pro-
vided, That, except as otherwise provided under this
heading, the funds made available under this para-
graph shall be administered as if apportioned under
chapter 1 of title 23, United States Code: Provided further, That, except as otherwise provided under this heading, funds made available under this paragraph shall be administered as if made available to carry out section 176(d) of such title: Provided further, That, for purposes of the calculation under section 176(d)(5)(G)(ii) of such title, amounts made available under this paragraph shall be included in the calculation of the total amount provided for fiscal year 2023 under section 176(d) of such title: Provided further, That for purposes of applying the set-asides under section 176(d)(5)(H)(ii) and (iii) of such title, amounts made available under this paragraph for competitive awards for activities eligible under sections 176(d)(4)(A) and 176(d)(4)(C) of such title shall be included in the calculation of the amounts made available to carry out section 176(d) of such title for fiscal year 2023: Provided further, That, the Secretary may retain not more than a total of 5 percent of the amounts made available under this paragraph to carry out this paragraph and to review applications for grants under this paragraph, and may transfer portions of the funds retained under this proviso to the relevant Administrators to fund the award and oversight of grants
provided under this paragraph: *Provided further,*
That a project assisted with funds made available
under this paragraph shall be treated as a project on
a Federal-aid highway;

(9) $25,000,000 shall be for the active trans-
portation infrastructure investment program under
section 11529 of the Infrastructure Investment and
Jobs Act (23 U.S.C. 217 note): *Provided,* That ex-
cept as otherwise provided under such section or this
heading, the funds made available under this para-
graph shall be administered as if apportioned under
chapter 1 of title 23, United States Code: *Provided
further,* That funds made available under this para-
graph shall remain available until expended;

(10) $3,000,000 shall be to carry out the Polli-
nator-Friendly Practices on Roadsides and Highway
Rights-of-Way Program under section 332 of title
23, United States Code;

(11) $5,000,000 shall be transferred to the
Denali Commission for activities eligible under sec-
tion 307(e) of the Denali Commission Act of 1998
(42 U.S.C. 3121 note; Public Law 105–277): *Pro-
vided,* That funds made available under this para-
graph shall not be subject to section 311 of such
Act: *Provided further,* That except as otherwise pro-
vided under section 307(e) of such Act or this heading, funds made available under this paragraph shall be administered as if directly appropriated to the Denali Commission and subject to applicable provisions of such Act, including the requirement in section 307(e) of such Act that the local community provides a 10 percent non-Federal match in the form of any necessary land or planning and design funds: Provided further, That such funds shall be available until expended: Provided further, That the Federal share of the costs for which an expenditure is made with funds transferred under this paragraph shall be up to 90 percent;

(12) $20,000,000 shall be transferred to the Denali Commission to carry out the Denali Access System Program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277): Provided, That a transfer under this paragraph shall not be subject to section 311 of such Act: Provided further, That except as otherwise provided under this heading, funds made available under this paragraph shall be administered as if directly appropriated to the Denali Commission and subject to applicable provisions of such Act: Provided further, That funds made available under
this paragraph shall not be subject to section 309(j)(2) of such Act: Provided further, That funds made available under this paragraph shall be available until expended: Provided further, That the Federal share of the costs for which an expenditure is made with funds transferred under this paragraph shall be up to 100 percent;

(13) $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: Provided, That for the purposes of funds made available under this paragraph, the term “State” means any of the 50 States or the District of Columbia: Provided further, That the funds made available under this paragraph 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 paragraph: Provided further, That, except as otherwise provided under this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of such title: Pro-
vided further, That, the funds made available under
this paragraph shall be apportioned to the States in
the same ratio as the obligation limitation for fiscal
year 2023 is distributed among the States in section
120(a)(5) of this Act;

(14) $2,670,000 shall be for activities eligible
under the Puerto Rico Highway Program as de-
scribed in section 165(b)(2)(C) of title 23, United
States Code: Provided, That, except as provided in
the following proviso, the funds made available
under this paragraph shall be administered as if al-
located under section 165(b) of title 23, United
States Code: Provided further, That the funds made
available under this paragraph shall not be subject
to the requirements of sections 165(b)(2)(A) or
165(b)(2)(B) of such title; and

(15) $650,000 shall be for activities eligible
under the Territorial Highway Program, as de-
scribed in section 165(c)(6) of title 23, United
States Code: Provided, That the funds made avail-
able under this paragraph shall be administered as
if allocated under section 165(c) of title 23, United
States Code.
ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2023, 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 au-
thorized 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 Fed-
eral-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 Sec-
retary under authorized Federal-aid highway and
highway safety construction programs, or apportion-
ted by the Secretary under section 202 or 204 of
title 23, United States Code, 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 ap-
portioned 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 (c) 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 2023, only in an amount equal to $639,000,000).

(e) **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;

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

(C) title III of division A of the Infrastructure Investment and Jobs Act (Public Law 117–58).
(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-
tribution 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 re-
ceived by the Bureau of Transportation Statistics from the
sale of data products, for necessary expenses incurred pur-
suant 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.

Sec. 122. Not less than 15 days prior to waiving,
under his or her statutory authority, any Buy America re-
quirement for Federal-aid highways projects, the Sec-
retary of Transportation shall make an informal public no-
tice and comment opportunity on the intent to issue such
waiver and the reasons therefor: Provided, That the Sec-
retary shall post on a website 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.

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 remain 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 de-
defined in rule XLIV of the Standing Rules of the
Senate, identified in a prior law, report, or joint ex-
planatory statement, which was authorized to be ap-
propriated 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 Fed-
eral Highway Administration.

(c) The authority under subsection (a) may be exer-
cised only for those projects or activities that have obli-
gated 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.


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 implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Infrastructure Investment and Jobs Act (Public Law 117–58), $367,500,000, 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 $367,500,000, for “Motor
Carrier Safety Operations and Programs” for fiscal year
2023, of which $14,073,000, to remain available for obli-
gation until September 30, 2025, is for the research and
technology program, and of which not less than
$63,098,000, to remain available for obligation until Sep-
tember 30, 2025, is for development, modernization, en-
hancement, and continued operation and maintenance of
information 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, $506,150,000, to be derived from the
Highway Trust Fund (other than the Mass Transit Ac-
count) and to remain available until expended: Provided,
That funds available for the implementation or execution
of motor carrier safety programs shall not exceed total ob-
ligations of $506,150,000 in fiscal year 2023 for “Motor Carrier Safety Grants”: Provided further, That of the sums appropriated under this heading—

(1) $398,500,000 shall be available for the motor carrier safety assistance program;

(2) $42,650,000 shall be available for the commercial driver’s license program implementation program;

(3) $58,800,000 shall be available for the high priority activities program;

(4) $1,200,000 shall be available for the commercial motor vehicle operators grant program; and

(5) $5,000,000 shall be available for the commercial motor vehicle enforcement training and support grant program.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of section 385.308 of title 49, Code of Federal Regulations, violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under

SEC. 132. None of the funds appropriated or otherwise 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, $210,000,000, to remain available through September 30, 2024.
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 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58), and chapter 303 of title 49, United States Code, $197,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2023, are in excess of $197,000,000: Provided further, That of the sums appropriated under this heading—

(1) $190,000,000 shall be for programs authorized under 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, and section 25024 of the Infrastructure Investment and Jobs Act (Public Law 117–58); and

(2) $7,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code:

Provided further, That within the $197,000,000 obligation limitation for operations and research, $57,500,000 shall remain available until September 30, 2024, and shall be in addition to the amount of any limitation imposed on obligations for future years: Provided further, That 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 2023 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, $795,220,000, 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 2023 are in excess of $795,220,000 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) $370,900,000 shall be for “Highway Safety Programs” under section 402 of title 23, United States Code;

(2) $346,500,000 shall be for “National Priority Safety Programs” under section 405 of title 23, United States Code;

(3) $38,300,000 shall be for the “High Visibility Enforcement Program” under section 404 of title 23, United States Code; and

(4) $39,520,000 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 prior to exercising the authority granted under the preceding proviso or under section 405(a)(8) of title 23, United States Code.

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 au-
thority 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.

SEC. 143. Section 24220 of the Infrastructure Invest-
ment and Jobs Act (Public Law 117–58) is amended by
adding at the end the following:

“(f) SHORT TITLE.—This section may be cited as the
‘Honoring the Abbas Family Legacy to Terminate Drunk
Driving Act’.”.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Ad-
ministration, not otherwise provided for, $254,426,000, of
which $25,000,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and de-
velopment, $44,000,000, to remain available until ex-
pended: Provided, That of the amounts provided under
this heading, up to $3,000,000 shall be available pursuant
to section 20108(d) of title 49, United States Code, for
the construction, alteration, and repair of buildings and
improvements at the Transportation Technology Center.
FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL

For necessary expenses related to Federal-State Partnership for Intercity Passenger Rail grants as authorized by section 24911 of title 49, United States Code, $200,000,000, to remain available until expended: Provided, That the Secretary may withhold up to 2 percent of the amount provided under this heading in this Act for the costs of award and project management oversight of grants carried out under 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, $534,566,000, to remain available until expended: Provided, That of the amounts made available under this heading in this Act, $30,426,000 shall be made available for the purposes, and in amounts, specified for Congressionally Directed Spending in the table entitled “Congressionally Directed Spending” included in the explanatory statement accompanying this Act: Provided further, That requirements under subsections (g) and (l) of section 22907 of title 49, United States Code, shall not apply to the pre-
ceeding proviso: Providing further, That any remaining funds available after the distribution of the Congression-
ally Directed Spending described under this heading shall be available to the Secretary to distribute as discri-
tionary grants under this heading: Providing further, That section 22905(f) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act for projects that implement or sustain positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: Providing further, That amounts made available under this heading in this Act for projects selected for commuter rail passenger transpor-
tation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accord-
ance with chapter 53 of title 49, United States Code: Providing further, That for amounts made available under this heading in this Act, eligible recipients under section 22907(b)(7) 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): Providing further, That section 22907(e)(1)(A) of title 49, United States Code, shall not apply to amounts made available under this heading in this Act: Providing further, That section 22907(e)(1)(A) of title 49, United States Code, shall not 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 in this Act: Provided further, That the preceding proviso shall not apply to funds made available under this heading in the Infrastructure Investment and Jobs Act (division J of Public Law 117–58): 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 the Secretary may retain up to $5,000,000 of the amount provided under this heading in this Act to establish a National Railroad Institute to develop and conduct training and education programs for both public and private sector railroad and railroad-related industry employees: Provided further, That the Secretary may withhold up to 2 percent of the amounts made available under this heading in this Act for the costs of award and project management oversight of grants carried out under title 49, United States Code.

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 au-
authorized by section 22101(a) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), $1,134,811,000, 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 in this Act and the “National Network Grants to the National Railroad Passenger Corporation” heading in this Act to fund the costs of project management and oversight of activities authorized by section 22101(e) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58): Provided further, That in addition to the project management oversight funds authorized under section 22101(e) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58), the Secretary may retain up to an additional $6,000,000 of the funds provided under this heading in this Act to fund expenses associated with the Northeast Corridor Commission established under section 24905 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 22101(b) of the Infrastructure Investment and Jobs Act (division B of Public Law 117–58),
$1,465,882,000, to remain available until expended: Provided, That the Secretary may retain up to an additional $3,000,000 of the funds provided under this heading in this Act 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 in this Act shall be available for the development, installation and operation of railroad safety improvements, including the implementation 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 control systems are not required by law or regulation as identified on or before the date of enactment of this Act: Provided further, That any unexpended balances from amounts provided under this heading in this Act and in prior fiscal years 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 Public Law 117–103: Provided further, That none of the funds provided under this heading in this Act shall be used by Amtrak to give notice under subsection (a) or
(c) of section 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 operator 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 outages impacting such routes, to otherwise discontinue, reduce 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

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 individual 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 Amtrak 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 2022 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 2022 and for the 3
prior calendar years.

**SEC. 151.** None of the funds made available by this
Act may be used by the National Railroad Passenger Cor-
poration in contravention of the Worker Adjustment and
Retraining Notification Act (29 U.S.C. 2101 et seq.).

**SEC. 152.** The amounts made available to the Sec-
retary or to the Federal Railroad Administration for the
costs of award, administration, and project management
oversight of financial assistance which are administered
by the Federal Railroad Administration, in this and prior
Acts, may be transferred to the Federal Railroad Adminis-
tration’s “Financial Assistance Oversight and Technical
Assistance” account for the necessary expenses to support
the award, administration, project management oversight,
and technical assistance of financial assistance adminis-
tered by the Federal Railroad Administration, in the same
manner as appropriated for in this and prior Acts: **Pro-
vided,** That this section shall not apply to amounts that
were previously designated by the Congress as an emer-
emergency requirement pursuant to a concurrent resolution on
the budget or the Balanced Budget and Emergency Def-

SEC. 153. 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 Depart-
ment uniformed officers patrolling on board passenger
trains or at stations, facilities or rights-of-way below the
staffing level on May 1, 2019.

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 par-
ticularly 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 sec-
tion 24102 of title 49, United States Code).

SEC. 155. State-supported routes operated by Am-
trak. Section 24712(a) of title 49, United States Code,
is hereby amended by inserting after section 24712(a)(7)
the following—
“(8) Staffing.—The Committee may—

“(A) appoint, terminate, and fix the compensation of an executive director and other Committee employees necessary for the Committee to carry out its duties; and

“(B) enter into contracts necessary to carry out its duties, including providing Committee employees with retirement and other employee benefits under the condition that Non-Federal members or officers, the executive director, and employees of the Committee are not federal employees for any purpose.

“(9) Authorization of Appropriations.—Amounts made available by the Secretary of Transportation for the Committee may be used to carry out this section.”.

Federal Transit Administration

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,
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5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs Act, section 20005(b) of Public Law 112–141, and section 3006(b) of the Fixing America’s Surface Transportation Act, $13,634,000,000, 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), 5334, 5335, 5337, 5339, and 5340, as amended by the Infrastructure Investment and Jobs 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 $13,634,000,000 in fiscal year 2023.

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339(b) of title 49, United States Code, low or no emission grants under section 5339(c) 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, accelerating innovative mobility initiative grants under section 5312 such title, accelerating the adoption of zero
emission buses under section 5312 of such title, Community Project Funding/Congressionally Directed Spending for projects and activities eligible under chapter 53 of such title, and ferry service for rural communities under section 71103 of division G of Public Law 117–58, $527,131,000, to remain available until expended: Provided, That of the sums provided under this heading in this Act—

(1) $220,000,000 shall be available for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) $135,000,000 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) $20,000,000 shall be available for ferry boat grants as authorized under section 5307(h) of such title: Provided, That of the amounts provided under this paragraph, no less than $5,000,000 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;

(4) $2,000,000 shall be available for the operation and maintenance of the bus testing facilities selected under section 5318 of such title;
(5) $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;

(6) $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 disseminate proven innovation mobility practices throughout the public transportation industry;

(7) $20,000,000 shall be available for competitive grants to eligible entities to assist areas of per-
sistent poverty as defined under section 6702(a)(1) of title 49, United States Code, or historically dis-
advantaged communities: \textit{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: \textit{Provided further}, That eligible entities are those de-
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 as defined under section 6702(a)(1) of title 49, United States Code, or historically disadvantaged communities: \textit{Provided further}, That State depart-
ments of transportation may apply on behalf of eligi-
ble entities within their States: \textit{Provided further}, That the Federal Transit Administration should en-
courage grantees to work with non-profits or other entities of their choosing in order to develop plan-
ing, technical, engineering, or financing plans: \textit{Pro-
vided further}, That the Federal Transit Administra-
tion shall encourage grantees to partner with non-
profits that can assist with making projects low or no emissions: \textit{Provided further}, That projects funded under this paragraph shall be for not less than 90 percent of the net total project cost;
(8) $10,000,000 shall be available to support technical assistance, research, demonstration, or deployment activities or projects to accelerate the adoption of zero emission buses in public transit as authorized under section 5312 of title 49, United States Code;

(9) $98,331,000 shall be available for the purposes, and in amounts, specified for Congressionally Directed Spending in the table entitled “Congressionally Directed Spending” included in the explanatory statement accompanying this Act; and

(10) $19,800,000 shall be available for ferry service for rural communities under section 71103 of division G of Public Law 117–58: Provided, That for amounts made available in this paragraph, notwithstanding section 71103(a)(2)(B) of such division of such Act, eligible projects shall include passenger ferry service that serves at least two rural areas with a single segment over 20 miles between the two rural areas and is not otherwise eligible under section 5307(h) of title 49, United States Code:

Provided further, That amounts made available under this heading in this Act shall be derived from the general fund:

Provided further, That the amounts made available under this heading in this Act shall not be subject to any limita-
tion 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, 2024: 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), $2,510,931,000, to remain available until expended: Provided, That of the sums appropriated under this heading—

(1) $1,874,890,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code;

(2) $100,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code;
(3) $410,931,000 shall be available for projects authorized under section 5309 (h) of title 49, United States Code; and

(4) $100,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America’s Surface Transportation Act:

Provided further, 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 upon submission to the Congress of the fiscal year 2024 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on capital investment grants, including proposed allocations for fiscal year 2024.
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), as amended by the Infrastructure Investment and Jobs Act (Public Law 117–58), $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.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(Including Rescissions)

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 not obligated by September 30, 2026, 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, 2022, 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. 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. 165. 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 Infrastructure Grants” in fiscal years 2021 and 2022 may be used by the facilities selected for such vehicle component assessment for capital projects in order to build new infrastructure and enhance existing facilities in order to expand component testing capability, in accordance 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.

SEC. 166. The remaining unobligated balances, as of September 30, 2023, from amounts made available to the Department of Transportation under the heading “Federal Transit Administration—Capital Investment Grants” in division H of the Consolidated Appropriations Act, 2020 (Public Law 116–94) are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2023, for an additional amount for fiscal year 2023, to remain available until September 30, 2024, and
shall be available for any of the same purposes and under
the same authorities for which such amounts were origi-
nally provided.

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 por-
tions of the St. Lawrence Seaway owned, operated, and
maintained by the Great Lakes St. Lawrence Seaway De-
velopment Corporation, $38,000,000, 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 avail-
able under this heading, not less than $14,500,000 shall
be for the seaway infrastructure program: Provided fur-
ther, That not more than $1,000,000 of the unobligated
balances from the amounts made available for capital
asset renewal activities under the heading “Saint Law-
rence Seaway Development Corporation—Operations and
Maintenance” in any prior Act shall be for activities pur-
suant to section 984(a)(12) of title 33, United States
Code.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

(INCLUDING RESCISSION OF FUNDS)

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 secu-
rity needs of the United States, $318,000,000, to remain
available until expended: Provided, That of the unobli-
gated balances from prior year appropriations available
under this heading, $55,000,000 are hereby permanently
recessed.

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.
For Tanker Security Fleet payments, as authorized under section 53406 of title 46, United States Code, $60,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $244,899,000: Provided, That of the sums appropriated under this heading—

(1) $87,848,000 shall remain available until September 30, 2024, for the operations of the United States Merchant Marine Academy;

(2) $11,900,000 shall remain available until expended, for facilities maintenance and repair, and equipment, at the United States Merchant Marine Academy;

(3) $55,120,000 shall remain available until expended, for capital improvements at the United States Merchant Marine Academy;

(4) $10,000,000 shall remain available until September 30, 2024, for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and

(5) $14,819,000 shall remain available until expended, for the America’s Marine Highways Pro-
gram 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, $120,700,000: Provided, That of the sums appropriated under this heading—

(1) $30,500,000 shall remain available until expended, for maintenance, repair, life extension, insurance, and capacity improvement of National Defense Reserve Fleet training ships, and for support
of training ship operations at the State Maritime
Academies, of which not more than $8,000,000 shall
be for expenses related to training mariners, and for
costs associated with training vessel sharing pursuant
to section 51504(g)(3) of title 46, United States
Code, for costs associated with mobilizing, operating
and demobilizing the vessel; travel costs for stu-
dents, faculty and crew; and the costs of the general
agent, crew costs, fuel, insurance, operational fees,
and vessel hire costs, as determined by the Sec-
retary;

(2) $75,000,000 shall remain available until ex-
pended, for the National Security Multi-Mission Vess-
el Program, including funds for construction, plan-
ning, administration, and design of school ships and,
as determined by the Secretary, necessary expenses
to design, plan, construct infrastructure, and pur-
chase equipment necessary to berth such ships;

(3) $2,400,000 shall remain available until Sep-
tember 30, 2027, for the Student Incentive Pro-
gram;

(4) $6,800,000 shall remain available until ex-
pended, for training ship fuel assistance; and
(5) $6,000,000 shall remain available until September 30, 2024, for direct payments for State Maritime Academies:

Provided further, That the Administrator of the Maritime Administration may use the funds made available under paragraph (2) and the funds provided for shoreside infrastructure improvements in Public Law 117–103 for the purposes described in paragraph (2): Provided further, That such funds may be used to reimburse State Maritime Academies for costs incurred prior to the date of enactment of this Act: Provided further, That such funds shall be available for reimbursement only for those costs incurred in compliance with all applicable Federal law, including the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.) and the National Historic Preservation Act (54 U.S.C. 300101 et seq.).

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, $25,000,000, to remain available until expended.

SHIP DISPOSAL

(INCLUDING RESCISSION OF FUNDS)

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 avail-
able until expended: Provided, That of the unobligated bal-
ances from prior year appropriations made available under
this heading, $12,000,000 are hereby permanently re-
scinded.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as author-
ized under section 54301 of title 46, United States Code,
$234,310,000, to remain available until expended: Pro-
vided, That projects eligible for amounts made available
under this heading in this Act shall be projects for coastal
seaports, inland river ports, or Great Lakes ports: Pro-
vided further, That the requirements under section
3501(a)(12) of the National Defense Authorization Act
for Fiscal Year 2022 (Public Law 117–81) shall apply to
amounts made available under this heading in this Act:
Provided further, That for grants awarded under this
heading in this Act, the minimum grant size shall be
$1,000,000: Provided further, That for amounts made
available under this heading in this Act, the requirement
under section 54301(a)(6)(A)(ii) of title 46, United States
Code, shall not apply to projects located in noncontiguous
States or territories.

ADMINISTRATIVE PROVISION—MARITIME
ADMINISTRATION

SEC. 170. Notwithstanding any other provision of
this Act, in addition to any existing authority, the Mar-
time 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 cred-
ited 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 miscella-
neous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY
ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline
and Hazardous Materials Safety Administration,
$29,936,000, of which $4,500,000 shall remain available until September 30, 2025.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $70,743,000, of which $12,070,000 shall remain available until September 30, 2025, of which $1,000,000 shall be made available for carrying out section 5107(i) of title 49, United States Code: 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 (Public Law 101–380), $192,969,000, to remain available until September 30, 2025, of which $27,650,000 shall be derived from the Oil Spill Liability Trust Fund; of which $156,919,000 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 amounts made available under this heading shall be for the One-Call State grant program: Provided further, That any amounts made available 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: Provided further,
That the Secretary shall transmit to the House and Senate Committees on Appropriations the report on pipeline safety testing enhancement as required pursuant to section 105 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (division R of Public Law 116–260): Provided further, That the Secretary may obligate amounts made available under this heading to engineer, erect, alter, and repair buildings or make any other public improvements for research facilities at the Transportation Technology Center after the Secretary submits an updated research plan and the report in the preceding proviso to the House and Senate Committees on Appropriations and after such plan and report in the preceding proviso are approved by the House and Senate Committees on Appropriations.

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, 2025, 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 section 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 obligations provided under this heading, prior year recoveries recognized in the current year shall be available to develop and deliver hazardous materials emergency response training for emergency responders, including response activities for the transportation of crude oil, ethanol, flammable liquids, and other hazardous commodities by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: 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), 5116(j), 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, $108,073,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspect-
tor 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, operation, and deployment of unmanned aircraft systems that advance the missions of the Department of Transportation or an operating administration of the Department of Transportation.

(e) Any unmanned aircraft system purchased, procured, 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 defined in section 2725(3) of title 18, United States Code) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in section 2725(1) of title 18, United States Code, except as provided 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 or in title VIII of division J of Public Law 117–58 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 discretionary 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 notification to the House and Senate Committees on Appropriations for any “quick release” of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

Sec. 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 organizational units of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

Sec. 187. 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. 188. 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. 189. 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. 190. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 or 23 of the United States Code 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 Transpor-
tation Improvement Program or Transportation Im-
provement Program.

SEC. 191. The Secretary of Transportation shall co-
ordinate with the Secretary of Homeland Security to en-
sure 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 pro-
cured using such practices.

SEC. 192. Amounts made available by this Act or any
prior Act that the Secretary determines represent im-
proper payments by the Department of Transportation to
a third-party contractor under a financial assistance
award, which are recovered pursuant to law, shall be avail-
able—

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

(2) to pay contractors for services provided in
recovering improper payments or contractor support
in the implementation of the Payment Integrity In-
formation Act of 2019 (Public Law 116–117): Pro-
vided, 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.

This title may be cited as the “Department of Transportation Appropriations Act, 2023”.
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, $19,300,000, to remain available until September 30, 2024: 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, $684,900,000, to remain available until September 30, 2024: Provided, That of the sums appropriated under this heading—

(1) $87,300,000 shall be available for the Office of the Chief Financial Officer;
(2) $126,300,000 shall be available for the Office of the General Counsel, of which not less than $21,600,000 shall be for the Departmental Enforcement Center;

(3) $238,700,000 shall be available for the Office of Administration, of which not more than $5,100,000 may be for modernization and deferred maintenance of the Weaver Building;

(4) $56,600,000 shall be available for the Office of the Chief Human Capital Officer;

(5) $31,000,000 shall be available for the Office of the Chief Procurement Officer;

(6) $68,100,000 shall be available for the Office of Field Policy and Management;

(7) $5,700,000 shall be available for the Office of Departmental Equal Employment Opportunity; and

(8) $71,200,000 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, $1,062,500,000, to remain available until September 30, 2024: Provided, That of the sums appropriated under this heading—

(1) $283,800,000 shall be available for the Office of Public and Indian Housing;

(2) $162,300,000 shall be available for the Office of Community Planning and Development;

(3) $464,000,000 shall be available for the Office of Housing, of which not less than $13,300,000 shall be for the Office of Recapitalization;

(4) $43,100,000 shall be available for the Office of Policy Development and Research;
(5) $97,600,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) $11,700,000 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 National 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, $26,181,550,000, to remain available until expended, which shall be available on October 1, 2022 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2022), and $4,000,000,000, to remain available until expended, which shall be available on October 1, 2023: Provided, That of the sums appropriated under this heading—

(1) $26,184,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law author-
izing such assistance under section 8(t) of the Act) and including renewal of other special purpose incre-
mental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Sec-
retary for the calendar year 2023 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management sys-
tem (VMS) leasing and cost data for the prior cal-
endar year and by applying an inflation factor as es-
blished 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 in-
cluding 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 ex-
cceeds a public housing agency’s authorized level of units under contract, except for public housing agen-
cies participating in the Moving to Work (MTW) demonstration, which are instead governed in ac-
cordance with the requirements of the MTW dem-
onstration program or their MTW agreements, if any: Provided further, That the Secretary shall, to
the extent necessary to stay within the amount specified 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, 2023: 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 2023 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 2022 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 2023 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 $200,000,000 shall be available only:

(A) 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;
(B) for vouchers that were not in use during the previous 12-month period in order to be available 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);

(C) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers;

(D) 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;

(E) 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;

(F) 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

(G) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster 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 Secretary;

(2) $363,938,000 shall be available 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 including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded
under the “Project-Based Rental Assistance” heading 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 paragraph, 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 Act: 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) $2,801,612,000 shall be available for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD–VASH vouchers, and other special purpose incremental vouchers: Provided, That no less than $2,771,612,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2023 funding cycle based on section 8(q) of the Act
and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the 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 purposes 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 agreements, if any, and shall be subject to the same uniform percentage decrease as under the preceding proviso: Provided further, That amounts provided under this
paragraph shall be only for activities related to the
provision of tenant-based rental assistance author-
ized under section 8, including related development
activities;

(4) $667,000,000 shall be available for the re-
newal of tenant-based assistance contracts under
section 811 of the Cranston-Gonzalez National Af-
fordable Housing Act (42 U.S.C. 8013), including
necessary administrative expenses: Provided, That
administrative and other expenses of public housing
agencies in administering the special purpose vouch-
ers in this paragraph shall be funded under the
same terms and be subject to the same pro rata re-
duction 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—

(A) 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 deter-
dined by the Secretary, in Mainstream renewal
costs resulting from unforeseen circumstances;
(B) for public housing agencies that de-
spite taking reasonable cost savings measures,
as determined by the Secretary, would other-
wise be required to terminate the rental assist-
ance for Mainstream families as a result of in-
sufficient 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 available for rental
assistance and associated administrative fees for
Tribal HUD–VASH to serve Native American vet-
erans 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 assist-
ance 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 re-
ported 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, 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 assistance: 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: 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) $85,000,000 shall be available for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 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: Provided further, That of the total amount made available under this paragraph, up to $10,000,000 may be for additional fees established by and allocated pursuant to a method determined by the Secretary for administrative and other expenses (including those eligible activities defined by notice to facilitate leasing, such as security deposit assistance and costs related to the retention and support of participating owners) of public housing agencies in administering HUD–VASH vouchers;

(7) $30,000,000 shall be 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 available 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 available for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B) of the Act: 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 Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such specified program or eligible youth, as applicable;

(8) $50,000,000 shall be available for new incremental voucher assistance under section 8(o) of the Act to be allocated pursuant to a method, as determined by the Secretary, which may include a formula that may include such factors as severe cost burden, overcrowding, substandard housing for very low-income renters, homelessness, and administrative capacity, where such allocation method shall include both rural and urban areas: Provided, That the Secretary may specify additional terms and conditions to ensure that public housing agencies provide
vouchers for use by survivors of domestic violence, or
individuals and families who are homeless, as de-
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 such Act (42 U.S.C. 11360(1)); and
(9) the Secretary shall separately track all spe-
cial purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND
(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and car-
ryover, remaining from funds appropriated to the Depart-
ment of Housing and Urban Development under this
heading, the heading “Annual Contributions for Assisted
Housing” and the heading “Project-Based Rental Assist-
ance”, for fiscal year 2023 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: Pro-
vided further, That amounts heretofore recaptured, or re-
captured 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 2023 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)), $8,468,500,000, to remain available until September 30, 2026: Provided, That of the sums appropriated under this heading—

(1) $5,038,500,000 shall be available for the Secretary to allocate pursuant to the Operating Fund formula at part 990 of title 24, Code of Federal Regulations, for 2023 payments;

(2) $25,000,000 shall be available for 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) $3,225,000,000 shall be available for 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 submitting the request: Provided further, That from the funds made available under this paragraph, the Secretary shall provide bonus awards in fiscal year 2023 to public housing agencies that are designated high performers: Provided further, That the Department shall notify public housing agencies of their
formula allocation within 60 days of enactment of
this Act;

(4) $50,000,000 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 2023, of which
$20,000,000 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 pro-
viso for such safety and security measures, any
amounts that remain available, after all applications
received on or before September 30, 2024, for emer-
gency capital needs have been processed, shall be al-
located to public housing agencies for such safety
and security measures;

(5) $65,000,000 shall be available for competitive
grants to public housing agencies to evaluate
and reduce residential health hazards in public hous-
ing, including lead-based paint (by carrying out the
activities of risk assessments, abatement, and in-
terim 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 pro-
vided 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 consid-
ered funds for projects or activities under title I of
the Act for purposes of section 26 of the Act (42
U.S.C. 1437x) and shall be subject to the regula-
tions 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
(6) $15,000,000 shall be available 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) $50,000,000 shall be available to support ongoing public housing financial and physical assessment activities:

Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2023, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) 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, $250,000,000, to remain available until September 30, 2027: 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 not more than 20 percent of the amount of any grant made with amounts made available under this heading may be used for necessary supportive services notwithstanding subsection (d)(1)(L) of such section 24: Provided further, That the use of amounts 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 affordability 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 governments, Tribal entities, public housing agencies, and non-profit organizations: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That for 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: Provided further, That of the amounts made available under this heading, not less than $125,000,000 shall be awarded to public housing agencies: Provided further, That such grantees shall create partnerships with other local organizations, including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That not more than $10,000,000 of the amounts made available under this heading may be provided as grants to undertake com-
prehensive local planning with input from residents and
the community. Provided further, That unobligated bal-
ances, including recaptures, remaining from amounts
made available under the heading “Revitalization of Se-
verely 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, 2023, obligate any available un-
obligated balances made available under this heading in
this or any prior Act.

SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Suffi-
ciency Programs, to remain available until September 30,
2026, $200,000,000: Provided, That of the sums appro-
priated under this heading—

(1) $150,000,000 shall be available 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.
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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 (c)(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;

(2) $35,000,000 shall be available 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 available 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 au-
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

(INCLUDING RECISSION)

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (in this heading “NAHASDA”) (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) with respect to Indian tribes, and related training and technical assistance, $1,052,086,000, to remain available until September 30, 2027: Provided,

That of the sums appropriated under this heading—

(1) $819,086,000 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 such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That the Secretary shall notify grantees of their formula alloca-
tion not later than 60 days after 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 such amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: Provided further, That in awarding amounts made available in this paragraph, 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 greater than $7,500,000: Provided further, That any amounts 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 authorized by title VI of NAHASDA: Provided, That such costs, including the cost of modifying such notes and
other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That amounts made available in this and prior Acts for the cost of such guaranteed notes and other obligations that are unobligated, including recaptures and carryover, shall be 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, to remain available until September 30, 2024: Provided further, That any remaining loan guarantee limitation authorized for this program in fiscal year 2020 or prior fiscal years is hereby rescinded;

(4) $75,000,000 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), not more than $5,000,000 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 amounts made available in this
paragraph shall be expended for planning and management development and administration; and

(5) $7,000,000, in addition to amounts otherwise available for such purpose, 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, for contract expertise, and for training and technical assistance related to amounts made available under this heading and other headings in this Act for the needs of Native American families and Indian country: Provided, That of the amounts made available in this paragraph, not less than $2,000,000 shall be for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): Provided further, That amounts made available in this paragraph may be used, contracted, or competed as determined by the Secretary: Provided further, That notwithstanding chapter 63 of title 31, United States Code (commonly known as the Federal Grant and Cooperative Agreements Act of 1977), the amounts made available in 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 administra-
tion of performance tracking and reporting under

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

ACCOUNT

(INCLUDING RESCISSION)

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), $5,521,000, to re-
main available until expended: Provided, That such costs,
including the cost of modifying such loans, shall be as de-
defined in section 502 of the Congressional Budget Act of
1974 (2 U.S.C. 661a): Provided further, That amounts
made available in this and prior Acts for the cost of guar-
anteed loans, as authorized by section 184 of the Housing
1715z–13a), that are unobligated, including recaptures
and carryover, shall be available to subsidize total loan
principal, any part of which is to be guaranteed, not to
exceed $1,400,000,000, to remain available until Sep-
tember 30, 2024: Provided further, That any remaining
loan guarantee limitation authorized under this heading in fiscal year 2020 or prior fiscal years is hereby rescinded: Provided further, That any amounts determined by the Secretary to be unavailable are hereby returned to the General Fund of the Treasury.

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.), $22,300,000, to remain available until September 30, 2027: 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

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, to remain available until September 30, 2024: Provided, That the Secretary may enter into commitments to guarantee loans used for refinancing.

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.), $468,000,000, to remain available until September 30, 2024, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2025: 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 contracts under such section: Provided further, That the process for submitting amendments and approving replacement 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 enactment of this Act.
COMMUNITY DEVELOPMENT FUND

For assistance to States and units of general local government, and other entities, for economic and community development activities, and other purposes, $4,817,726,000, to remain available until September 30, 2026: Provided, That of the sums appropriated under this heading—

(1) $3,525,000,000 shall be available for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (in this heading “the Act”): Provided, That not to exceed 20 percent of any grant made with funds made available under this paragraph shall be expended for planning 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 paragraph 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 para-
graph 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;

(2) $200,000,000 shall be available for the Sec-
secretary to award grants on a competitive basis to
state and local governments, metropolitan planning
organizations, and multijurisdictional entities for ad-
ditional activities under title I of the Act for the
identification and removal of barriers to affordable
housing production: Provided, That eligible uses of
such grants include activities to further develop,
evaluate, and implement housing policy plans, im-
prove housing strategies, and facilitate affordable
housing production: Provided further, That the Sec-
retary shall prioritize applicants that are able to (A)
demonstrate progress and a commitment to over-
coming local barriers to facilitate the increase in af-
fordable housing production; and (B) show rising
housing costs, or the reasonable expectation that
costs will rise, in their jurisdiction, using Census or
other data: Provided further, That funds allocated
for such grants shall not adversely affect the amount
of any formula assistance received by a jurisdiction under paragraph (1) of this heading: Provided further, That in administering such amounts the Secretary may waive or specify alternative requirements for any provision of such title I except for requirements related to fair housing, nondiscrimination, labor standards, the environment, and requirements that activities benefit persons of low- and moderate-income, upon a finding that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amount;

(3) $25,000,000 shall be available for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): Provided, That the funds allocated pursuant to this paragraph shall not adversely affect the amount of any formula assistance received by a State under paragraph (1) of this heading: 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 2020 based on data from the Centers for Disease Control and Prevention; and
(4) $1,067,726,000 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 “Congressionally Directed Spending” included in the explanatory statement accompanying this Act: Provided, That not to exceed 20 percent of any grant made with funds made available under this paragraph shall be expended for planning and management development and administration: Provided further, That none of the amounts made available under this paragraph shall be used for reimbursement of expenses incurred prior to the obligation of funds.

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 2023, 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 guaranteeing 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 commitment authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of 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 National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), $1,725,000,000, to remain available until September 30, 2026: Provided, That notwithstanding section 231(b) of such Act (42 U.S.C. 12771(b)), all unobligated balances remaining from amounts recaptured pursuant 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 2025 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 2025 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, $70,000,000, to remain available until September 30, 2025: Provided, That of the sums appropriated under this heading—
(1) $17,000,000 shall be available for the Self-Help Homeownership Opportunity Program as authorized under such section 11: Provided, That the maximum average expenditure for the combined cost of land acquisition and infrastructure improvements shall be increased to $20,000 per unit;

(2) $43,000,000 shall be available 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) $6,000,000 shall be available 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; and

(4) $4,000,000 shall be available 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” McKeon 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.), and for related activities and assistance, $3,545,000,000, to remain available until September 30, 2025: Provided, That of the sums appropriated under this heading—

(1) $290,000,000 shall be available 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) $3,041,000,000 shall be available 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 the Secretary may establish by notice an alternative maximum amount for administrative costs related to the requirements described in sections 402(f)(1) and 402(f)(2) of subtitle A of such title IV or no more than 5 percent or $50,000, whichever is greater, notwithstanding the 3 percent limitation in section 423(a)(10) of such subtitle C: 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 paragraph and any remaining unobligated balances under this heading in 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 conflict with the requirements of the Continuum of Care program;

(3) $7,000,000 shall be available 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;
(4) $107,000,000 shall be available 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 establishing 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; and

(5) $100,000,000 shall be available for one-time awards under the Continuum of Care program for new construction, acquisition, or rehabilitation of new permanent supportive housing, of which not more than 20 percent of such awards may be used for other Continuum of Care eligible activities associated with such projects and not more than 10 percent of such awards may be used for project administration: Provided, That these amounts shall be awarded on a competitive basis, based on need and other factors to be determined by the Secretary, including incentives to establish projects that coordinate with housing providers, healthcare organizations and social service providers: Provided further, That not less than $30,000,000 shall be awarded to applicants for projects within States with populations less than 2,500,000, except that if such amount is undersubscribed any remaining amounts
may be awarded to qualified applicants for projects in any State: Provided further, That the grants for ongoing costs associated with such projects shall be eligible for renewal under the Continuum of Care program subject to the same terms and conditions as other renewal applicants:

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 rehabilitation 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.
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, $14,287,100,000, to remain available until expended, shall be available on October 1, 2022 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2022), and $400,000,000, to remain available until expended, shall be available on October 1, 2023: 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

$375,000,000 shall be available for performance-based

contract administrators for section 8 project-based assist-

ance, for carrying out 42 U.S.C. 1437(f): Provided further,

That the Secretary may also use such amounts in the pre-

ceeding proviso for performance-based contract administra-

tors 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 pur-

suant to section 101 of the Housing and Urban Develop-

ment 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 Con-

tributions 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: Provided further, That of the total amounts provided under this heading, not to exceed $53,100,000 shall be available for rent adjustments authorized under section 515(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (as added by section 240(a) of this Act): Provided further, That up to 2 percent of the total amount made available in the preceding proviso shall be for administrative con-
tract costs, including for carrying out due diligence and underwriting functions for evaluating owners’ requests and for technical assistance activities: Provided further, That any additional amounts for rent adjustments or supplemental contract funding authorized under the two preceding provisos shall be combined with other amounts obligated to such contracts and the combined total amount shall be available for all purposes under such contracts.

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, $1,033,000,000 to remain available until September 30, 2026: Provided, That of the amount made available under this heading, up to $170,000,000 shall be for service coordinators and the continuation of existing congregate service grants for resi-
students 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, 2026: 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 $10,000,000 shall be used by the Secretary to support preservation transactions of housing for the elderly originally developed with a capital advance and assisted by a project rental assistance contract under the provisions of section 202(c) of the Housing Act of 1959.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, 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 (Public 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 5-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, $287,700,000, to remain available until September 30, 2026: 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, 2026: 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, $63,000,000, to remain available until September 30, 2024, 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 2023 so as to result in a final fiscal year 2023 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 2023 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 pro-
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, 2024: Provided, That during fiscal year 2023, 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, 2024: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2023, 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 2023 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 $35,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2024: Provided, That during fiscal year 2023, 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, 2024: Provided, That $42,400,000, to remain available until September 30, 2024, shall be for necessary salaries and expenses of the Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2023, 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, $115,000,000, to remain available until September 30, 2024: 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...
109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(a)(4)(C)) with respect to documentation of award decisions: Provided further, That prior to obligation of technical assistance funding, the Secretary shall submit a plan to the House and Senate Committees on Appropriations on how the Secretary will allocate funding for this activity at least 30 days prior to obligation: Provided further, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

**Fair Housing and Equal Opportunity**

**Fair Housing Activities**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968 (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, 2024: 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: Provided 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**

**(INCLUDING TRANSFER OF FUNDS)**

For the Lead Hazard Reduction Program, as author-
ized by section 1011 of the Residential Lead-Based Paint
Hazard Reduction Act of 1992 (42 U.S.C. 4852), and for
related activities and assistance, $390,000,000, to remain
available until September 30, 2025: *Provided,* That of the
sums appropriated under this heading—

(1) $290,000,000 shall be available 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 available 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 edu-
cation and outreach concerning lead-based paint poi-
soning and other housing-related diseases and haz-
ards, 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 
available for the implementation of projects in 
up to five communities that are served by both 
the Healthy Homes Initiative and the Depart-
ment 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 
available for grants to experienced non-profit 
organizations, States, local governments, or 
public housing agencies for safety and func-
tional home modification repairs and renova-
tions to meet the needs of low-income seniors 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 available 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 (42 U.S.C. 4854, 4854a);

(4) up to $2,000,000 in total of the amounts made available under paragraphs (2) and (3) may be transferred to the heading “Research and Technology” for the purposes of conducting research and studies and for use in accordance with the provisos under that heading for non-competitive agreements; and

(5) $5,000,000 shall be available 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(c) 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 opportunity: Provided further, That amounts made available under this heading, except for amounts in paragraph (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, $383,750,000, to remain available until September 30, 2025, of which up to $32,950,000 shall be for development, modernization, and enhancement projects, including planning for such projects: Provided, That not more than 10 percent of the funds made available under this heading for development, modernization, and enhancement may be obligated until the Secretary submits and the House and Senate Committees on Appropriations approve a plan that—

(1) identifies for each development, modernization, and enhancement project to be funded from available balances, including carryover—

(A) plain language summaries of the project scope;

(B) the estimated total project cost; and

(C) key milestones to be met; and

(2) identifies for each major modernization project—
(A) the functional and performance capabilities to be delivered and the mission benefits to be realized;

(B) the estimated life-cycle cost;

(C) key milestones to be met through the project end date, including any identified system decommissioning;

(D) a description of the procurement strategy and governance structure for the project and the number of HUD staff and contractors supporting the project; and

(E) certification from the Chief Information Officer that each project is compliant with the Department’s enterprise 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 Representatives 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—

(1) results and actual expenditures of the prior quarter;
(2) any variances in cost, schedule (including procurement), or functionality from the previously approved project plan, reasons for such variances and estimated impact on total life-cycle costs; and

(3) risks and mitigation strategies associated 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 authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 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 2023 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. Funds of the Department of Housing and Urban Development subject to the Government Corpora-
tion Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

Sec. 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. 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 2023 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. 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. 208. 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. 209. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2023 and 2024, the Secretary of Housing and Urban Development 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.

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

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

(1) Number and bedroom size of units.—

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

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

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable, or be reasonably expected to become economically nonviable when complying with state or Federal requirements for community integration and reduced concentration of individuals with disabilities.

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

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a cer-
tification of approval by all appropriate local govern-
ment officials.

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

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

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

(8) If the transferring project meets the re-
quirements of subsection (d)(2), the owner or mort-
gagor of the receiving project or projects shall exe-
cute and record either a continuation of the existing
use agreement or a new use agreement for the
project where, in either case, any use restrictions in
such agreement are of no lesser duration than the
existing use restrictions.

(9) The transfer does not increase the cost (as
defined in section 502 of the Congressional Budget
Act of 1974 (2 U.S.C. 661a)) of any FHA-insured
mortgage, except to the extent that appropriations
are provided in advance for the amount of any such
increased cost.

(d) For purposes of this section—

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

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

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

(B) housing that has project-based assist-
ance attached to the structure including
projects undergoing mark to market debt re-
structuring under the Multifamily Assisted
Housing Reform and Affordability Housing Act;
(C) housing that is assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

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

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

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

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

(A) assistance provided under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);
(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

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

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

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

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

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

(c) Research Report.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

Sec. 210. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;
(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

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

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or 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. 211. 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. 212. Notwithstanding any other provision of law, in fiscal year 2023, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or any other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government that such a multifamily property owned or 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 (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 (in this section “MAHRAA”) (42 U.S.C. 1437f note), and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental
assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described in this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Sec. 213. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary 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. 214. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement, and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d),(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 capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts per-
mitted under paragraph (1) or (2) of section 9(g).

SEC. 215. 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 di-
rectives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appro-
priation under the accounts “Executive Offices”, “Admin-
SEC. 216. The Secretary shall, for fiscal year 2023, 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 2023, 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. 217. 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. 218. 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 ad-
vance of any such transfers under this section up to 10
percent or $5,000,000, whichever is less.

SEC. 219. (a) Any entity receiving housing assistance
payments shall maintain decent, safe, and sanitary condi-
tions, as determined by the Secretary, and comply with
any standards under applicable State or local laws, rules,
ordinances, or regulations relating to the physical condi-
tion 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 59 or less; or

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

Such requirements shall apply to insured and non-
insured projects with assistance attached to the units
under section 8 of the United States Housing Act of 1937
(42 U.S.C. 1437f), but shall not apply to such units as-
sisted 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 re-
view 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 Depart-
ment of Housing and Urban Development is taking
to protect tenants of such identified properties; and
(3) any administrative or legislative rec-
ommendations to further improve the living condi-
tions at properties covered under a housing assist-
ance 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 re-
port shall be submitted within 180 days of the transmittal
of the first report.

Sec. 220. None of the funds made available by this
Act, or any other Act, for purposes authorized under sec-
tion 8 (only with respect to the tenant-based rental assist-
ance 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, in-
cluding 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 2023.

Sec. 221. 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. 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 refines 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 gen-
eral 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 become 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 requirements in section 246 of this Act.

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

Sec. 226. With respect to grant amounts awarded
under the heading “Homeless Assistance Grants” for fis-
cal years 2015 through 2023 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. The Promise Zone designations and Prom-
ise 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. 229. None of the amounts made available in this
Act may be used to consider Family Self-Sufficiency per-
formance measures or performance scores in determining
funding awards for programs receiving Family Self-Suffi-
ciency program coordinator funding provided in this Act.

SEC. 230. Any public housing agency designated as
a Moving to Work agency pursuant to section 239 of divi-
sion 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 pur-
pose 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 Depart-
ment 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), notwith-
standing the purposes for which such funds were appro-
piated.
Sec. 231. 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. 232. None of the funds made available by this Act 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. 233. Funds previously made available in the Consolidated Appropriations Act, 2016 (Public Law 114–113) for the “Choice Neighborhoods Initiative” that were available for obligation through fiscal year 2018 are to remain available through fiscal year 2024 for the liquidation of valid obligations incurred in fiscal years 2016 through 2018.
SEC. 234. 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. 235. 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 117–103, 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 “until September 30, 2024” and inserting “for fiscal year 2012 and thereafter”;

(3) by striking the fourth proviso and 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 oc-
curs that results in the eligibility for tenant protec-
tion vouchers under section 8(o) of the Act, the Sec-
retary may convert the tenant protection voucher as-
sistance 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 Multi-
family 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 addi-
tional requirements established by the Secretary to
facilitate conversion: Provided further, That to facili-
tate the conversion of assistance under the previous
proviso, the Secretary may transfer an amount equal
to the total amount that would have been allocated
for tenant protection voucher assistance for prop-
erties that have requested such conversions from
amounts made available for tenant protection vouch-
er assistance under the heading ‘Tenant-Based
Rental Assistance’ to the heading ‘Project-Based
Rental Assistance’: Provided further, That at prop-
erties with assistance previously converted hereunder
to assistance under the heading ‘Project Based
Rental Assistance,’ which are also separately as-
sisted under section 8(o)(13) of the Act, the Sec-
retary may, with the consent of the public housing agency and owner, terminate such project-based subsidy contracts and immediately enter into one new 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, subject to the requirement that any residents assisted under section 8(o)(13) of the Act at the time of such termination of such project-based subsidy contract shall retain all rights accrued under section 8(o)(13)(E) of the Act under the new project-based subsidy contract and section 8(o)(13)(F)(iv) of the Act shall not apply: Provided further, That to carry out the previous proviso, the Secretary may transfer from the heading ‘Tenant-Based Rental Assistance’ to the heading ‘Project-Based Rental Assistance’ an amount equal to the amounts associated with such terminating contract under section 8(o)(13) of the Act:’;

(4) in the thirteenth 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”; 
(5) after the twenty-third proviso, as reordered
above, by inserting the following proviso: “Provided

further, That owners of properties with a senior
preservation rental assistance contract under section
811 of the American Homeownership and Economic
shall be eligible, subject to requirements established
by the Secretary as necessary to facilitate the con-
version of assistance while maintaining the afford-
ability period and the designation of the property as
serving elderly families, and tenant consultation pro-
cedures, for conversion of assistance available for
such assistance contracts to assistance under a long-
term project-based subsidy contract under section 8
of the Act”; 
(6) in the twenty-eighth proviso, as reordered
above, by inserting “, section 811 of the American
Homeownership and Economic Opportunity Act of
2000,” after “Housing Act of 1959”; and
(7) in the thirty-third proviso, as reordered above, by striking “any section 202 project rental assistance contract or section 811 project rental assistance contract conversions” and inserting “the conversion of assistance from section 202(c)(2) of the Housing Act of 1959, section 811 of the American Homeownership and Economic Opportunity Act of 2000, or section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act”.

Sec. 236. For fiscal year 2023, if the Secretary determines or has determined, for any prior formula grant allocation administered by the Secretary through the Offices of Public and Indian Housing, Community Planning and Development, or Housing, that a recipient received an allocation greater 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 in the next applicable formula allocation cycle by (a) offsetting each such recipient’s formula allocation (if eligible for a formula allocation in the next applicable formula allocation cycle) by the amount of any such funding error, and (b) reallocating any available balances that are attributable to the offset to the recipient or recipients that would have been allocated additional funds in the formula allocation cycle in
which any such error occurred (if such recipient or recipients are eligible for a formula allocation in the next applicable formula allocation cycle) in an amount proportionate to such recipient’s eligibility under the next applicable formula allocation cycle: Provided, That all offsets and reallocations from such available balances shall be recorded against funds available for the next applicable formula allocation cycle: Provided further, That the term “next applicable formula allocation cycle” means the first formula allocation cycle for a program that is reasonably available for correction following such a Secretarial determination: Provided further, That if, upon request by a recipient and giving consideration to all Federal resources available to the recipient for the same grant purposes, the Secretary determines that the offset in the next applicable formula allocation cycle would critically impair the recipient’s ability to accomplish the purpose of the formula grant, the Secretary may adjust for the funding error across two or more formula allocation cycles.

SEC. 237. Section 239 of the Department of Housing and Urban Development Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2897) is amended by striking “7-year period” and inserting “8-year period” in the fifth sentence.
SEC. 238. The Secretary may transfer from amounts made available for salaries and expenses under this title (excluding amounts made available under the heading “Office of Inspector General”) up to $500,000 from each office to the heading “Information Technology Fund” for information technology needs of such transferring office, to remain available until September 30, 2025: Provided, That this transfer authority shall not be used to fund information technology projects or activities that have known out-year development, modernization, or enhancement costs in excess of $500,000: Provided further, That the Secretary shall provide notification to the House and Senate Committees on Appropriations no less than three business days in advance of any such transfer.

SEC. 239. Funds previously made available in the Consolidated Appropriations Act, 2019 (Public Law 116–6) for “Lead Hazard Reduction” that were available for obligation through fiscal year 2020 are to remain available through fiscal year 2027 for the liquidation of valid obligations incurred in fiscal years 2019 through 2020.

SEC. 240. The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(a) in section 515, by adding at the end the following new subsection:
“(d) RENT ADJUSTMENTS AND SUBSEQUENT RENEWALS.—After the initial renewal of a section 8 contract pursuant to this section and notwithstanding any other provision of law or contract regarding the adjustment of rents or subsequent renewal of such contract for a project, including such a provision in section 514 or this section, in the case of a project subject to any restrictions imposed pursuant to sections 514 or this section, the Secretary may, not more often than once every 10 years, adjust such rents or renew such contracts at rent levels that are equal to the lesser of budget-based rents or comparable market rents for the market area upon the request of an owner or purchaser who—

“(1) demonstrates that—

“(A) project income is insufficient to operate and maintain the project, as determined by the Secretary; or

“(B) the rent adjustment or renewal contract is necessary to support commercially reasonable financing (including any required debt service coverage and replacement reserve) for rehabilitation necessary to ensure the long-term sustainability of the project, as determined by the Secretary; and

“(2) agrees to—
“(A) extend the affordability and use restrictions required under 514(e)(6) for an additional twenty years; and

“(B) enter into a binding commitment to continue to renew such contract for and during such extended term, provided that after the affordability and use restrictions required under 514(e)(6) have been maintained for a term of 30 years:

“(i) an owner with a contract for which rent levels were set at the time of its initial renewal under section 514(g)(2) shall request that the Secretary renew such contract under section 524 for and during such extended term; and

“(ii) an owner with a contract for which rent levels were set at the time of its initial renewal under section 514(g)(1) may request that the Secretary renew such contract under section 524.”; and

(b) in section 579, by striking “October 1, 2022” each place it appears and inserting in lieu thereof “October 1, 2027”.

Sec. 241. (a) With respect to the funds made available for the Continuum of Care program authorized under

(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 U.S.C. 11360).

(b) With respect to 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 this title or under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a)—
Sec. 242. (a) Section 184(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(a)) is amended to read as follows:

(1) applications for projects to be carried out on reservations or trust land shall contain a certification of consistency with an approved Indian housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4112), notwithstanding section 106 of the Cranston-Gonzalez National 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)).
“(a) AUTHORITY.—To provide access to sources of private financing to Indian families, Indian housing authorities, and Indian tribes, who otherwise could not acquire housing financing because of the unique legal status of Indian lands and the unique nature of tribal economies; and to expand homeownership opportunities to Indian families, Indian housing authorities and Indian tribes on fee simple lands, the Secretary may guarantee not to exceed 100 percent of the unpaid principal and interest due on any loan eligible under subsection (b) made to an Indian family, Indian housing authority, or Indian tribe on trust land and fee simple land.”.

(b) Section 184(b)(2) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(2)) is amended to read as follows:

“(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.”.

(c) Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by inserting “, and to expand homeownership opportunities to Native Hawaiian families who are eligible to receive a homestead under the Hawaiian Homes Commission Act, 1920
(42 Stat. 108) on fee simple lands in the State of Hawaii” after “markets”; and
(2) in subsection (c), by striking paragraph (2) and inserting the following:
“(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.”.

SEC. 243. (a) Section 184(b)(5)(A) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(5)(A)) is amended to read as follows:
“(5) TERMS.—The loan shall—
“(A) be made for a term not exceeding 30 years, except as determined by the Secretary, when there is a loan modification under subsection (h)(1)(B), the loan shall not exceed 40 years;”.

(b) Section 184A(c)(5)(A) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b(c)(5)(A)) is amended to read as follows:
“(5) TERMS.—The loan shall—
“(A) be made for a term not exceeding 30 years; except, as determined by the Secretary, when there is a loan modification under subsection (i)(1)(B) the term of the loan shall not exceed 40 years;”.
SEC. 244. Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

“(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—Indian tribes receiving grants under section 5306(a)(1) of this title (section 106(a)(1) of this Act) shall be authorized to carry out activities described in subsection (a)(15) directly.”.

SEC. 245. Of the amounts made available under the heading “Project-Based Rental Assistance” in prior Acts, up to $1,300,000 may be transferred to Treasury Account 86–X–0148 for the liquidation of obligations incurred in fiscal year 2018 in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715z–1).

SEC. 246. 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 2023, 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 organizational unit;

unless prior written notification is provided to, and approval is received from the House and Senate Committees on Appropriations.

Sec. 247. 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 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, That the report shall include—

(1) 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;
(2) for program and information technology funds, a delineation in the table for each appropriation 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 new 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. 248. The Secretary shall comply with all process requirements, including public notice and comment, when seeking to revise any annual contributions contract.

Sec. 249. None of the funds appropriated or otherwise made available in this or prior Acts may be used by the Department to carry out customer experience activities
within the Office of the Assistant Chief Financial Officer for Budget.

SEC. 250. For an additional amount for “Long-Term Disaster Recovery Fund”, $1,447,000,000, to remain available until expended, for grants for the Community Development Block Grant Disaster Recovery Program under section 123 of the Housing and Community Development Act of 1974, as added by section 506 of title V of this Act, 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): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2023”.
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), $9,850,000: 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, $38,260,000, of which $2,000,000 shall remain available until September 30, 2024: 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), $27,720,000: 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 2024, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2024 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, $129,300,000, 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), $166,000,000: Provided, That an additional $4,000,000, to remain available until September 30, 2026, 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, $41,429,000: 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 2023, to result in a final appropriation from the general fund estimated at not more than $40,179,000.
UNITED STATES INTERAGENCY COUNCIL ON

HOMELESSNESS

OPERATING EXPENSES

For necessary expenses, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code, of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $4,000,000.
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 in titles I or III of this Act that remain available for obligation or expenditure in fiscal year 2023, 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, agencies funded by title I or III of 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 2023 from appropriations made available for salaries and expenses for fiscal year 2023 in this Act, shall remain available through September 30, 2024, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under sections 246 and 405 of this Act.

Sec. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infra-
structure), 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 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. 410. 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. 411. 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. 412. 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. 413. 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. 414. (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. 415. (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 in-
formation 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. 416. 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. 417. None of the funds made available by this Act to the Department of Transportation may be used in contravention of section 306108 of title 54, United States Code.

Sec. 418. 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, for-
merly held by an employee who has left to enter the Armed
Forces of the United States and has satisfactorily com-
pleted 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 posi-
tion and has not been restored thereto.

SEC. 419. (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 sec-
tion 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-Nor-
way 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
1 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
2 ment and United States law.
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 Indian 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 revitalization, primarily for the benefit of low- and moderate-income persons;

(6) undertaking activities that mitigate the effects of future natural disasters and extreme weather and increase the stock of affordable housing, including 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-
ation 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-re-
lated responsibilities of the Department under the
National Response Framework, the National Dis-
aster Recovery Framework, and the National Mitiga-
tion 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 Devel-
opment 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, es-
pecially among vulnerable populations and extremely
low-, low-, and moderate-income households;

(4) collaborating with the Federal Emergency
Management Agency, the Small Business Adminis-
tration, and across the Department to align disaster-
related regulations and policies, including incorpora-
tion of consensus-based codes and standards and in-
surance purchase requirements, and ensuring coordi-
nation and reducing duplication among other Fed-
eral disaster recovery programs;

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

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

(7) supporting State, Tribal, and local govern-
ments 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 De-
partment of Housing and Urban Development Act (42
U.S.C. 3533) is amended by adding at the end the fol-
lowing:
“(i) 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 sec-
tion 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 defi-
nitions for the Commonwealth of Puerto Rico,
Guam, the Commonwealth of the Northern
Mariana Islands, the United States Virgin Is-
lands, and American Samoa.”; and

(B) by adding at the end the following:

“(25) The term ‘major disaster’ has the mean-
ing 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 Presi-
dent under the Robert T. Stafford Disaster
Relief and Emergency Assistance Act”;
(ii) inserting “States for use in non-
entitlement areas and to” before “metropo-
lar 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” 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 admin-
istration 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 estimate of unmet needs related to housing, economic 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 methodolo-
gies 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 encompassing data that the Secretary determines are adequate to assess relative impact and distress across geographic areas.

“(ii) include a methodology for identifying 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 resulting from the catastrophic major disaster 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, primarily for the benefit of low- and moderate-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, es-

“(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 avail-
able 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 making a determination under paragraph (6) if the Secretary projects, based on a preliminary assessment 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 subparagraph (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 requirements of this section in accordance with subsection (i).

“(F) Amended Award.—

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

“(ii) Applicability.—Notwithstanding subparagraph (D), amounts provided by an amendment under clause (i) are subject to the requirements under subsections (h)(1) and (f)(1) and other requirements on grant funds under this section.

“(G) Technical Assistance.—Concurrent with the allocation of any preliminary funding awarded under this paragraph, the 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 re-
covery, 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 distribution; and
“(J) such other information as may be determined by the Secretary in regulation.

“(2) PUBLIC CONSULTATION.—To permit public examination and appraisal of the plan described in paragraph (1), to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, when developing the plan or substantial amendments proposed 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 opportunity 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 resulted in the grant under this section and other considerations established by the Secretary; and
“(E) undertake any consultation with interested 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 paragraph (1) upon receipt of the plan;

“(C) allow a grantee to revise and resubmit a plan or substantial amendment to a plan under paragraph (1) that the Secretary disapproves;

“(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 Secretary; and

“(E) approve, partially approve, or disapprove 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) PRIORITIZATION.—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) RELLOCATION.—

“(A) IN GENERAL.—The Uniform Reloca-
tion Assistance and Real Property Acquisition
shall apply to activities assisted under this sec-
tion to the extent determined by the Secretary
in regulation, or as provided in waivers and al-
ternative 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 de-
scribes 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 (c)(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 hav-
ing a particular urgency because existing conditions
pose a serious and immediate threat to the health or
welfare of the community where other financial re-
sources are not available to meet such needs, and al-
leviate future threats to human populations, critical
natural resources, and property that an analysis of
hazards shows are likely to result from natural dis-
asters in the future;

“(4) the grant funds shall principally benefit
persons of low and moderate income as described in
subsection (c)(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 soon-
er, the grantee will review and make modifications to
its non-disaster housing and community development
plans and strategies required by subsections (c) and
(m) of section 104 to reflect the disaster recovery
needs identified by the grantee and consistency with
the plan under subsection (c)(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);

“(7) the grantee will comply with the other provisions of this title that apply to assistance under this section and with other applicable laws;

“(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 (c)(7).
“(e) Performance Reviews and Reporting.—

“(1) In General.—The Secretary shall, on not
less frequently than an annual basis, make such re-
views 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 estab-
lished 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 ac-
tivities 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 ex-
pended.

“(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 summary 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 determined 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 section 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-
significant 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-declared 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 section are subject to the requirements of this section, the other provisions of this title that apply to assistance under this section, and other applicable laws, unless modified by waivers and alternative requirements 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 consistent with requirements on Federal payments applicable to such grantee; and

“(iii) if excess amounts under clause (ii) are identified after the period of performance or after the closeout of the award, remit such amounts to the Secretary to be credited to the Fund.

“(C) FAILURE TO COMPLY.—Any grantee provided funds under this subsection or from prior Appropriations Acts under the heading ‘Community Development Fund’ for purposes
related to major disasters that fails to comply with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall be subject to remedies for noncompliance under section 111, unless the Secretary publishes 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 administers in connection with the obligation by the Secretary or the use by the grantee of those funds (except for requirements related to fair housing, non-discrimination, labor standards, the environment, and the requirements of this section that do not expressly authorize modifications by waiver or alternative 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) Recapture.—The Secretary shall recapture and credit to the Fund any amount that is unused by a grantee under this section upon the earlier
“(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-
riod described in paragraph (1) by not more than 4
years, or not more than 6 years for mitigation activi-
ties, if—

“(A) the grantee submits to the Sec-
etary—
“(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 Admin-
istrator of the Small Business Administration, or other Federal agencies.

(c) 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 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.
TITLE VI

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 2021

SHORT TITLE

Sec. 601. This title may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2021”.

CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS

Sec. 602. Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

“(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may
assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

“(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

“(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

“(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

“(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would
apply to each Federal agency providing additional funding under paragraph (1).

“(4) LIABILITY.—

“(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

“(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

“(i) the regulations issued pursuant to section 106; or

“(ii) such regulations as are issued by the other head.
“(C) Statutory violation waivers.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.”.

Authorization of Appropriations


Student Housing Assistance

Sec. 604. Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting “including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,” after “self-sufficiency and other services,”.
APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR
OPERATED BY INDIAN TRIBE OR TRIBALLY DES-
IGNATED HOUSING ENTITY

Sec. 605. Section 203(a)(2) of the Native American
Housing Assistance and Self-Determination Act of 1996
(25 U.S.C. 4133(a)(2)) is amended by inserting “owned
or operated by a recipient and” after “residing in a dwell-
ing unit”.

PROGRAM REQUIREMENTS

Sec. 606. Section 203(a) of the Native American
Housing Assistance and Self-Determination Act of 1996
(25 U.S.C. 4133(a)) (as amended by section 5) is amend-
ed—

(1) in paragraph (1), by striking “paragraph
(2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraph (2) as para-
graph (3);

(3) by inserting after paragraph (1) the fol-
lowing:

“(2) APPLICATION OF TRIBAL POLICIES.—
Paragraph (3) shall not apply if—

“(A) the recipient has a written policy gov-
erning rents and homebuyer payments charged
for dwelling units; and

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“(B) that policy includes a provision governing maximum rents or homebuyer payments, including tenant protections.”; and

(4) in paragraph (3) (as so redesignated), by striking “In the case of” and inserting “In the absence of a written policy governing rents and homebuyer payments, in the case of”.

DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES

Sec. 607. Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking “$5,000” and inserting “$10,000”.

HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING

Sec. 608. Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking “and” at the end; and

(B) by adding at the end the following:

“(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family

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for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and”; and

(2) in subsection (c)—

(A) by striking “The provisions” and inserting the following:

“(1) IN GENERAL.—The provisions”; and

(B) by adding at the end the following:

“(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.”.

LEASE REQUIREMENTS AND TENANT SELECTION

SEC. 609. Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:
“(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.”.

INDIAN HEALTH SERVICE

SEC. 610. (a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

“Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”.
STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN
EMERGENCIES

Sec. 611. Section 401(a)(4) of the Native American
Housing Assistance and Self-Determination Act of 1996
(25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking “may take
an action described in paragraph (1)(C)” and insert-
ing “may immediately take an action described in
paragraph (1)(C)”;

(2) by striking subparagraph (B) and inserting
the following:

“(B) PROCEDURAL REQUIREMENTS.—

“(i) IN GENERAL.—If the Secretary
takes an action described in subparagraph
(A), the Secretary shall provide notice to
the recipient at the time that the Secretary
takes that action.

“(ii) NOTICE REQUIREMENTS.—The
notice under clause (i) shall inform the re-
cipient that the recipient may request a
hearing by not later than 30 days after the
date on which the Secretary provides the
notice.
“(iii) Hearing Requirements.—A hearing requested under clause (ii) shall be conducted—

“(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

“(II) to the maximum extent practicable, on an expedited basis.

“(iv) Failure to Conduct a Hearing.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.”.

REPORTS TO CONGRESS

Sec. 612. Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking “Congress” and inserting “Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives”; and
(2) by adding at the end the following:

"(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.”.

99-YEAR LEASEHOLD INTEREST IN TRUST OR
RESTRICTED LANDS FOR HOUSING PURPOSES

Sec. 613. Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking “50-
YEARS” and inserting “99-YEAR”;

(2) in subsection (b), by striking “50 years” and inserting “99 years”; and

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES

Sec. 614. Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking “The Director” and inserting the following:

“(1) IN GENERAL.—The Director”; and

(2) by adding at the end the following:
“(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.”.

REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS

SEC. 615. Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking “such sums as may be necessary” and all that follows through the period at the end and inserting “such sums as may be necessary for each of fiscal years 2022 through 2032.”.

TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST

SEC. 616. Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20
percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS

SEC. 617. Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

“(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘tribally designated housing entity’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).”.
INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING

COUNSELING GRANTS

SEC. 618. Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “and” and inserting a comma; and

(B) by inserting before the period at the end the following: “, Indian tribes, and tribally designated housing entities”;

(2) in subparagraph (B), by inserting “, Indian tribes, and tribally designated housing entities” after “organizations)”; 

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

“(F) DEFINITIONS.—In this paragraph, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.
SEC. 619. (a) IN GENERAL.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(b)(4)) is amended by—

(1) redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking “The loan” and inserting the following:

“(A) IN GENERAL.—The loan”; 

(3) in subparagraph (A), as so designated, by adding at the end the following:

“(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).”; and

(4) by adding at the end the following:

“(B) DIRECT GUARANTEE PROCESS.—

“(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.
“(ii) INDEMNIFICATION.—

“(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

“(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(C) REVIEW OF MORTGAGEES.—

“(i) IN GENERAL.—The Secretary may periodically review the mortgagees
originating, underwriting, or servicing single family mortgage loans under this section.

“(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

“(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

“(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;
“(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

“(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

“(aa) based on a comparison of any of the factors set forth in this subparagraph; or

“(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.”.

(b) Loan Guarantees for Indian Housing.—

Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: “There are authorized
to be appropriated for those costs such sums as may
be necessary for each of fiscal years 2022 through
2032.”; and

(2) in subparagraph (C), by striking “2008
through 2012” and inserting “2022 through 2032”.

LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING

SEC. 620. Section 184A of the Housing and Commu-
nity Development Act of 1992 (12 U.S.C. 1715z–13b) is
amended—

(1) in subsection (c)(4)(B)—

(A) by redesignating clause (iv) as clause
(v); and

(B) by adding after clause (iii) the fol-
lowing:

“(iv) Any entity certified as a commu-
nity development financial institution by
the Community Development Financial In-
stitutions Fund established under section
104(a) of the Riegle Community Develop-
ment and Regulatory Improvement Act of
1994 (12 U.S.C. 4703(a)).”; and

(2) in subsection (j)(5)(B), by inserting after
the first sentence the following: “There are author-
ized to be appropriated for those costs such sums as
may be necessary for each of fiscal years 2022 through 2032.”.

ASSISTANT SECRETARY FOR INDIAN HOUSING

SEC. 621. The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended—

(1) in section 4 (42 U.S.C. 3533)—

(A) in subsection (a)(1), by striking “7” and inserting “8”; and

(B) in subsection (e)—

(i) by redesignating paragraph (2) as paragraph (4); and

(ii) by striking “(e)(1)(A) There” and all that follows through the end of paragraph (1) and inserting the following:

“(e)(1) There is established within the Department the Office of Native American Programs (in this subsection referred to as the ‘Office’) to be headed by an Assistant Secretary for Native American Programs (in this subsection referred to as the ‘Assistant Secretary’), who shall be 1 of the Assistant Secretaries in subsection (a)(1).

“(2) The Assistant Secretary shall be responsible for—

“(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian hous-
ing authorities under each program of the Department that provides for such assistance;

“(B) administering the community development block grant program for Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the provision of assistance to Indian tribes under such Act;

“(C) directing, coordinating, and assisting in managing any regional offices of the Department that administer Indian programs to the extent of such programs; and

“(D) coordinating all programs of the Department relating to Indian and Alaska Native housing and community development.

“(3) The Secretary shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes in the United States and the activities of the Department, and extent of such activities, in meeting such needs.”; and

(2) in section 8 (42 U.S.C. 3536), by striking “section 4(e)(2)” and inserting “section 4(e)(4)”.

**DRUG ELIMINATION PROGRAM**

Sec. 622. (a) DEFINITIONS.—In this section:
(1) **CONTROLLED SUBSTANCE.**—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) **DRUG-RELATED CRIME.**—The term “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) **RECIPIENT.**—The term “recipient”—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

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

(b) **ESTABLISHMENT.**—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) **ELIGIBLE ACTIVITIES.**—Grants under this section may be used for—
(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—
   (A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);
   and
   (B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et
seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) Applications.—

(1) In general.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of
the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

In evaluating the extent of the drug-related crime problem
pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section
are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an an-
nual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American
Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2022 through 2032 to carry out this section.

RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS

SEC. 623. Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

“(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian veteran who is—

“(aa) homeless or at risk of homelessness; and

“(bb) living—

“(AA) on or near a reservation; or
“(BB) in or near any other Indian area.

“(II) Eligible recipient.—The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

“(III) Indian; Indian area.—The terms ‘Indian’ and ‘Indian area’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(IV) Indian veteran.—The term ‘Indian veteran’ means an Indian who is a veteran.

“(V) Program.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

“(VI) Tribal organization.—The term ‘tribal organization’ has the meaning given the term in section 4

“(ii) Program Specifications.—

The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

“(iii) Model.—

“(I) In General.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

“(II) Exceptions.—
“(aa) Secretary of Housing and Urban Development.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(bb) Secretary of Veterans Affairs.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(iv) Eligible Recipients.—The Secretary shall make amounts for rental assistance and associated administrative
costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

“(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

“(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

“(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

“(II) provide to the Secretary information specified by the Secretary
to assess the effectiveness of the Program in serving eligible Indian veterans.

“(vii) Consultation.—

“(I) Grant recipients; tribal organizations.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

“(II) Indian Health Service.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

“(viii) Waiver.—

“(I) In general.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision
of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

"(II) Exception.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

"(ix) Renewal Grants.—The Secretary may—

"(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible re-
ipients that received a grant under the Program in a previous year; and

“(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

“(x) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

“(bb) submit a report describing the results of the review under item (aa) to—
“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

“(II) Analysis of Housing Stock Limitation.—The Secretary shall include in the initial report submitted under subclause (I) a description of—
“(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

“(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.”.

LEVERAGING

SEC. 624. All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching
or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023”.

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