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117TH CONGRESS
2D SESSION

H. R. ___

[Report No. ___]

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 HOUSE OF REPRESENTATIVES

Mr. Price, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $176,000,000: 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) $27,089,000 shall be available for the Office of the General Counsel;

(4) $17,400,000 shall be available for the Office of the Under Secretary of Transportation for 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) $42,402,000 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) $18,533,000 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) $1,500,000 shall be available for the Office of Tribal Government Affairs; and

(13) $2,000,000 shall be available for the Office of Multimodal Freight Infrastructure and Policy:

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 any change in funding greater than 7 percent shall be subject to the requirements of section 405 of this Act: 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
4  

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.  

RESEARCH AND TECHNOLOGY  

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $56,963,000, of which $42,780,000 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 section 6702 of title 49, United States Code, $775,000,000, 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 $30,000,000 shall be awarded to projects in historically disadvantaged communities or areas of persistent poverty as such term is 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 and shall prioritize transit, transit oriented development, multimodal, intercity passenger rail, and pedestrian 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(e)(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 $50,000,000:

*Provided further,* That section 6702(e)(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 shall apply to projects under this heading the Federal requirements that the Secretary determines are appropriate based on the purpose of the Na-
tional Infrastructure Investments program, the require-
ments expressly stated under this heading, the require-
ments expressly stated in chapter 67 of title 49, United
States Code, and the Federal requirements applicable to
comparable projects supported by other Department of
Transportation financial assistance programs, including
domestic preference requirements, contracting opportuni-
ties for small and disadvantaged businesses, and labor
practices: 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 Ad-
ministration 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 sole-
ly on the selection criteria as identified under paragraphs
(3) and (4) of section 6702(d) of title 49, United States
Code.
THRIVING COMMUNITIES INITIATIVE  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a thriving communities program, $100,000,000, to remain available until September 30, 2025: Provided, That the Secretary of Transportation shall make such amounts available for technical assistance and cooperative agreements to develop and implement technical assistance, planning, and capacity building to improve and foster thriving communities through transportation improvements: Provided further, 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 such 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, reduce pollution from transportation sources, expand affordable transportation options, facilitate efficient land use, preserve or expand jobs, improve housing conditions, 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), 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 prevent the Secretary from providing assistance with amounts made available under this heading to entities described in the second proviso under this heading that request assistance through the thriving communities program: Provided further, That planning and technical assistance made available under this heading may include pre-application 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 administra-
tive expenses of (1) developing and disseminating best 
practices, modeling, and cost-benefit analysis methodolo-
gies to assist entities described in the second proviso under 
this heading with applications for financial assistance pro-
grams under titles 23, 46, and 49, United States Code, 
and (2) award, administration, and oversight of coopera-
tive agreements to carry out the provisions under this 
heading: Provided further, That such amounts and pay-
ments as may be necessary to carry out the thriving com-
munities program may be transferred to appropriate ac-
counts of other operating administrations within the De-
partment of Transportation: Provided further, That the 
Secretary shall notify the House and Senate Committees 
on Appropriations not later than 3 business days prior to 
a transfer carried out under the preceding proviso.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE 
FINANCE BUREAU

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

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary is authorized to issue direct loans and loan guarantees pursuant to chapter 224 of title 49, United States Code, and such authority shall exist so 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, $15,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, $19,648,000, to remain available until expended: Provided, That of such amount, $7,136,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): Provided further, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: Provided further, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting
and review of major infrastructure projects not related to transportation only to the extent that other Federal agen-
cies provide funding to the Department in accordance with the preceding proviso.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

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 assess-
ments and the basis therefor are presented to the House
and Senate Committees on Appropriations and are ap-
proved by such Committees.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
OUTREACH

For necessary expenses for small and disadvantaged
business utilization and outreach activities, $7,094,000, 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 op-
portunities related to any mode of transportation: Pro-
vided 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 Sec-
retary may consider the relative subsidy requirements of
the carriers: Provided further, That basic essential air
service minimum requirements shall not include the 15-
passenger capacity requirement under section 41732(b)(3)
of title 49, United States Code: Provided further, That
amounts authorized to be distributed for the essential air
service program under section 41742(b) of title 49, United
States Code, shall be made available immediately from
amounts otherwise provided to the Administrator of the
Federal Aviation Administration: Provided further, That
the Administrator may reimburse such amounts from fees
credited to the account established under section 45303
of title 49, United States Code.

ELECTRIC VEHICLE FLEET

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Department’s transi-
tion to the General Services Administration’s leased vehi-
cle fleet, and for the purchase of zero emission passenger
motor vehicles and supporting charging or fueling infra-
structure, $11,000,000, to remain available until Sep-
tember 30, 2025: Provided, That such amounts are in ad-
dition to amounts otherwise available for such purposes:
Provided further, That amounts made available under this
heading may be transferred to other accounts of the De-
partment of Transportation for the purposes specified
under this heading: Provided further, That the Secretary
shall notify the House and Senate Committees on Appropriations not later than 3 business days prior to a transfer carried out under the preceding proviso.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

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

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

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department’s Working Capital Fund is authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds
for transit benefit distribution services that are necessary
to carry out the Federal transit pass transportation fringe
benefit program under Executive Order No. 13150 and
section 3049 of SAFETEA–LU (5 U.S.C. 7905 note):
Provided, That the Department shall maintain a reason-
able 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 ex-
pended in the Department’s Working Capital Fund to pro-
vide 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 obli-
gated or expended for retention or senior executive bo-
nuses 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 Representa-
tives: 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.

Federal Aviation Administration

Operations

(Airport and Airway Trust Fund)

For necessary expenses of the Federal Aviation Administra-
tion, 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, $11,870,000,000, to remain available until September 30, 2024, of which $9,993,821,000 to be derived from the Airport and Airway Trust Fund: Provided, That of the amounts made available under this heading—

(1) not less than $1,645,018,000 shall be available for aviation safety activities;

(2) $8,760,044,000 shall be available for air traffic organization activities;

(3) $33,675,000 shall be available for commercial space transportation activities;
(4) $915,049,000 shall be available for finance and management activities;

(5) $65,581,000 shall be available for NextGen and operations planning activities;

(6) $153,447,000 shall be available for security and hazardous materials safety; and

(7) $297,186,000 shall be available for staff offices:

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

Provided further, That the amounts made available under
this heading shall be reduced by $100,000 for each day after 60 days after the submission of the budget request that such report has not been transmitted to Congress: 

Provided further, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amounts made available under this heading shall be reduced by $100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds made available by this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds made available by this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of
the enactment of this Act: Provided further, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the amounts made available under this heading, not less than $187,800,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: Provided further, That none of the funds made available by this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.
FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds made available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,900,000,000, of which $570,000,000 is for personnel and related expenses and shall remain available until September 30, 2024, $1,803,600,000 is for equipment and shall remain available until September 30, 2025, and $526,400,000 is for 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 specified for each Budget Line Item in the table included in the “Facilities and Equipment Spend Plan for Fiscal Year 2023 Infrastructure Investment and Jobs Act Funding” section of the Federal Aviation Administration FY 2023 President’s Budget, as submitted to the House and Senate Committees on Appropriations, 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.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $260,500,000, 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 report accompanying this Act: Provided further, That not to exceed 10 percent of any funding level specified under this heading in the report accompanying this Act may be transferred to any other funding level specified under this heading in the report accompanying this Act: Provided further, That no transfer may increase or decrease any funding level by more than 10 percent: Provided further, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized
under section 41743 of title 49, United States Code; and

for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,350,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the amounts made available 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 multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further*, That notwithstanding any other
provision of law, of amounts limited under this heading, not less than $137,372,000 shall be available for administration, $15,000,000 shall be available for the Airport Cooperative Research Program, $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, $272,604,000, 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 amounts made available under this heading, $172,604,000 is for Community Project Funding for the purposes, and in the amounts, specified for this account in the table titled “Transportation, Housing and Urban Development Incorporation of Community Project Funding Items” included in the report accompanying this Act: Provided further, That any funds made available under this heading in this Act that remain available after the distribution of funds under the preceding proviso shall be available to the Secretary to distribute as discretionary grants to airports: Provided further, That the amounts made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the amounts made available under this heading to fund the award and oversight by the Administrator of grants made under this heading.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Sec. 110. None of the funds made available by this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and 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 regula-
tions requiring airport sponsors to provide to the Federal Aviation Administration without cost building construc-
tion, maintenance, utilities and expenses, or space in air-
port sponsor-owned buildings for services relating to air
traffic control, air navigation, or weather reporting: Pro-
vided, 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-mar-
et” rates for these items or to grant assurances that re-
quire airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control fa-
cilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to
satisfy section 41742(a)(1) of title 49, United States Code, from fees credited under section 45303 of title 49,
United States Code, and any amount remaining in such account at the close of any fiscal year may be made avail-
able to satisfy section 41742(a)(1) of title 49, United States Code, for the subsequent fiscal year.
SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes as such appropriation.

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

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

SEC. 116. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner’s or operator’s aircraft 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 air-
craft’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 Avia-
tion Administration to withhold from consideration and
approval any new application for participation in the Con-
tract Tower Program, or for reevaluation of Cost-share
Program participants so long as the Federal Aviation Ad-
ministration 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 cen-
ter, or the technical center unless the Administrator sub-
mits a request for the reprogramming of funds under sec-
tion 405 of this Act.

Sec. 119D. The Federal Aviation Administration Ad-
ministrative 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 other-
wise made available to the FAA may be used to carry out
the FAA’s obligations under section 44502(e) of title 49, United States Code, unless the eligible air traffic system or equipment to be transferred to the FAA under section 44502(e) of title 49, United States Code, was purchased by the transferor airport—

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

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

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $476,783,991 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 or transferred to the Appalachian Regional Commission for administrative activities associated with the Appalachian Development Highway System.

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 derived from the
Highway Trust Fund (other than the Mass Transit Ac-
count), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

There is hereby appropriated to the Secretary
$1,755,060,641: 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;
or (2) the Appalachian Development Highway System as
authorized under section 1069(y) of Public Law 102–240,
and shall not affect the distribution or amount of funds
provided in any other Act: Provided further, That section
36

1 11101(e) of Public Law 117-58 shall apply to amounts
2 made available under this heading: *Provided further*, That
3 unless otherwise specified, amounts made available under
4 this heading shall be available until September 30, 2026,
5 and shall not be subject to any limitation on obligations
6 for Federal-aid highways or highway safety construction
7 programs set forth in any Act making annual appropri-
8 tions: *Provided further*, That of the funds made available
9 under this heading, the Federal Highway Administration
10 may retain an amount of $3,000,000, to remain available
11 until expended, to fund the oversight of projects carried
12 with funds made available under such paragraph: *Provided
13 further*, That of the funds made available under this head-
14 ing—

15 (1) $1,275,060,641 shall be made available for
16 Community Project Funding for the purposes, and
17 in the amounts, specified for this account in the
18 table titled “Transportation, Housing and Urban
19 Development Incorporation of Community Project
20 Funding Items” included in the report accom-
21 panying this Act: *Provided*, That, except as other-
22 wise provided under this heading, the funds made
23 available under this paragraph shall be administered
24 as if apportioned under chapter 1 of title 23, United
25 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, ex-
cept 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 now
apply to such funds;

(2) $100,000,000 shall be for necessary ex-
penses for construction of the Appalachian Develop-
ment 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 head-
ing for construction of the Appalachian Development
Highway System shall remain available until ex-
 expended: Provided further, That, except as provided
in the following proviso, funds made available under
this heading for construction of the Appalachian De-
development 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 the
Appalachian States according to the percentages de-
derived from the 2021 Appalachian Development
Highway System Cost-to-Complete Estimate, adopt-
ed in Appalachian Regional Commission Resolution
Number 788, 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 2021
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) $75,000,000 shall be for the nationally significant Federal lands and Tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note), of which not less than $37,500,000 shall be for competitive grants to tribal governments;

(4) $12,000,000 shall be for the regional infrastructure accelerator demonstration program authorized under section 1441 of the FAST Act (23 U.S.C. 601 note): Provided, That for funds made available under this paragraph, the Federal share of
the costs shall be, at the option of the recipient, up
to 100 percent;

(5) $30,000,000 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;

(6) $100,000,000 shall be for the safe streets
and roads for all grant program under section
24112 of the Infrastructure Investment and Jobs
Act (23 U.S.C. 402 note), to remain available until
expended: Provided, That notwithstanding section
24112(c)(2)(B) of Pub. L. 117-58, of the total
amount made available under this paragraph in this
Act, the Secretary may award less than 40 percent
to eligible projects described in 24112(a)(3)(A) of
Pub. L. 117-58, but shall award not less than 20
percent to such projects: Provided further, That
amounts made available under this paragraph in this
Act may be transferred to and merged with the ap-
propriations for “Office of the Secretary”;

(7) $100,000,000 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), to remain available until expended: Provided, That, except as otherwise provided under such section or this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code;

(8) $55,000,000 shall be for the healthy streets program under section 11406 of the Infrastructure Investment and Jobs Act (23 U.S.C. 149 note): Provided, That, except as otherwise provided under such section or this heading, the funds made available under this paragraph shall be administered as if apportioned under chapter 1 of title 23, United States Code; and

(9) $5,000,000 shall be for a cooperative series of agreements to examine the impacts of culverts, roads, and bridges on threatened or endangered salmon populations.

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 authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under authorized Federal-aid highway and highway safety construction programs, or apportioned by the Secretary under sections 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 apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

(1) section 125 of title 23, United States Code;
(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

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

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

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

(6) sections 1103 through 1108 of the Intermodal 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 bal-
ances 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 para-
graph (2), the obligation limitation for Federal-aid
highways shall apply to contract authority for trans-
portation research programs carried out under—

(A) chapter 5 of title 23, United States

Code;

(B) title VI of the Fixing America’s Sur-
face Transportation Act; and

(C) title III of division A of the Infrastruc-
ture 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 fis-
cal 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.

(c) 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 distribution of obligation authority under subsection (a)(5).
(3) Availability.—Funds distributed to each
State under paragraph (1) shall be available for any
purpose described in section 133(b) of title 23,
United States Code.

Sec. 121. Notwithstanding 31 U.S.C. 3302, funds 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:
Provided, That such funds shall be subject to the obliga-
tion limitation for Federal-aid highway and highway safety
construction programs.

Sec. 122. Not less than 15 days prior to waiving,
under his or her statutory authority, any Buy America 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 provide an annual report to the House and
Senate Committees on Appropriations on any waivers
granted under the Buy America requirements.

Sec. 123. None of the funds made available in this
Act may be used to make a grant for a project under sec-
tion 117 of title 23, United States Code, unless the Sec-
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: Providing, That the written notification required in the preceding proviso shall be made not later than 180 days after the date of enactment of this Act.

SEC. 124. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation: Providing, 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 defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

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

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

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

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

**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, $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 Federal Motor Carrier Safety Administration, the sum of which shall remain available until
expended: *Provided*, That funds available for implementation, execution, or administration of motor carrier safety operations and programs 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 obligation 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 September 30, 2025, is for development, modernization, enhancement, 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 Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $506,150,000 in fiscal year 2023 for “Motor
Carrier Safety Grants': Provided further, That of the amounts made available under this heading—

  (1) $398,500,000, to remain available for obligation until September 30, 2024, shall be for the motor carrier safety assistance program;

  (2) $42,650,000, to remain available for obligation until September 30, 2024, shall be for the commercial driver's license program implementation program;

  (3) $58,800,000, to remain available for obligation until September 30, 2024, shall be for the high priority program;

  (4) $1,200,000, to remain available for obligation until September 30, 2024, shall be for the commercial motor vehicle operators grant program; and

  (5) $5,000,000, to remain available for obligation until September 30, 2024, shall be for the commercial motor vehicle enforcement training and support grant program.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49,

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, $230,000,000, 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: 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 of any exercise of the authority granted under the preceding proviso or under section 405(a)(8) of title 23, United States Code, within 5 days.
ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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

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

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

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $250,449,000, of which $25,000,000 shall remain available until expended.
RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $47,000,000, to remain available until expended: Provided, That of the amounts made available 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, $555,000,000, to remain available until expended: Provided, That amounts made available under the heading “Northeast Corridor Grants to the National Railroad Passenger Corporation” in this Act may be used as non-Federal share for projects located on the Northeast Corridor selected for award under section 24911 of title 49, United States Code, notwithstanding subsection (f) of such section: Provided further, That amounts made available under the heading “National Network Grants to the National Railroad Passenger Corporation” in this Act may be used as non-Federal share for projects not located on the
Northeast Corridor selected for award under section 24911 of title 49, United States Code, notwithstanding subsection (f) of such section: *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.

CONsolidated Rail Infrastructure and SAFety Improvements

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements grants, as authorized by section 22907 of title 49, United States Code, $630,000,000, to remain available until expended: *Provided,* That of the amounts made available under this heading in this Act—

(1) not less than $150,000,000 shall be for projects eligible under section 22907(c)(2) of title 49, United States Code, that support the development of new intercity passenger rail service routes including alignments for existing routes;

(2) not less than $25,000,000 shall be for projects eligible under section 22907(c)(11) of title 49, United States Code: *Provided,* That for amounts made available in this paragraph, the Secretary shall give preference to projects that are located in coun-
ties with the most pedestrian trespasser casualties;

and

(3) not more than $5,000,000 shall be for
preconstruction planning activities and capital costs
related to the deployment of magnetic levitation
transportation projects:

Provided further, That for amounts made available under
this heading, eligible projects under section 22907(c)(8)
of title 49, United States Code, shall also include railroad
systems planning (including the preparation of regional
intercity passenger rail plans and State Rail Plans) and
railroad project development activities (including railroad
project planning, preliminary engineering, design, environ-
mental analysis, feasibility studies, and the development
and analysis of project alternatives): Provided further,
That section 22907(c)(1)(A) of title 49, United States
Code, shall not apply to amounts made available under
this heading: Provided 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 no-
tice of funding opportunity that includes funds made avail-
able under this heading: Provided further, That unobli-
gated balances remaining after 6 years after 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 withhold up to

2 percent of the amounts made available under this head-

ing in this Act for the costs of award and project manage-

ment 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-

thorized by section 22101(a) of the Infrastructure Invest-

ment and Jobs Act (Public Law 117–58), $882,000,000,

to remain available until expended: Provided, That the

Secretary may retain up to one-half of 1 percent of the

amounts made available 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 ac-

tivities authorized by section 22101(c) of the Infrastruc-

ture Investment and Jobs Act (Public Law 117–58): Pro-

vided further, That in addition to the project management

oversight funds authorized under section 22101(c) of the

Infrastructure Investment and Jobs Act (Public Law 117–

58), the Secretary may retain up to an additional
$1,000,000 of the amounts made available 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: Provided further, That notwithstanding section 24911(f) of title 49, United States Code, amounts made available under this heading in this Act may be used as non-Federal share for projects located on the Northeast Corridor selected for award under section 24911 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 (Public Law 117–58), $1,463,000,000, to remain available until expended: Provided, That the National Railroad Passenger Corporation may use up to 10 percent of the amounts made available under this heading in this Act to support planning and capital costs, and operating assistance consistent with the Federal funding limitations under section 22908 of title 49, United States Code, of corridors selected under section 25101 of title 49, United States Code, that are operated by the National Railroad Passenger Corporation: Provided further, That
notwithstanding section 24911(f) of title 49, United States Code, amounts made available under this heading in this Act may be used as non-Federal share for projects not located on the Northeast Corridor selected for award under section 24911 of title 49, United States Code: Provided further, That none of the funds made available 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.
SEC. 150. None of the funds made available by this Act may be used by the National Railroad Passenger Corporation in contravention of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

SEC. 151. Amounts made available in this and prior Acts to the Secretary 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 may be transferred to the Federal Railroad Administration’s “Financial Assistance Oversight and Technical Assistance” account for necessary expenses to support the award, administration, project management oversight, and technical assistance of financial assistance administered by the Federal Railroad Administration, in the same manner as appropriated in this and prior Acts: Provided, That this section shall not apply to amounts that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.
SEC. 152. Amounts made available under the heading “Department of Transportation—Federal Railroad Administration—Restoration and Enhancement” in any prior fiscal years are subject to the requirements of section 22908 of title 49, United States Code, as in effect on the effective date of the Infrastructure Investment and Jobs Act (Public Law 117–58): Provided, That the limitation in subsection (e)(2) of section 22908 of title 49, United States Code, shall not apply to amounts made available for grants under such section in any prior Act.

SEC. 153. Amounts transferred to a “Financial Assistance Oversight and Technical Assistance” account pursuant to section 802 of title VIII of the Infrastructure Investment and Jobs Appropriations Act (division J of Public Law 117–58), as amended by section 156 of this title, from amounts appropriated for fiscal year 2023 may also be used by the Federal Railroad Administration for the Northeast Corridor Commission established under section 24905 of title 49, United States Code, and for the State-Supported Route Committee established under section 24712(a) of title 49, United States Code, including to assist the Federal Railroad Administration with the delivery of projects carried out with amounts made available under the headings “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants...
to the National Railroad Passenger Corporation”, “Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation”, and “Department of Transportation—Federal Railroad Administration—Federal-State Partnership for Intercity Passenger Rail Grants” in such title: Provided, That the Federal Railroad Administration shall notify the House and Senate Committees on Appropriations not less than 15 days prior to making any amounts available to the Northeast Corridor Commission or State-Supported Route Committee pursuant to this section: Provided further, That amounts repurposed by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as 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.

Sec. 154. The matter under the heading “Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad
Passenger Corporation” in title VIII of division J of Public Law 117-58 is amended—

(1) in the fourth proviso, by striking “Secretary of Transportation shall submit” and inserting “Secretary of Transportation, in consultation with Amtrak, shall submit”;

(2) in the fifth proviso, by striking “Secretary of Transportation shall submit” and inserting “Secretary of Transportation, in consultation with Amtrak, shall prepare and submit”; and

(3) in the tenth proviso, by striking “, to facilitate a coordinated and efficient delivery of projects carried out under this heading in this Act”:

Provided, That amounts repurposed by the amendments made by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as 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.

SEC. 155. The matter under the heading “Department of Transportation—Federal Railroad Administra-
tion—National Network Grants to the National Railroad Passenger Corporation” in title VIII of division J of Public Law 117-58 is amended—

(1) in the third proviso, by striking “Secretary of Transportation shall submit” and inserting “Secretary of Transportation, in consultation with Amtrak, shall submit”; and

(2) in the fourth proviso, by striking “Secretary of Transportation shall submit” and inserting “Secretary of Transportation, in consultation with Amtrak, shall prepare and submit”:

Provided, That amounts repurposed by the amendments made by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as 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.

Sec. 156. Section 802 of title VIII of division J of Public Law 117-58 is amended—

(1) in the first proviso, by inserting “that could be” after “amounts”; and
(2) in the second proviso, by inserting “that could be” after “amounts”:

Provided, That amounts repurposed by the amendments made by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as 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.

SEC. 157. Of the unobligated balances of funds remaining from the “Rail Line Relocation and Improvement Program” account totaling $1,811,124.16 appropriated by Public Law 112-10 is hereby permanently rescinded.

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 sections 5305, 5307, 5310, 5311,
5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340 of title 49, United States Code, section 20005(b) of MAP-21 (Public Law 112–141), and section 3006(b) of the Fixing America’s Surface Transportation Act (Public Law 114-94), $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 sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340 of title 49, United States Code, section 20005(b) of MAP-21 (Public Law 112–141), and section 3006(b) of the Fixing America’s Surface Transportation Act (Public Law 114-94), 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 competitive grants under section 5339(b) of title 49, United States Code, low or no emission grants under section 5339(c) of such title, passenger ferry grants under section 5307(h) of such title, bus testing facilities under section 5318 of such title, Community Project Funding for projects and activities eligible under chapter 53 of such title, administrative expenses and ongoing program management oversight as authorized under sections 5334 and
5338(c)(2) of such title, ferry service for rural communities under section 71103 of the Infrastructure Investment and Jobs Act (Public Law 117–58), and competitive integrated smart mobility grants, $646,428,324, to remain available until expended: Provided, That of the amounts made available under this heading in this Act—

(1) $200,000,000 shall be for buses and bus facilities competitive grants as authorized under section 5339(b) of such title;

(2) $75,000,000 shall be for low or no emission grants as authorized under section 5339(c) of such title: Provided, That for amounts made available in this paragraph, the minimum grant award shall be not less than $750,000;

(3) $20,000,000 shall be for passenger ferry grants as authorized under section 5307(h) of such title;

(4) $2,000,000 shall be for the operation and maintenance of the bus testing facilities selected under section 5318 of such title: Provided, That for amounts made available in this paragraph, the Federal cost share shall be 100 percent;

(5) $267,428,324 shall be for Community Project Funding for the purposes, and in the amounts, specified for this account in the table titled
“Transportation, Housing and Urban Development Incorporation of Community Project Funding Items” included in the report accompanying this Act: Provided, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to amounts made available in this paragraph, except that the Federal share of the costs for a project in this paragraph shall be in an amount equal to 80 percent of the net costs of the project, unless the Secretary approves a higher maximum Federal share of the net costs of the project consistent with administration of similar projects funded under chapter 53 of title 49, United States Code;

(6) $2,000,000 shall be for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(e)(2) of title 49, United States Code, including for administering amounts made available for Community Project Funding in paragraph (5) under this heading in this Act, and shall be in addition to any other appropriations available for such purpose;

(7) $30,000,000 shall be for ferry service for rural communities under section 71103 of the Infrastructure Investment and Jobs Act (Public Law
1. Provided, That for amounts made available in this paragraph, notwithstanding section 71103(a)(2)(B), eligible service 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 entities that provide eligible service pursuant to the preceding proviso may use amounts made available in this paragraph for public transportation capital projects to support any ferry service between two rural areas: Provided further, That entities eligible for amounts made available in this paragraph shall only provide ferry service to rural areas; and

(8) $50,000,000 shall be for integrated smart mobility grants to recipients eligible under sections 5307 and 5311 of title 49, United States Code, for planning and capital projects eligible under chapter 53 of such title that support the adoption of innovative approaches to mobility that will improve safety, accessibility, air-quality, and equity in access to community services and economic opportunities: Provided, That such innovative approaches may include changes to service frequencies, patterns, areas of
coverage, and first and last mile options such as optimizing transit route planning and using integrated travel planning and payment systems; fare improvement projects; deployment of transit ambassadors; data and systems integration; and other activities designed to improve public transportation services: 

Provided further, That the Secretary shall give preference to projects that will improve access to jobs and affordable housing; enhance connections to health care, education, and food security; improve health outcomes; address how individuals without access to advanced technology will benefit from such innovative solutions; or include job retention and retraining for current employees: Provided further, That the Secretary shall award not less than 5 but not more than 10 integrated smart mobility grants with amounts made available in this paragraph: Provided further, That the Secretary shall award, to not less than 3 distinct recipients, not less than 1 such grant to a recipient eligible under section 5307 of title 49, United States Code, not less than 1 such grant to a recipient eligible under section 5311 of title 49, United States Code, and not less than 1 such grant to a recipient eligible under sections 5307 or 5311 of title 49, United States Code, that
provides commuter rail passenger transportation:

Provided further, That capital and operating expenses shall be eligible for amounts made available in this paragraph: Provided further, That an eligible subrecipient under section 5307 or 5311 of title 49, United States Code, shall be eligible to be a direct recipient: Provided further, That the Federal share for planning and capital projects funded with amounts made available in this paragraph shall not exceed 80 percent of the net project cost: Provided further, That the Federal share for operating expenses funded with amounts made available in this paragraph shall not exceed 50 percent of the net project cost: Provided further, That the Secretary shall not waive requirements in section 5333 of title 49, United States Code, for projects funded with amounts made available in this paragraph: Provided further, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to amounts made available in this paragraph:

Provided further, That amounts made available under this heading in this Act shall be derived from the general fund: Provided further, That amounts made available under this heading in this Act shall not be subject to any limitation
on obligations for transit programs set forth in this or any other Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out section 5314 of title 49, United States Code, $8,000,000, 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: Provided further, That amounts made available under this heading are in addition to any other amounts made available for such purposes: Provided further, That amounts made available under this heading shall not be subject to any limitation on obligations set forth in this or any other Act.

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), $3,012,000,000, to remain available until expended: Provided, That of the amounts made available under this heading in this Act, $1,897,166,000 shall be available for projects authorized under section 5309(d) of title 49, United States Code, $40,714,000 shall be available for projects authorized under section 5309(e) of title 49,
United States Code, $94,000,000 shall be available for projects authorized under section 5309(h) of title 49, United States Code, and $350,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America’s Surface Transportation Act (Public Law 114-94): 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 (Public Law 114-94): 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 (Public Law 114-94) 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) of the Fixing America’s Surface Transportation Act (Public Law 114-94): 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), $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

Sec. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 5338 of title 49, United States Code, previously made available for obliga-
tion, or to any other authority previously made available for obligation.

Sec. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading “Capital Investment Grants” of the Federal Transit Administration for projects specified in this Act or identified in the report accompanying 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 grants.
program of greater than 40 percent of project costs as
authorized under section 5309 of title 49, United States
Code.

SEC. 165. Of the amounts made available under the
heading “Department of Transportation—Federal Transit
Administration—Capital Investment Grants” in this Act,
$600,000,000 shall be made available for allocation to re-
cipients with existing full funding grant agreements under
sections 5309(d) and 5309(e) of title 49, United States
Code, that received allocations for fiscal year 2022 and
have either (1) a capital investment grant share of 40 per-
cent or less; or (2) signed a full funding grant agreement
between January 20, 2017 and January 20, 2021: Pro-
vided, That recipients with projects open for revenue serv-
ice shall not be eligible to receive an allocation of funding
under this section: Provided further, That amounts shall
be provided to recipients proportionally based on the non-
capital investment grant share of the project: Provided
further, That no project may receive an allocation of more
than 40 percent of the total amount in this section: Pro-
vided further, That the Secretary shall proportionally dis-
tribute funds in excess of such 40 percent to recipients
for which the percent of funds does not exceed 40 percent:
Provided further, That a recipient may not receive an allo-
cation of funding under this section if the recipient has
(1) expended less than 75 percent of the allocations received under paragraph (4) of section 3401(b) of the American Rescue Plan Act of 2021 (Public Law 117-2); and (2) expended less than 50 percent of the federal operating assistance allocations received under section 5307 of title 49, United States Code, in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Public Law 116-260), or the American Rescue Plan Act of 2021 (Public Law 117-2): Provided further, That amounts allocated pursuant to this section shall be provided to eligible recipients notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project under section 5309(k)(2)(C)(ii) of title 49, United States Code: Provided further, That the Federal Transit Administration shall allocate amounts under this section no later than 30 days after the date of enactment of this Act.

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 Further 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 the same purposes and under the same authorities for which such amounts were originally provided in Public Law 116–94.

Sec. 167. Notwithstanding section 5302(4)(L) of title 49, United States Code, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, may be treated, at the option of the recipient, as an associated capital maintenance item for purposes of grants made under sections 5307 and 5311 of such title in fiscal year 2023: Provided, That an amount equal to not more than 5 percent of the total funding allocated under sections 5307 or 5311 of such title to an urbanized area, state, or territory in fiscal year 2023 may be obligated for such purpose from available amounts allocated in fiscal year 2023 or prior years.

Great Lakes St. Lawrence Seaway Development Corporation

The Great Lakes St. Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard
to fiscal year limitations, as provided by section 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, $41,500,000, 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 $14,800,000 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 this heading or under the
heading “Saint Lawrence Seaway Development Corpora-
tion—Operations and Maintenance” in any prior Act shall
be for activities pursuant to section 984(a)(12) of title 33,
United States Code.
MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet as authorized under chapter 531 of title 46, United States Code, to serve the national security needs of the United States, $318,000,000, to remain available until expended.

CABLE SECURITY FLEET

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

TANKER SECURITY PROGRAM

For the tanker security fleet program, as authorized under chapter 534 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, $192,000,000: Provided, That of the amounts made available under this heading—

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

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

(3) $6,000,000, to remain available until September 30, 2024 shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code; and

(4) $14,819,000, to remain available until expended, shall be for the America’s Marine Highway Program to make grants for the purposes authorized under paragraphs (1) and (3) of section 55601(b) of title 46, United States Code:

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

For necessary expenses of operations, support, and training activities for State Maritime Academies, $77,700,000: Provided, That of the amounts made available under this heading—

(1) $30,500,000, to remain available until expended, shall be 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, to remain available until expended, 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, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary;

(2) $35,000,000, to remain available until expended, shall be for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, design of school
ships, and necessary expenses to construct infrastructure to berth such ships;

(3) $2,400,000, to remain available until September 30, 2027, shall be for the Student Incentive Program;

(4) $3,800,000, to remain available until expended, shall be for training ship fuel assistance; and

(5) $6,000,000, to remain available until September 30, 2024, shall be for direct payments for State Maritime Academies.

ASSISTANCE TO SMALL SHIPYARDS

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

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $6,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 54301 of title 46, United States Code, $300,000,000, to remain available until expended: Provided, 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: Provided further, That of the amounts made available under this heading in this Act, not less than $275,000,000 shall be for coastal seaports or Great Lakes ports: Provided further, That amounts made available under this heading in this Act may not be used for the purchase or installation of fully automated cargo handling equipment or terminal infrastructure that is designed for fully automated cargo handling equipment: Provided further, That for the purposes of the preceding proviso, “fully automated cargo handling equipment” means cargo handling equipment that is remotely operated or remotely monitored and does not require the exercise of human intervention or control: Provided further, That for grants awarded under this heading in this Act, the minimum grant size shall be $1,000,000: Provided further, That the proceeds of Federal credit assistance under chapter 6 of title 23, United
States Code, or chapter 224 of title 49, United States
Code, shall be considered to be part of the non-Federal
share of project costs if the loan is repayable from non-
Federal funds, unless otherwise requested.

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,
$30,150,000, 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, $70,710,500, to 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), $187,800,000, to remain available until September 30, 2025, of which $29,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $151,400,000 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 $7,000,000 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 Inspec-
tor General Act, as amended (5 U.S.C. App.), to inves-
tigate 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 Trans-
portation.

GENERAL PROVISIONS—DEPARTMENT OF
TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appro-
priations to the Department of Transportation shall be available for maintenance and operation of air-
craft; hire of passenger motor vehicles and aircraft; pur-
chase 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 appro-
priations to the Department and its operating administra-
tions shall be available for the purchase, maintenance, op-
eration, and deployment of unmanned aircraft systems
that advance the missions of the Department of Transpor-
tation or an operating administration of the Department
of Transportation.

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

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

SEC. 182. (a) No recipient of amounts made available by this Act shall disseminate personal information (as 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 Transpor-
tation.

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 Adminis-
tration’s “Federal-Aid Highways” account and to the Fed-
eral Railroad Administration’s “Safety and Operations”
account, except for State rail safety inspectors partici-
pating 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 the Infrastructure In-
vestment and Jobs Act (Public Law 117–58) to the De-
partment of Transportation may be used to make a loan,
loan guarantee, line of credit, letter of intent, federally
funded cooperative agreement, full funding grant agree-
ment, or discretionary grant unless the Secretary of
Transportation notifies the House and Senate Committees
on Appropriations not less than 3 full business days before
any project competitively selected to receive any discre-
tionary grant award, letter of intent, loan commitment,
loan guarantee commitment, line of credit commitment,
federally funded cooperative agreement, or full funding grant agreement is announced by the Department or its operating administrations: Provided, That the Secretary of Transportation shall provide the House and Senate Committees on Appropriations with a comprehensive list of all such loans, loan guarantees, lines of credit, letters of intent, federally funded cooperative agreements, full funding grant agreements, and discretionary grants prior to the notification required under the preceding proviso: Provided further, That the Secretary gives concurrent 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 Transportation Improvement Program or Transportation Improvement Program.

SEC. 191. The Secretary of Transportation shall coordinate with the Secretary of Homeland Security to ensure that best practices for Industrial Control Systems Procurement are up-to-date and shall ensure that systems procured with funds provided under this title were procured using such practices.

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,
$18,000,000, 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, $690,900,000, to remain available until September 30, 2024: Provided, That of the sums appropriated under this heading—

(1) $97,000,000 shall be available for the Office of the Chief Financial Officer;

(2) $126,100,000 shall be available for the Office of the General Counsel, of which not less than $18,500,000 shall be for the Departmental Enforcement Center;

(3) $239,566,000 shall be available for the Office of Administration, of which not more than $3,500,000 may be for modernization and deferred maintenance of the Weaver Building;

(4) $54,776,000 shall be available for the Office of the Chief Human Capital Officer;
(5) $32,058,000 shall be available for the Office of the Chief Procurement Officer;

(6) $66,200,000 shall be available for the Office of Field Policy and Management;

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

and

(8) $70,200,000 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 notwithstanding 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 fur-
ther, That the Secretary shall provide in electronic form all signed reports required by Congress.

PROGRAM OFFICES

For necessary salaries and expenses for Program Offices, $1,091,200,000, to remain available until September 30, 2024: Provided, That of the sums appropriated under this heading—

(1) $285,900,000 shall be available for the Office of Public and Indian Housing;

(2) $158,100,000 shall be available for the Office of Community Planning and Development;

(3) $488,500,000 shall be available for the Office of Housing, of which not less than $13,000,000 shall be for the Office of Recapitalization;

(4) $41,600,000 shall be available for the Office of Policy Development and Research;

(5) $105,800,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) $11,300,000 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, $27,042,932,000, 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 the amounts made available under this heading are provided as follows:

(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 authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2023 funding cycle shall provide renewal funding for each public housing
agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: 

Provided further, That funds provided under this paragraph and prior Acts may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed in accordance with the requirements of the MTW demonstration program or their MTW agreements, if any: 

Provided further, That amounts repurposed pursuant to the preceding proviso that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as 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: Provided further, That costs associated with any forgone increases in tenant rent payments due to the implementation of rent incentives as authorized pursuant to waivers or alternative requirements of the Jobs-Plus initiative as described under the heading “Self-Sufficiency Programs” shall be renewed: Provided further, That costs associated with any forgone increases in tenant rent payments due to the implementation of rent incentives as authorized pursuant to waivers or alternative requirements of the Jobs-Plus initiative as described under the heading “Self-Sufficiency Programs” shall be renewed: 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
the date of 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 agree-
ments, if any, and shall be subject to the same pro
rata adjustments under the preceding provisos: Pro-
vided further, That the Secretary may offset public
housing agencies’ calendar year 2023 allocations
based on the excess amounts of public housing agen-
cies’ 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: Pro-
vided further, That public housing agencies partici-
pating in the MTW demonstration shall also be sub-
ject 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 allo-
cation: *Provided further,* That the Secretary shall
use any offset referred to in the preceding two pro-
visos throughout the calendar year to prevent the
termination of rental assistance for families as the
result of insufficient funding, as determined by the
Secretary, and to avoid or reduce the proration of
renewal funding allocations: *Provided further,* That
up to $100,000,000 shall be available only: (1) for
adjustments in the allocations for public housing
agencies, after application for an adjustment by a
public housing agency that experienced a significant
increase, as determined by the Secretary, in renewal
costs of vouchers resulting from unforeseen cir-
cumstances or from portability under section 8(r) of
the Act; (2) for vouchers that were not in use during
the previous 12-month period in order to be avail-
able to meet a commitment pursuant to section
8(o)(13) of the Act, or an adjustment for a funding
obligation not yet expended in the previous calendar
year for a MTW-eligible activity to develop afford-
able housing for an agency added to the MTW dem-
onstration under the expansion authority provided in
section 239 of the Transportation, Housing and
Urban Development, and Related Agencies Appro-
priations Act, 2016 (division L of Public Law 114–113); (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance as a result of insufficient funding; (5) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers; (6) for withheld payments in accordance with section 8(o)(8)(A)(ii) of the Act for months in the previous calendar year that were subsequently paid by the public housing agency after the agency’s actual costs were validated; and (7) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);
(2) $230,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses (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 of the amounts made available under this paragraph, up to $10,000,000 shall be available to provide public housing agencies with enhanced vouchers for families residing in State-assisted projects financed be-
tween 1970 and 1979 that were subject to a use agreement under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (title VI of Public Law 101-625; LIHPRHA) or the Emergency Low Income Housing Preservation Act of 1987 (title II of Public Law 100-242; ELIHPA) on the date the affordability protections at such projects expire or terminate during calendar years 2022 and 2023: Provided further, That that the State housing finance agency shall submit the request to the Secretary for enhanced vouchers for families residing in such eligible State-assisted projects no later than the latter of 120 days prior to the expiration or termination of affordability protections at such projects or 120 days after enactment of this Act: Provided further, That such enhanced vouchers shall not be considered replacement vouchers: Provided further, 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 as-
sisted 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 to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and such recaptured amounts, in an amount equal to the cost of rental assistance provided pursuant to the previous proviso, up to the total amounts recaptured, shall be transferred to and merged with amounts under this paragraph: 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 United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous two provisos, including, but not limited to, requirements for defining eligible at-risk households not later than 60 days after the date of enactment of this 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 pro-
vide 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) $2,756,932,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $10,000,000 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 $2,765,000,000 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 pur-
poses for which such amounts were appropriated:

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

(4) $667,000,000 for the renewal of tenant-
based assistance contracts under section 811 of the
Cranston-Gonzalez National Affordable Housing Act
(42 U.S.C. 8013), including necessary administrative expenses: Provided, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: Provided further, That up to $10,000,000 shall be available only (1) for adjustments in the allocation for public housing agencies, after applications for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in Mainstream renewal costs resulting from unforeseen circumstances, and (2) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate the rental assistance for Mainstream families as a result of insufficient funding: Provided further, That the Secretary shall allocate amounts under the preceding proviso based on need, as determined by the Secretary: Provided further, That of the amounts made available under this paragraph, up to $5,000,000 shall be available for a pilot
program for public housing agencies that partner
with administering entities under the Projects for
Assistance in Transition from Homelessness
(PATH) program as authorized by the Stewart B.
McKinney Homeless Assistance Amendments Act of
1990 or other eligible entities, as determined by the
Secretary, to assist persons with serious mental ill-
ess: Provided further, That the amounts made
available in the preceding proviso shall be for incre-
mental rental voucher assistance, including project-
based vouchers, under such section 811 for non-el-
derly persons with serious mental illness, and for ad-
ministrative and other expenses of public housing
agencies: Provided further, That in awarding assist-
ance under such pilot program the Secretary may
give bonus points to public housing agencies giving
preference to individuals referred from the Coor-
dinated Entry System (CES) or operating a Family
Self-Sufficiency program: Provided further, That in
administering such pilot program, the Secretary may
waive, or specify alternative requirements for, any
provision of any statute or regulation that the Sec-
retary administers in connection with the use of
funds made available under such pilot (except for re-
quirements related to fair housing, nondiscrimina-
tion, labor standards, and the environment), upon a
finding by the Secretary that any such waivers or al-
ternative requirements are necessary for the effective
delivery and administration of such voucher assist-
ce: 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-elder-
ly persons with disabilities;

(5) Of the amounts provided under paragraph
(1) up to $5,000,000 shall be for rental assistance
and associated administrative fees for Tribal HUD–
VASH to serve Native American veterans that are
homeless or at-risk of homelessness living on or near
a reservation or other Indian areas: Provided, That
such amount shall be made available for renewal
grants to recipients that received assistance under
prior Acts under the Tribal HUD–VASH program:
Provided further, That the Secretary shall be author-
ized to specify criteria for renewal grants, including
data on the utilization of assistance reported by
grant recipients: Provided further, That such assist-
ance shall be administered in accordance with pro-
gram requirements under the Native American
Housing Assistance and Self-Determination Act of
1996 and modeled after the HUD–VASH program:

Provided further, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: 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) $50,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937:
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 of the amounts made available under this paragraph, up to $5,000,000 may be allocated to public housing agencies administering temporary case management and supportive services to HUD-VASH eligible veterans that have not yet received a referral from 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 Develop-
ment administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) $30,000,000 shall be made available for the family unification program as authorized under section 8(x) of the Act: Provided, That the amounts made available under this paragraph are provided as follows:

(A) $5,000,000 shall be for new incremental voucher assistance: Provided, That the assistance made available under this subparagraph shall continue to remain available for family unification upon turnover; and

(B) $25,000,000 shall be for new incremental voucher assistance to assist eligible youth as defined by such section 8(x)(2)(B): Provided, That assistance made available under
this subparagraph shall continue to remain
available for such eligible youth upon turnover:

Provided further, That of the total amount
made available under this subparagraph, up to
$15,000,000 shall be available on a noncompeti-
tive basis to public housing agencies that part-
tner with public child welfare agencies to iden-
tify such eligible youth, that request such as-
sistance 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 in-
terval to be determined by the Secretary, and
unutilized voucher assistance that is no longer
needed shall be recaptured by the Secretary and
reallocated pursuant to the preceding proviso:

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

(8) $1,100,000,000 shall be made available for new incremental voucher assistance under section 8(o) of the United States Housing Act of 1937 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 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));

(9) $25,000,000 shall be for mobility-related services, as defined by the Secretary, for voucher families with children modeled after services pro-
vided in connection with the mobility demonstration
authorized under section 235 of division G of the
Consolidated Appropriations Act, 2019 (42 U.S.C.
1437f note; Public Law 116–6): Provided, That the
Secretary shall make funding available to public
housing agencies on a competitive basis and shall
give preference to public housing agencies with high-
er concentrations of housing choice voucher families
with children residing in high-poverty neighborhoods:
Provided further, That the Secretary may recapture
from the public housing agencies unused balances
based on utilization of such awards and reallocate
such amounts to any other public housing agency or
agencies based on need for such mobility-related
services as identified under such competition; and

(10) the Secretary shall separately track all
special purpose vouchers funded under this heading:
Provided, That the Secretary may 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
for new incremental voucher assistance or renewals
for the Mainstream program, the HUD-VASH pro-
gram (in consultation with the Secretary of the De-
partment of Veterans Affairs), and the family unifi-
cation program (including the Foster Youth to Independence program) in this and prior Acts (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 voucher assistance in such respective programs.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2023 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior fiscal years that have been terminated shall be rescinded: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975
through fiscal year 1987 are hereby rescinded, and an
amount of additional new budget authority, equivalent to
the amount rescinded is hereby appropriated, to remain
available until expended, for the purposes set forth under
this heading, in addition to amounts otherwise available.

PUBLIC HOUSING FUND

For 2023 payments to public housing agencies for the
operation and management of public housing, as author-
ized by section 9(e) of the United States Housing Act of
1937 (42 U.S.C. 1437g(e)) (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)), $8,733,500,000, to remain available
until September 30, 2026: Provided, That the amounts
made available under this heading are provided as follows:

(1) $5,038,500,000 shall be available to the
Secretary to allocate pursuant to the Operating
Fund formula at part 990 of title 24, Code of Fed-
eral Regulations, for 2023 payments: Provided, That
the amount of any forgone increases in tenant rent
payments due to the implementation of rent incen-
tives as authorized pursuant to waivers or alter-
native requirements of the Jobs-Plus initiative as de-
scribed under the heading “Self-Sufficiency Pro-
grams” shall be factored into the PHA’s general operating fund eligibility pursuant to such formula;

(2) $25,000,000 shall be available to the Secretary to allocate pursuant to a need-based application process notwithstanding section 203 of this title and not subject to such Operating Fund formula to public housing agencies that experience, or are at risk of, financial shortfalls, as determined by the Secretary: \textit{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) $3,400,000,000 shall be available to the Secretary to allocate pursuant to the Capital Fund formula at section 905.400 of title 24, Code of Federal Regulations: \textit{Provided}, That for funds provided under this paragraph, the limitation in section 9(g)(1) of the Act shall be 25 percent: \textit{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: \textit{Provided further}, That the Secretary shall notify public housing agencies requesting waivers under the preceding proviso if the
request is approved or denied within 14 days of submit-

mitting the request: Provided further, That from the

funds made available under this paragraph, the Sec-

retary shall provide bonus awards in fiscal year

2023 to public housing agencies that are designated

high performers: Provided further, That the Depart-

ment shall notify public housing agencies of their

formula allocation within 60 days of enactment of

this Act;

(4) $65,000,000 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

$45,000,000 shall be available for public housing

agencies under administrative and judicial receiver-

ships or under the control of a Federal monitor:

Provided, That of the amount made available under

this paragraph, not less than $10,000,000 shall be
for safety and security measures: *Provided further,*

That in addition to the amount in the preceding proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2024, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

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

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

(7) $50,000,000 shall be to support ongoing public housing financial and physical assessment activities;
(8) $75,000,000 shall be available to improve the energy or water efficiency or climate resilience of public housing, including for competitive grants to public housing agencies for capital improvements to achieve such purposes: Provided, That of the amounts made available under this paragraph, up to $20,000,000, shall be available for utility benchmarking, including research and evaluations, technical assistance, to develop systems and tools necessary to collect and analyze PHA utility benchmarking data, to remain available until September 30, 2026: Provided further, That for purposes of environmental review, grants under this paragraph shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section:

Provided further, That 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 sec-
tion 9(j) of the Act regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of 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, $450,000,000, 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 the Secretary may specify a period of affordability that is less than 20 years with respect to owner-occupied homeownership units developed with grants from amounts made available under this heading: 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 $225,000,000 shall be awarded to public housing agencies: Provided further, That such grantees shall create partnerships with other local organi-
zations, including assisted housing owners, service agen-
cies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Edu-
cation, Labor, Transportation, Health and Human Serv-
ices, Agriculture, and Commerce, the Attorney General,
and the Administrator of the Environmental Protection
Agency to coordinate and leverage other appropriate Fed-
eral resources: Provided further, That not more than
$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-Sufficiency Programs, to remain available until September 30, 2026, $175,000,000: Provided, That the amounts made available under this heading are provided as follows:

(1) $125,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency: Provided, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (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: Provided further, That an owner or sponsor of a multifamily property receiving project-based rental assistance under section
8 of such Act shall be eligible to receive awards from
the Secretary under this paragraph in this and prior
Acts to support family self-sufficiency coordinators
as established in the final rule “Streamlining and
Implementation of Economic Growth, Regulatory
Relief, and Consumer Protection Act Changes to
Family Self-Sufficiency (FSS) Program” published
in the Federal Register on May 17, 2022 (87 Fed.
Reg. 30020): Provided further, That owners or spon-
sors of a multifamily property receiving project-
based rental assistance under section 8 of such Act
may voluntarily make a Family Self-Sufficiency pro-
gram available to the assisted tenants of such prop-
erty in accordance with procedures established by
the Secretary: Provided further, That such proce-
dures established pursuant to the preceding proviso
shall permit participating tenants to accrue escrow
funds in accordance with section 23(d)(2) of such
Act and shall allow owners to use funding from re-
sidual receipt accounts to hire coordinators for their
own Family Self-Sufficiency program;
(2) $35,000,000 shall be for the Resident Op-
portunity 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.): Provided, That amounts made available under this paragraph may be made available for grant renewal for the Resident Opportunity and Self-Sufficiency program for any public housing agency or owner of a multifamily property receiving project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that lost any amount of funding for the Resident Opportunity and Self-Sufficiency program as a result of participation in the program created under the heading “Rental Assistance Demonstration” in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112-55), as amended (42 U.S.C. 1437f note); and

(3) $15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: Provided, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities or owners or sponsors of multifamily properties receiving project-based rental assistance under section 8, that, in partnership with 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 provide support to help public housing residents, or tenants residing in units assisted under a project-based section 8 contract (including section 8(o)(13) of the United States Housing Act of 1937), obtain employment or increase earnings, or both: 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: 

Provided further, That the costs of any rent incen-
tives as authorized pursuant to such waivers or al-
ternative requirements shall not be charged against
the competitive grant amounts made available under
this paragraph.

NATIVE AMERICAN PROGRAMS

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, $1,000,000,000,
to remain available until September 30, 2027: Provided,
That the amounts made available under this heading are
provided as follows:

(1) $772,000,000 shall be for the Native Amer-
ican Housing Block Grants program, as authorized
under title I of NAHASDA: Provided, That, not-
withstanding 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 compo-
nent 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 allocation not later than 60 days after the date of enactment of this Act;

(2) $150,000,000 shall be 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 amounts in prior Acts may also be used for the
necessary costs of administering and overseeing such amounts;

(3) $1,000,000 shall be 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;

(4) $70,000,000 shall be 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...
vided, 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 purposes, shall be 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 co-
operative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rulemaking under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,521,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That amounts made available in this and prior Acts for the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated, including recaptures and carryover, 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 September 30, 2024.

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.), $10,000,000, 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, to remain available until September 30, 2024, in total loan principal: 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.), $600,000,000, 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 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, $5,299,157,664, to remain available until September 30, 2026, unless otherwise specified: Provided, That of the total amount provided under this heading, $3,300,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) (in this heading “the Act”): Provided further, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds made available under this heading shall be expended for plan-
ning and management development and administration:

Provided further, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but shall use such funds for activities eligible under title I of the Act: Provided further, That notwithstanding section 105(e)(1) of the Act, no funds made available under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2) of section 105: Provided further, That of the total amount provided under this heading, $25,000,000 shall be for activities authorized under section 8071 of the SUPPORT for Patients and Communities Act (Public Law 115–271): Provided further, That the funds allocated pursuant to the preceding proviso shall not adversely affect the amount of any formula assistance received by a State under the first proviso: Provided further, That the Secretary shall allocate the funds for such activities based on the notice establishing the funding formula published in 84 FR 16027 (April 17, 2019) except that the formula shall use age-
adjusted rates of drug overdose deaths for 2019 based on
data from the Centers for Disease Control and Prevention:

Provided further, That of the total amount made available
under this heading, $1,974,157,664 shall be available for
grants for the Economic Development Initiative (EDI) for
the purposes, and in amounts, specified for Community
Project Funding in the table titled “Transportation,
Housing and Urban Development Incorporation of Com-
munity Project Funding Items” included in the report ac-
companying this Act: Provided further, That none of the
amounts made available in the preceding proviso shall be
used for reimbursement of expenses incurred prior to the
obligation of funds: Provided further, That the Depart-
ment of Housing and Urban Development shall notify
grantees of their formula allocation within 60 days of en-
actment of this Act: Provided further, That for fiscal year
2023 section 105(a)(8) of the Act (42 U.S.C. 5305(a)(8))
and section 570.201(e) of title 24, Code of Federal Regu-
lations, shall not apply for public services activities to pre-
vent, prepare for, and respond to homelessness and emer-
gency rental assistance needs.

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 borrowers, 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: Provided further, That $60,000,000, to remain available until September 30, 2025, shall be for competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as
amended, for projects that improve community resilience by supporting distributed clean energy plus storage, flood-control infrastructure, or redevelopment of brownfields or grayfields, such as foreclosed, vacant, contaminated, abandoned, or blighted properties, obsolete manufactured housing, vacant shopping malls, landfills, or otherwise underutilized commercial or industrial properties: Provided further, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program: Provided further, That amounts made available under this heading may be used for the payment of costs associated with private sector financing of debt obligations and fees collected in connection with the section 108 Community Development Loan Guarantee program.

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.), $1,675,000,000, to remain available until September 30, 2026: Provided, That of the amount made available under this heading, up to $50,000,000 shall be for awards to States and insular areas for assistance to homebuyers as authorized under section 212(a)(1) of such Act (42 U.S.C. 12742(a)(1)), in addition to amounts made
otherwise available for such purpose: *Provided further,*

That amounts made available under the preceding proviso shall be allocated in the same manner as other amounts made available under this heading, except that amounts that would have been reserved and allocated to units of general local government within the State pursuant to section 217 of such Act (42 U.S.C. 12747) shall be provided to the State: *Provided further,* That the Secretary may waive or specify alternative requirements for any provision of such Act in connection with the use of amounts made available under the preceding two provisos (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) upon a finding that any such waivers or alternative requirements are necessary to expedite or facilitate the use of amounts awarded pursuant to the preceding provisos: *Provided further,* That notwithstanding section 231(b) of such Act (24 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 not later than 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.

MANUFACTURED HOUSING IMPROVEMENT AND FINANCING PROGRAM

For competitive grants to preserve and revitalize manufactured housing and eligible manufactured housing communities (including pre-1976 mobile homes) under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), $500,000,000, to remain available until September 30, 2027: Provided, That recipients of grants provided with amounts made available under this heading shall be States, units of general local government, resident-owned manufactured housing communities, cooperatives, non-profit entities including consortia of nonprofit entities, community development financial institutions, Indian
Tribes and Tribally designated housing entities, or other entities approved by the Secretary: Provided further, That the Secretary may approve entities for selection that partner with one or several residents of such eligible communities or that propose to implement a grant program that would assist residents of such eligible communities: Provided further, That eligible uses of such grants may include infrastructure, planning, resident and community services (including relocation assistance and eviction prevention), resiliency activities, and providing other assistance to residents or owners of manufactured homes, which may include providing assistance for manufactured housing land and site acquisition: Provided further, That, except as determined by the Secretary, participation in this program shall not encumber the future transfer of title or use of property by the residents, owners, or communities: Provided further, That when selecting recipients, the Secretary shall prioritize applications that primarily benefit low- or moderately low-income residents and preserve long-term housing affordability for residents of manufactured housing or a manufactured housing community: Provided further, That eligible manufactured housing communities may include those that are—
(1) owned by the residents of the manufactured housing community through a resident-controlled entity, as defined by the Secretary; or

(2) determined by the Secretary to be subject to binding agreements that will preserve the community and maintain affordability on a long-term basis:

Provided further, That, of the amounts made available under this heading, $50,000,000 shall be for a pilot program for the Secretary to provide grants to assist in the redevelopment of manufactured housing communities (including pre-1976 mobile homes) as replacement housing that is affordable, as defined by the Secretary: Provided further, That each such redevelopment project shall provide, for each unit of single-family manufactured housing (including pre-1976 mobile homes) replaced under the project, up to 4 dwelling units of such affordable housing: Provided further, That the Secretary shall define eligible activities for grant assistance under the pilot program, which may include relocation assistance or buy-outs for residents of a manufactured housing community or down-payment assistance for such residents: Provided further, That the Secretary shall require each grantee under the pilot program to supplement the amount of the grant with non-Federal amounts exceeding 50 percent of the grant: Provided further, That resiliency activities means the re-
construction, repair, or replacement of manufactured
housing and manufactured housing communities to pro-
tect the health and safety of manufactured housing resi-
dents and to address weatherization and energy efficiency
needs, except that for pre-1976 mobile homes, funds made
available under this heading may be used only for replace-
ment: Provided further, That the Secretary may waive or
specify alternative requirements for any provision of any
statute or regulation that the Secretary administers in
connection with the use of amounts made available for
under this heading (except for requirements related to fair
housing, nondiscrimination, labor standards, and the envi-
riment), upon a finding that such waiver or alternative
requirement is necessary to facilitate the use of such
amounts.

SELF-HELP AND ASSISTED HOMEOWNERSHIP

OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Op-
portunity 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 assist-
ance, $62,500,000, to remain available until September
30, 2025: Provided, That the amounts made available
under this heading are provided as follows:
(1) $12,500,000 shall be for the Self-Help Homeownership Opportunity Program as authorized under such section 11;

(2) $45,000,000 shall be for the second, third, and fourth capacity building entities specified in section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be for rural capacity building activities: Provided, That for purposes of awarding grants from amounts made available in this paragraph, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations; and

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

HOMELESS ASSISTANCE GRANTS

For assistance under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), $3,604,000,000, to remain available until September 30,
2025: Provided, That of the amounts made available under this heading—

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

(2) $3,200,000,000 shall be for the Continuum of Care program authorized under subtitle C of such title IV (42 U.S.C. 11381 et seq.) and the Rural Housing Stability Assistance programs authorized under subtitle D of such title IV (42 U.S.C. 11408): Provided, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: Provided further, That the Secretary shall provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid re-housing services: Provided further, That for fiscal year 2023 the Sec-
The Secretary may establish by notice an alternative maximum amount for administrative costs related to the requirements described in paragraphs (1) and (2) of section 402(f) of subtitle A of such title IV of 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 $75,000,000 shall be for grants for new rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking: Provided further, That amounts made available for the Continuum of Care program under this heading in this Act and any remaining unobligated balances from prior Acts may be used to competitively or non-competitively renew or replace grants for youth homeless demonstration projects under the Continuum of Care program, notwithstanding any conflict with the requirements of the Continuum of Care program;

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

(4) $107,000,000 shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities with a priority for communities with substantial rural populations in up to eight locations, can dramatically reduce youth homelessness: Provided, That of the amount made available under this paragraph, not less than $25,000,000 shall be for youth homelessness system improvement grants to support communities, including but not limited to the communities assisted under the matter preceding this proviso, in 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:

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 head-
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 re-captured and made available until expended, shall be available for the current purposes authorized under this heading in addition to the purposes for which such funds originally were appropriated.

Housing Programs

Project-Based Rental Assistance

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (in this heading “the Act”), not otherwise provided for, $14,540,000,000, 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 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 the amount of any forgone increases in tenant rent payments due to the implementation of rent incentives as authorized pursuant to waivers or alternative requirements of the Jobs-Plus initiative as described under the heading “Self-Sufficiency Programs” shall be factored into housing assistance payments under project-based subsidy contracts: Provided further, That of the total amounts made available under this heading, not to exceed $375,000,000 shall be for performance-based contract administrators or contractors for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): Provided further, That the Secretary may also use such amounts in the preceding proviso for performance-based contract administrators or contractors for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the

Provided further, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators or contractors, 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 under this heading for uses authorized under this heading: Provided further, That of the total amounts made available under this heading, not to exceed $250,000,000 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 234(a) of this Act): Provided further, That of the total amounts made available under this heading, not to exceed $25,000,000 shall be available for adjustments under section 534(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (as added by section 234(b) of this Act) necessary to address health and safety deficiencies: Provided further, That up to 2 percent of the total amounts made available in the preceding two provisos shall be for administrative contract costs, including for carrying out due diligence and underwriting functions for evaluating owners’ requests and for technical assistance activities: Provided further, That of the total amounts made available under this heading, not to exceed
$31,000,000 shall be available for budget based adjustments for service coordinators for the elderly: *Provided further*, That any additional amounts for rent adjustments or supplemental contract funding authorized under the preceding four 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, $1,200,000,000 to remain available until September 30, 2026: *Provided*, That of the amount made available under this heading, up to $125,000,000 shall be for service coordinators and the continuation of existing congregate service grants for resi-
dentists 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 $25,000,000 shall be used to expand the supply of intergenerational dwelling units (as such term is defined in section 202 of the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elderly caregivers raising children: Provided further, That for the purposes of the preceding proviso the Secretary may waive, or specify alternative requirements for, any provision of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in order to facilitate the development of such units, except for requirements related to fair housing, non-discrimination, labor standards, and the environment: Provided further, That of the total amount made available under this heading, up to $6,000,000 shall be used by the Secretary to support preservation 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 Cran-
ston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to subsection (h) of section 202 of the Housing Act of 1959, as added by section 205(a) of the Housing and Community Development Amendments of 1978 (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, $400,000,000, to remain available until September 20, 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 Sep-
tember 30, 2026: Provided further, That amounts depos-
ited 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, in-
cluding recaptures and carryover, remaining from funds
transferred to or appropriated under this heading shall be
used for the current purposes authorized under this head-
ing in addition to the purposes for which such funds origi-
nally 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,
$70,000,000, to remain available until September 30,
2024, including up to $4,500,000 for administrative con-
tract services: Provided, That funds shall be used for pro-
viding 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 im-
proving 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 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 Hous-
ing Administration, $150,000,000, to remain available
until September 30, 2024: Provided further, That notwith-
standing 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 insur-
ance 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 author-
ized 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 au-
thorized 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 en-
ties in connection with the sale of single family real prop-
eries 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 $33,500,000, to remain avail-
able until September 30, 2024, shall be for necessary sala-
ries 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 nec-
essary salaries and expenses shall be available until ex-
pended 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: Pro-
vided further, That receipts from Commitment and
Multiclass fees collected pursuant to title III of the Na-
tional Housing Act (12 U.S.C. 1716 et seq.) shall be cred-
ited 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, $160,000,000, 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: Provided further, That an additional $20,000,000, to remain available until September 30, 2025, shall be for competitive grants to nonprofit or governmental entities to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of or subject to eviction: Provided further, That in awarding grants under the preceding proviso, the Secretary shall give preference to applicants that include a marketing strategy for residents of areas with high rates of eviction, have experience providing no-cost legal assistance to low-income individuals, including those with limited English proficiency or disabilities, and have sufficient capacity to administer
such assistance, and may select unfunded or partially funded eligible applicants identified in the previous competition: Provided further, That the Secretary shall ensure, to the extent practicable, that the proportion of eligible tenants living in rural areas who will receive legal assistance with grant funds made available under this heading is not less than the overall proportion of eligible tenants who live in rural areas.

**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), $86,000,000, 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 legislative branches of the Federal Government in connection with a specific contract, grant, or loan: Provided further, That of the funds made available under this heading,
$1,000,000 shall be available to the Secretary for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 and 1701z-2), and for related activities and assistance, $415,000,000, to remain available until September 30, 2025: Provided, That the amounts made available under this heading are provided as follows:

(1) $290,000,000 shall be for the award of grants pursuant to such section 1011, of which not less than $95,000,000 shall be provided to areas with the highest lead-based paint abatement needs;

(2) $85,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of
1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards, and mitigating housing-related health and safety hazards in housing of low-income families, of which—

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

(B) $10,000,000 shall be for grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs and renovations to meet the needs of low-income elderly homeowners to enable them to remain in their primary residence: Provided, That of the total amount made available under this subparagraph no less than $3,000,000 shall be
available to meet such needs in communities with substantial rural populations;

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

(5) $30,000,000 shall be for a lead-risk assessment demonstration for public housing agencies to conduct lead hazard screenings or lead-risk assessments during housing quality standards inspections of units in which a family receiving assistance under section 8(o) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(o)) resides or expects to reside, and has or expects to have a child under age 6 residing in the unit, while preserving rental housing availability and affordability; and

(6) $5,000,000 shall be for grants for a radon testing and mitigation safety demonstration program
(the radon demonstration) in public housing: *Provided*, That the testing method, mitigation method, or action level used under the radon demonstration shall be as specified by applicable state or local law, if such law is more protective of human health or the environment than the method or level specified by the Secretary:

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

INFORMATION TECHNOLOGY FUND

For Department-wide and program-specific information technology systems and infrastructure, $382,000,000, to remain available until September 30, 2025, of which up to $16,746,000 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 mod-
ernization 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 and acquisition 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 Sec-
retary of Housing and Urban Development for which set-
tlement occurred after January 1, 1992, in accordance
with such section. Notwithstanding the previous sentence,
the Secretary may award up to 15 percent of the budget
authority or cash recaptured and not rescinded or remitted
to the Treasury to provide project owners with incentives
to refinance their project at a lower interest rate.

Sec. 202. None of the funds made available by this
Act may be used 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 Gov-
ernment official or entity, or a court of competent jurisdic-
tion.

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 competi-
tive basis and in accordance with section 102 of the De-

SEC. 204. Section 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535) is amended by adding at the end the following new subsection:

“(u) (1) Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

“(2) Corporations and agencies of the Department of Housing and Urban Development which are subject to chapter 91 of title 31, United States Code, 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 commit-
ments without regard to fiscal year limita-
tions as provided by section 9104 of such title
as may be necessary in carrying out the pro-
grams set forth in the budget for such corpora-
tion or agency except as hereinafter provided:

Provided, That collections of these corporations
and agencies may be used for new loan or mort-
gage purchase commitments only to the extent
expressly provided for in an appropriations Act
(unless such loans are in support of other forms
of assistance provided for in appropriations
Acts), except that this proviso shall not apply to
the mortgage insurance or guaranty operations
of these corporations, or where loans or mort-
gage purchases are necessary to protect the fi-
nancial interest of the United States Govern-
ment.”.

Sec. 205. Unless otherwise provided for in this Act
or through a reprogramming of funds, no part of any ap-
propriation for the Department of Housing and Urban
Development shall be available for any program, project
or activity in excess of amounts set forth in the budget
estimates submitted to Congress.
Sec. 206. The Secretary shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured, and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

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

Sec. 208. (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 sub-
ject 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 transfer-
ring project: The Secretary may authorize a re-
duction in the number of dwelling units in the
receiving project or projects to allow for a re-
configuration of bedroom sizes to meet current
market demands, as determined by the Sec-
retary and provided there is no increase in the
project-based assistance budget authority.

(2) The transferring project shall, as deter-
mained 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 re-
siding in the transferring project and provide a cer-
tification of approval by all appropriate local govern-
mental 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
1701q);

(D) housing that is assisted under section
1701q), as such section existed before the en-
actment of the Cranston-Gonzales National Af-
fordable 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.

(e) 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. The Secretary shall publish by notice in the Federal Register the terms and conditions, including criteria for approval by the Department of Housing and Urban Development, of transfers pursuant to this section no later than 30 days before the effective date of such notice.
SEC. 209. (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 finan-
cial assistance (in excess of amounts received for tuition
and any other required fees and charges) that an indi-
vidual 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 sec-
1002)), shall be considered income to that individual, ex-
cept for a person over the age of 23 with dependent chil-
dren.

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

SEC. 211. 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 re-
ceivership. 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. 212. 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. 213. 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 Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to 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 permitted under paragraph (1) or (2) of section 9(g).

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

SEC. 215. The Secretary shall, for fiscal year 2023, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a 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 ap-
propriate Government website or through other electronic media, as determined by the Secretary.

SEC. 216. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations.

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

SEC. 218. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary, and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical 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-
ciciencies 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 cap-
ital 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 Es-
tate Assessment Center ("REAC") inspection, the Sec-
retary 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 shall take one or more of the following actions, and provide additional notice of those actions to the owner and the parties specified above—

(A) 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 proce-
dures, who will be obligated to promptly make all re-
quired repairs and to accept renewal of the assist-
ance 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 re-
quiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other re-
lated party to stabilize the property in an attempt
to preserve the property through compliance, trans-
fer 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 appro-
priate by the Secretary.

(d) The Secretary shall take appropriate steps to en-
sure 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 and informed consent of the af-
fected tenants and use of other remedies set forth above.
To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

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

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

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

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

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

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

The first report shall be submitted to the Senate and House Committees on Appropriations not later than 30 days after the enactment of this Act, and the second report shall be submitted within 180 days of the transmittal of the first report.

Sec. 219. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level
IV of the Executive Schedule at any time during any public housing agency fiscal year 2023.

Sec. 220. None of the funds made available by this Act and provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, Tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices: Provided, That such notification shall list each grant award by State and congressional district.

Sec. 221. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Association, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

Sec. 222. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Develop-
ment Act of 1974 (42 U.S.C. 5302)) with respect to
grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 223. 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, evalua-
tion, or statistical purposes, and that are unexpended at
the time of completion of a contract, grant, or cooperative
agreement, may be deobligated and shall immediately be-
come available and may be reobligated in that fiscal year
or the subsequent fiscal year for the research, evaluation,
or statistical purposes for which the amounts are made
available to that Office subject to reprogramming require-
ments in section 405 of this Act.

SEC. 224. None of the funds provided in this Act or
any other Act may be used for awards, including perform-
ance, special act, or spot, for any employee of the Depart-
ment of Housing and Urban Development subject to ad-
ministrative discipline (including suspension from work),
in this fiscal year, but this prohibition shall not be effec-
tive prior to the effective date of any such administrative
discipline or after any final decision over-turning such dis-
cipline.
SEC. 225. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal 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 toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipient’s CoC program.

SEC. 226. (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. 227. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.
SEC. 228. Any public housing agency designated as a Moving to Work agency pursuant to section 239 of division L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat. 2897) may, upon such designation, use funds (except for special purpose funding, including special purpose vouchers) previously allocated to any such public housing agency under section 8 or 9 of the United States Housing Act of 1937, including any reserve funds held by the public housing agency or funds held by the Department of Housing and Urban Development, pursuant to the authority for use of section 8 or 9 funding provided under such section and section 204 of title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–28), notwithstanding the purposes for which such funds were appropriated.

SEC. 229. 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. 230. None of the funds made available by this title may be used to issue rules or guidance in contravention of section 1210 of Public Law 115–254 (132 Stat. 3442) or section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155).

Sec. 231. (a) 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.

(b) Funds previously made available in the Consolidated Appropriations Act, 2017 (Public Law 115-31) for the “Choice Neighborhoods Initiative” that were available for obligation through fiscal year 2019 are to remain available through fiscal year 2025 for the liquidation of valid obligations incurred in fiscal years 2017 through 2019.

(c) Funds previously made available in the Consolidated Appropriations Act, 2018 (Public Law 115-141) for the “Choice Neighborhoods Initiative” that were available
for obligation through fiscal year 2020 are to remain available through fiscal year 2026 for the liquidation of valid obligations incurred in fiscal years 2018 through 2020.

(d) Funds previously made available in the Consolidated Appropriations Act, 2019 (Public Law 116-6) for the “Choice Neighborhoods Initiative” that were available for obligation through fiscal year 2021 are to remain available through fiscal year 2027 for the liquidation of valid obligations incurred in fiscal years 2019 through 2021.

(e) Funds previously made available in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) for the “Choice Neighborhoods Initiative” that were available for obligation through fiscal year 2022 are to remain available through fiscal year 2028 for the liquidation of valid obligations incurred in fiscal years 2020 through 2022.

(f) Funds previously made available in the Consolidated Appropriations Act, 2021 (Public Law 116-260) for the “Choice Neighborhoods Initiative” that were available for obligation through fiscal year 2023 are to remain available through fiscal year 2029 for the liquidation of valid obligations incurred in fiscal years 2021 through 2023.

SEC. 232. For fiscal year 2023, if the Secretary determines or has determined, for any prior formula grant allocation administered by the Secretary under a program
under the headings “Public and Indian Housing”, “Community Planning and Development”, or “Housing Programs” in this title, 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 formula: 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 a 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. 233. (a) Amounts made available in paragraphs (1) and (2) under the heading “Native American Programs” in title XII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) which were allocated or awarded to Indian tribes or tribally designated housing entities, and which are not accepted as of the date of enactment of this Act, are voluntarily returned, or otherwise recaptured for any reason, may be used by the Secretary to make additional grants for the same purpose and under the same terms and conditions as amounts appropriated by section 11003(a)(2) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(b) Amounts repurposed by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency re-
quirement 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 Rep-
resentatives on June 8, 2022.

SEC. 234. 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 SUBSE-
QUENT RENEWALS. After the initial renewal of a sec-
tion 8 contract pursuant to this section and notwith-
standing 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 sec-
tion, the Secretary may, not more 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, and no rehabilitation is currently needed, 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 in the event the owner or purchaser fails to implement the rehabilitation as required by the Secretary, the Secretary may take such action against the owner or purchaser as allowed by law; 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.”;

(b) in section 534, by adding at the end the following new subsection:

“(h) RENT ADJUSTMENTS TO ADDRESS DISTRESS. In the case of a section 8 contract that will be eligible for renewal under this section when it expires or terminates, notwithstanding any provision of contract or law regarding the adjustment of rents, including such a provision in this section, the Secretary may adjust such rents, subject to the availability of funds for such rent adjustments, to rent levels that are equal to the lesser of budget-based rents or comparable market rents for the market area at the request of an owner or purchaser who demonstrates that such rent adjustment is needed to address project health and safety deficiencies and that—
“(1) project income is insufficient to operate
and maintain the project, and no rehabilitation is
currently needed, as determined by the Secretary; or
“(2) the rent adjustment is necessary to sup-
port 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 deter-
mined by the Secretary, and in the event the owner
or purchaser fails to implement the rehabilitation as
required by the Secretary, the Secretary may take
such action against the owner or purchaser as al-
lowed by law.”; and
(e) in section 579, by striking “October 1, 2022”
each place it appears and inserting in lieu thereof “Octo-
ber 1, 2027”.

Sec. 235. 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. 236. (a) Funds previously made available in
chapter 9 of title X of the Disaster Relief Appropriations
Act, 2013 (Public Law 113-2, division A; 127 Stat. 36) under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” that were available for obligation through fiscal year 2017 are to remain available until expended for the liquidation of valid obligations incurred in fiscal years 2013 through 2017.

(b) Notwithstanding any other provision of law, in the case of any grantee of funds referred to in subsection (a) of this section that provides assistance that duplicates benefits available to a person for the same purpose from another source, the grantee itself shall—

(1) be subject to remedies for noncompliance; or

(2) bear responsibility for absorbing such cost of duplicative benefits and returning an amount equal to any duplicative benefits paid to the grantee’s funds available for use under such heading, unless the Secretary, upon the request of a grantee issues a public determination by publication in the Federal Register that it is not in the best interest of the Federal Government to pursue such remedies.

(c) Notwithstanding any other provision of law, any grantee of funds referred to in subsection (a) of this section may request a waiver from the Secretary of Housing and Urban Development of any recoupment by the Sec-
retary of such funds for amounts owed by persons who
have received such assistance from such funds and who
have been defrauded, or after receiving assistance, have
filed for bankruptcy, gone through a foreclosure procedure
on property that received such assistance, or are deceased.
If the grantee self-certifies to the Secretary in such re-
quest that it has verified that the individual conditions of
each person it is requesting a waiver for meets one of the
conditions specified in the preceding sentence, the Sec-
retary may grant such waivers on the basis of grantee self-
certification, issue a public determination by publication
in the Federal Register that it is not in the best interest
of the Federal Government to pursue such recoupment,
and may conduct oversight to verify grantee self-certifi-
cation and subject the grantee to remedies for noncompli-
ance for any amounts that have not met such require-
ments.

(d) Amounts repurposed pursuant to this section that
were previously designated by the Congress as an emer-
gency requirement pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985 or a concurrent
resolution on the budget are designated as 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.
1 Res. 1151 (117th Congress) as engrossed in the House
2 of Representatives on June 8, 2022.

3 SEC. 237. None of the funds made available to the
4 Department of Housing and Urban Development by this
5 or any other Act may be used to implement, administer,
6 enforce, or in any way make effective the proposed rule
7 entitled “Housing and Community Development Act of
8 1980: Verification of Eligible Status”, issued by the De-
9 partment of Housing and Urban Development on May 10,
10 2019 (Docket No. FR–6124–P–01), or any final rule
11 based substantially on such proposed rule.
12
13 This title may be cited as the “Department of Hous-
14 ing and Urban Development Appropriations Act, 2023”.
15
16 TITLE III
17
18 RELATED AGENCIES
19
20 ACCESS BOARD
21
22 SALARIES AND EXPENSES
23
24 For expenses necessary for the Access Board, as au-
25 thorized by section 502 of the Rehabilitation Act of 1973
26 (29 U.S.C. 792), $9,850,000: Provided, That, notwith-
27 standing any other provision of law, there may be credited
28 to this appropriation funds received for publications and
29 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.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $27,935,000: 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.
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: 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.

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor ve-
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, $125,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses: Provided, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $185,000,000.

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, $42,029,000: Provided, That of the amounts made available under this heading, not less than $1,000,000 shall be for the nec-
necessary salaries and expenses to implement section 22309 of the Infrastructure Investment and Jobs Act (Public Law 117-58), and for other activities as appropriate as determined by the Surface Transportation Board: Provided further, 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 $40,779,000.

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, $4,580,000.

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 this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2023, or provided from any a-
counts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a re-programming 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 report accompanying this Act, whichever is more
detailed, unless prior approval is received from the
House and Senate Committees on Appropriations:

Provided, That not later than 60 days after the date of
enactment of this Act, each agency funded by this Act
shall submit a report to the Committees on Appropriations
of the Senate and of the House of Representatives to es-
tablish 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 en-
acted level, the President’s budget request, ad-
justments made by Congress, adjustments due
to enacted rescissions, if appropriate, and the
fiscal year enacted level;

(B) a delineation in the table for each ap-
propriation and its respective prior year enacted
level by object class and program, project, and
activity as detailed in this Act, the table accom-
ppanying the report accompanying this Act, ac-
companying 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 section 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 infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

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

Sec. 409. No 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 fil-
ing 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 man-
ner.

(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

(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 cal-
endar days any failures to comply with this requirement.

SEC. 416. None of the funds appropriated or other-
wise 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. Within the amounts appropriated in this
Act, funding shall be allocated in the amounts specified
for those projects and purposes delineated in the table ti-
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, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

Sec. 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 section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United
States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

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

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

Passed by the Senate and agreed to by the House of Representatives, June 21, 2022.