

**Calendar No. 359**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2322****[Report No. 112-157]**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2012

Mrs. MURRAY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

---

**A BILL**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

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

1 Development, and related agencies for the fiscal year end-  
2 ing September 30, 2013, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,  
8 \$108,097,000, of which not to exceed \$2,635,000 shall be  
9 available for the immediate Office of the Secretary; not  
10 to exceed \$992,000 shall be available for the Immediate  
11 Office of the Deputy Secretary; not to exceed \$19,615,000  
12 shall be available for the Office of the General Counsel;  
13 not to exceed \$11,248,000 shall be available for the Office  
14 of the Under Secretary of Transportation for Policy; not  
15 to exceed \$12,825,000 shall be available for the Office of  
16 the Assistant Secretary for Budget and Programs; not to  
17 exceed \$2,514,000 shall be available for the Office of the  
18 Assistant Secretary for Governmental Affairs; not to ex-  
19 ceed \$27,095,000 shall be available for the Office of the  
20 Assistant Secretary for Administration; not to exceed  
21 \$2,034,000 shall be available for the Office of Public Af-  
22 fairs; not to exceed \$1,608,000 shall be available for the  
23 Office of the Executive Secretariat; not to exceed  
24 \$1,539,000 shall be available for the Office of Small and  
25 Disadvantaged Business Utilization; not to exceed

1 \$10,875,000 for the Office of Intelligence, Security, and  
2 Emergency Response; and not to exceed \$15,117,000 shall  
3 be available for the Office of the Chief Information Offi-  
4 cer: *Provided*, That the Secretary of Transportation is au-  
5 thorized to transfer funds appropriated for any office of  
6 the Office of the Secretary to any other office of the Office  
7 of the Secretary: *Provided further*, That no appropriation  
8 for any office shall be increased or decreased by more than  
9 5 percent by all such transfers: *Provided further*, That no-  
10 tice of any change in funding greater than 5 percent shall  
11 be submitted for approval to the House and Senate Com-  
12 mittees on Appropriations: *Provided further*, That not to  
13 exceed \$60,000 shall be for allocation within the Depart-  
14 ment for official reception and representation expenses as  
15 the Secretary may determine: *Provided further*, That not-  
16 withstanding any other provision of law, excluding fees au-  
17 thorized in Public Law 107–71, there may be credited to  
18 this appropriation up to \$2,500,000 in funds received in  
19 user fees: *Provided further*, That none of the funds pro-  
20 vided in this Act shall be available for the position of As-  
21 sistant Secretary for Public Affairs.

22 NATIONAL INFRASTRUCTURE INVESTMENTS

23 For capital investments in surface transportation in-  
24 frastructure, \$500,000,000, to remain available through  
25 September 30, 2014: *Provided*, That the Secretary of

1 Transportation shall distribute funds provided under this  
2 heading as discretionary grants to be awarded to a State,  
3 local government, transit agency, or a collaboration among  
4 such entities on a competitive basis for projects that will  
5 have a significant impact on the Nation, a metropolitan  
6 area, or a region: *Provided further*, That projects eligible  
7 for funding provided under this heading shall include, but  
8 not be limited to, highway or bridge projects eligible under  
9 title 23, United States Code; public transportation  
10 projects eligible under chapter 53 of title 49, United  
11 States Code; passenger and freight rail transportation  
12 projects; and port infrastructure investments: *Provided*  
13 *further*, That the Secretary may use up to 35 percent of  
14 the funds made available under this heading for the pur-  
15 pose of paying the subsidy and administrative costs of  
16 projects eligible for Federal credit assistance under chap-  
17 ter 6 of title 23, United States Code, if the Secretary finds  
18 that such use of the funds would advance the purposes  
19 of this paragraph: *Provided further*, That in distributing  
20 funds provided under this heading, the Secretary shall  
21 take such measures so as to ensure an equitable geo-  
22 graphic distribution of funds, an appropriate balance in  
23 addressing the needs of urban and rural areas, and the  
24 investment in a variety of transportation modes: *Provided*  
25 *further*, That a grant funded under this heading shall be

1 not less than \$10,000,000 and not greater than  
2 \$200,000,000: *Provided further*, That not more than 25  
3 percent of the funds made available under this heading  
4 may be awarded to projects in a single State: *Provided*  
5 *further*, That the Federal share of the costs for which an  
6 expenditure is made under this heading shall be, at the  
7 option of the recipient, up to 80 percent: *Provided further*,  
8 That the Secretary shall give priority to projects that re-  
9 quire a contribution of Federal funds in order to complete  
10 an overall financing package: *Provided further*, That not  
11 less than \$120,000,000 of the funds provided under this  
12 heading shall be for projects located in rural areas: *Pro-*  
13 *vided further*, That for projects located in rural areas, the  
14 minimum grant size shall be \$1,000,000 and the Secretary  
15 may increase the Federal share of costs above 80 percent:  
16 *Provided further*, That of the amount made available  
17 under this heading, the Secretary may use an amount not  
18 to exceed \$35,000,000 for the planning, preparation or de-  
19 sign of projects eligible for funding under this heading:  
20 *Provided further*, That grants awarded under the previous  
21 proviso shall not be subject to a minimum grant size: *Pro-*  
22 *vided further*, That projects conducted using funds pro-  
23 vided under this heading must comply with the require-  
24 ments of subchapter IV of chapter 31 of title 40, United  
25 States Code: *Provided further*, That the Secretary shall

1 conduct a new competition to select the grants and credit  
2 assistance awarded under this heading: *Provided further*,  
3 That the Secretary may retain up to \$20,000,000 of the  
4 funds provided under this heading, and may transfer por-  
5 tions of those funds to the Administrators of the Federal  
6 Highway Administration, the Federal Transit Administra-  
7 tion, the Federal Railroad Administration and the Federal  
8 Maritime Administration, to fund the award and oversight  
9 of grants and credit assistance made under this heading.

10 FINANCIAL MANAGEMENT CAPITAL

11 For necessary expenses for upgrading and enhancing  
12 the Department of Transportation's financial systems and  
13 re-engineering business processes, \$10,000,000, to remain  
14 available through September 30, 2014.

15 CYBER SECURITY INITIATIVES

16 For necessary expenses for cyber security initiatives,  
17 including necessary upgrades to wide area network and  
18 information technology infrastructure, improvement of  
19 network perimeter controls and identity management,  
20 testing and assessment of information technology against  
21 business, security, and other requirements, implementa-  
22 tion of Federal cyber security initiatives and information  
23 infrastructure enhancements, implementation of enhanced  
24 security controls on network devices, and enhancement of

1 cyber security workforce training tools, \$6,000,000, to re-  
2 main available through September 30, 2014.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,  
5 \$9,773,000.

6 TRANSPORTATION PLANNING, RESEARCH, AND

7 DEVELOPMENT

8 For necessary expenses for conducting transportation  
9 planning, research, systems development, development ac-  
10 tivities, and making grants, to remain available until ex-  
11 pended, \$8,000,000.

12 WORKING CAPITAL FUND

13 For necessary expenses for operating costs and cap-  
14 ital outlays of the Working Capital Fund, not to exceed  
15 \$174,128,000 shall be paid from appropriations made  
16 available to the Department of Transportation: *Provided*,  
17 That such services shall be provided on a competitive basis  
18 to entities within the Department of Transportation: *Pro-*  
19 *vided further*, That the above limitation on operating ex-  
20 penses shall not apply to non-DOT entities: *Provided fur-*  
21 *ther*, That no funds appropriated in this Act to an agency  
22 of the Department shall be transferred to the Working  
23 Capital Fund without the approval of the agency modal  
24 administrator: *Provided further*, That no assessments may  
25 be levied against any program, budget activity, subactivity

1 or project funded by this Act unless notice of such assess-  
2 ments and the basis therefor are presented to the House  
3 and Senate Committees on Appropriations and are ap-  
4 proved by such Committees.

5           MINORITY BUSINESS RESOURCE CENTER PROGRAM

6           For the cost of guaranteed loans, \$333,000, as au-  
7 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-  
8 cluding the cost of modifying such loans, shall be as de-  
9 fined in section 502 of the Congressional Budget Act of  
10 1974: *Provided further*, That these funds are available to  
11 subsidize total loan principal, any part of which is to be  
12 guaranteed, not to exceed \$18,367,000. In addition, for  
13 administrative expenses to carry out the guaranteed loan  
14 program, \$589,000.

15                   MINORITY BUSINESS OUTREACH

16           For necessary expenses of Minority Business Re-  
17 source Center outreach activities, \$3,234,000, to remain  
18 available until September 30, 2013: *Provided*, That not-  
19 withstanding 49 U.S.C. 332, these funds may be used for  
20 business opportunities related to any mode of transpor-  
21 tation.



1                                    PAYMENTS TO AIR CARRIERS  
2                                    (AIRPORT AND AIRWAY TRUST FUND)  
3                                    (INCLUDING TRANSFER OF FUNDS)

4            In addition to funds made available from any other  
5 source to carry out the essential air service program under  
6 49 U.S.C. 41731 through 41742, \$114,000,000, to be de-  
7 rived from the Airport and Airway Trust Fund, to remain  
8 available until expended: *Provided*, That in determining  
9 between or among carriers competing to provide service  
10 to a community, the Secretary may consider the relative  
11 subsidy requirements of the carriers: *Provided further*,  
12 That basic essential air service minimum requirements  
13 shall not include the 15-passenger capacity requirement  
14 under subsection 41732(b)(3) of title 49, United States  
15 Code: *Provided further*, That if the funds under this head-  
16 ing are insufficient to meet the costs of the essential air  
17 service program in the current fiscal year, the Secretary  
18 shall transfer such sums as may be necessary to carry out  
19 the essential air service program from any available  
20 amounts appropriated to or directly administered by the  
21 Office of the Secretary for such fiscal year.

22                                    RESEARCH AND TECHNOLOGY

23            For necessary expenses related to the Office of the  
24 Assistant Secretary for Research and Technology,  
25 \$13,500,000, of which \$6,953,000 shall remain available

1 until September 30, 2015: *Provided*, That there may be  
2 credited to this appropriation, to be available until ex-  
3 pended, funds received from States, counties, municipali-  
4 ties, other public authorities, and private sources for ex-  
5 penses incurred for training: *Provided further*, That not-  
6 withstanding any other provision of law, the powers and  
7 duties, functions, authorities and personnel of the Re-  
8 search and Innovative Technology Administration are  
9 hereby transferred to the Office of the Assistant Secretary  
10 for Research and Technology in the Office of the Sec-  
11 retary: *Provided further*, That notwithstanding section 102  
12 of title 49 and section 5315 of title 5, there shall be an  
13 Assistant Secretary for Research and Technology within  
14 the Office of the Secretary, appointed by the President  
15 with the advice and consent of the Senate, to lead such  
16 office: *Provided further*, That any reference in law, regula-  
17 tion, judicial proceedings, or elsewhere to the Research  
18 and Innovative Technology Administration shall be  
19 deemed to be a reference to the Office of the Assistant  
20 Secretary for Research and Technology of the Department  
21 of Transportation.

22 ADMINISTRATIVE PROVISIONS—OFFICE OF THE  
23 SECRETARY OF TRANSPORTATION

24 SEC. 101. None of the funds made available in this  
25 Act to the Department of Transportation may be obligated

1 for the Office of the Secretary of Transportation to ap-  
2 prove assessments or reimbursable agreements pertaining  
3 to funds appropriated to the modal administrations in this  
4 Act, except for activities underway on the date of enact-  
5 ment of this Act, unless such assessments or agreements  
6 have completed the normal reprogramming process for  
7 Congressional notification.

8       SEC. 102. None of the funds made available under  
9 this Act may be obligated or expended to establish or im-  
10 plement a program under which essential air service com-  
11 munities are required to assume subsidy costs commonly  
12 referred to as the EAS local participation program.

13       SEC. 103. The Secretary or his designee may engage  
14 in activities with States and State legislators to consider  
15 proposals related to the reduction of motorcycle fatalities.

16       SEC. 104. Notwithstanding section 3324 of title 31,  
17 United States Code, in addition to authority provided by  
18 section 327 of title 49, United States Code, the Depart-  
19 ment's Working Capital Fund is hereby authorized to pro-  
20 vide payments in advance to vendors that are necessary  
21 to carry out the Federal transit pass transportation fringe  
22 benefit program under Executive Order 13150 and section  
23 3049 of Public Law 109-59: *Provided*, That the Depart-  
24 ment shall include adequate safeguards in the contract

1 with the vendors to ensure timely and high-quality per-  
2 formance under the contract.

3       SEC. 105. The Secretary shall post on the Web site  
4 of the Department of Transportation a schedule of all  
5 meetings of the Credit Council, including the agenda for  
6 each meeting, and require the Credit Council to record the  
7 minutes of each meeting.

8       SEC. 106. The Secretary of Transportation is author-  
9 ized to carry out a program that establishes uniform  
10 standards for developing and supporting agency transit  
11 pass and transit benefits authorized under section 7905  
12 of title 5, United States Code, including distribution of  
13 transit benefits by various paper and electronic media.

14                   FEDERAL AVIATION ADMINISTRATION

15                                   OPERATIONS

16   (AIRPORT AND AIRWAY TRUST FUND)

17   (INCLUDING TRANSFER OF FUNDS)

18       For necessary expenses of the Federal Aviation Ad-  
19 ministration, not otherwise provided for, including oper-  
20 ations and research activities related to commercial space  
21 transportation, administrative expenses for research and  
22 development, establishment of air navigation facilities, the  
23 operation (including leasing) and maintenance of aircraft,  
24 subsidizing the cost of aeronautical charts and maps sold  
25 to the public, lease or purchase of passenger motor vehi-

1 cles for replacement only, in addition to amounts made  
2 available by Public Law 108–176, \$9,698,396,000, of  
3 which \$5,340,000,000 shall be derived from the Airport  
4 and Airway Trust Fund, of which not to exceed  
5 \$7,496,279,000 shall be available for air traffic organiza-  
6 tion activities; not to exceed \$1,255,000,000 shall be avail-  
7 able for aviation safety activities; not to exceed  
8 \$16,271,000 shall be available for commercial space trans-  
9 portation activities; not to exceed \$573,591,000 shall be  
10 available for finance and management activities; not to ex-  
11 ceed \$60,064,000 shall be available for NextGen and oper-  
12 ations planning activities; and not to exceed \$297,191,000  
13 shall be available for staff offices: *Provided*, That not to  
14 exceed 2 percent of any budget activity, except for aviation  
15 safety budget activity, may be transferred to any budget  
16 activity under this heading: *Provided further*, That no  
17 transfer may increase or decrease any appropriation by  
18 more than 2 percent: *Provided further*, That any transfer  
19 in excess of 2 percent shall be treated as a reprogramming  
20 of funds under section 405 of this Act and shall not be  
21 available for obligation or expenditure except in compli-  
22 ance with the procedures set forth in that section: *Pro-*  
23 *vided further*, That not later than March 31 of each fiscal  
24 year hereafter, the Administrator of the Federal Aviation  
25 Administration shall transmit to Congress an annual up-

1 date to the report submitted to Congress in December  
2 2004 pursuant to section 221 of Public Law 108–176:  
3 *Provided further*, That the amount herein appropriated  
4 shall be reduced by \$100,000 for each day after March  
5 31 that such report has not been submitted to the Con-  
6 gress: *Provided further*, That not later than March 31 of  
7 each fiscal year hereafter, the Administrator shall trans-  
8 mit to Congress a companion report that describes a com-  
9 prehensive strategy for staffing, hiring, and training flight  
10 standards and aircraft certification staff in a format simi-  
11 lar to the one utilized for the controller staffing plan, in-  
12 cluding stated attrition estimates and numerical hiring  
13 goals by fiscal year: *Provided further*, That the amount  
14 herein appropriated shall be reduced by \$100,000 per day  
15 for each day after March 31 that such report has not been  
16 submitted to Congress: *Provided further*, That funds may  
17 be used to enter into a grant agreement with a nonprofit  
18 standard-setting organization to assist in the development  
19 of aviation safety standards: *Provided further*, That none  
20 of the funds in this Act shall be available for new appli-  
21 cants for the second career training program: *Provided*  
22 *further*, That none of the funds in this Act shall be avail-  
23 able for the Federal Aviation Administration to finalize  
24 or implement any regulation that would promulgate new  
25 aviation user fees not specifically authorized by law after

1 the date of the enactment of this Act: *Provided further*,  
2 That there may be credited to this appropriation as offset-  
3 ting collections funds received from States, counties, mu-  
4 nicipalities, foreign authorities, other public authorities,  
5 and private sources for expenses incurred in the provision  
6 of agency services, including receipts for the maintenance  
7 and operation of air navigation facilities, and for issuance,  
8 renewal or modification of certificates, including airman,  
9 aircraft, and repair station certificates, or for tests related  
10 thereto, or for processing major repair or alteration forms:  
11 *Provided further*, That of the funds appropriated under  
12 this heading, not less than \$10,350,000 shall be for the  
13 contract tower cost-sharing program: *Provided further*,  
14 That none of the funds in this Act for aeronautical chart-  
15 ing and cartography are available for activities conducted  
16 by, or coordinated through, the Working Capital Fund.

17 FACILITIES AND EQUIPMENT

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For necessary expenses, not otherwise provided for,  
20 for acquisition, establishment, technical support services,  
21 improvement by contract or purchase, and hire of national  
22 airspace systems and experimental facilities and equip-  
23 ment, as authorized under part A of subtitle VII of title  
24 49, United States Code, including initial acquisition of  
25 necessary sites by lease or grant; engineering and service

1 testing, including construction of test facilities and acqui-  
2 sition of necessary sites by lease or grant; construction  
3 and furnishing of quarters and related accommodations  
4 for officers and employees of the Federal Aviation Admin-  
5 istration stationed at remote localities where such accom-  
6 modations are not available; and the purchase, lease, or  
7 transfer of aircraft from funds available under this head-  
8 ing, including aircraft for aviation regulation and certifi-  
9 cation; to be derived from the Airport and Airway Trust  
10 Fund, \$2,750,000,000, of which \$480,000,000 shall re-  
11 main available until September 30, 2013; \$2,195,000,000  
12 shall remain available until September 30, 2015; and  
13 \$75,000,000 shall remain available until September 30,  
14 2016: *Provided*, That there may be credited to this appro-  
15 priation funds received from States, counties, municipali-  
16 ties, other public authorities, and private sources, for ex-  
17 penses incurred in the establishment, improvement, and  
18 modernization of national airspace systems: *Provided fur-*  
19 *ther*, That upon initial submission to the Congress of the  
20 fiscal year 2014 President's budget, the Secretary of  
21 Transportation shall transmit to the Congress a com-  
22 prehensive capital investment plan for the Federal Avia-  
23 tion Administration which includes funding for each budg-  
24 et line item for fiscal years 2014 through 2018, with total  
25 funding for each year of the plan constrained to the fund-



1 ing targets for those years as estimated and approved by  
2 the Office of Management and Budget.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 (INCLUDING RESCISSION)

6 For necessary expenses, not otherwise provided for,  
7 for research, engineering, and development, as authorized  
8 under part A of subtitle VII of title 49, United States  
9 Code, including construction of experimental facilities and  
10 acquisition of necessary sites by lease or grant,  
11 \$160,000,000, to be derived from the Airport and Airway  
12 Trust Fund and to remain available until September 30,  
13 2015: *Provided*, That there may be credited to this appro-  
14 priation as offsetting collections, funds received from  
15 States, counties, municipalities, other public authorities,  
16 and private sources, which shall be available for expenses  
17 incurred for research, engineering, and development: *Pro-*  
18 *vided further*, That of the unobligated balances from prior  
19 year appropriations available under this heading,  
20 \$26,183,998 are rescinded.

1 GRANTS-IN-AID FOR AIRPORTS  
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
3 (LIMITATION ON OBLIGATIONS)  
4 (AIRPORT AND AIRWAY TRUST FUND)  
5 (INCLUDING TRANSFER OF FUNDS)

6 For liquidation of obligations incurred for grants-in-  
7 aid for airport planning and development, and noise com-  
8 patibility planning and programs as authorized under sub-  
9 chapter I of chapter 471 and subchapter I of chapter 475  
10 of title 49, United States Code, and under other law au-  
11 thorizing such obligations; for procurement, installation,  
12 and commissioning of runway incursion prevention devices  
13 and systems at airports of such title; for grants authorized  
14 under section 41743 of title 49, United States Code; and  
15 for inspection activities and administration of airport safe-  
16 ty programs, including those related to airport operating  
17 certificates under section 44706 of title 49, United States  
18 Code, \$3,400,000,000 to be derived from the Airport and  
19 Airway Trust Fund and to remain available until ex-  
20 pended: *Provided*, That none of the funds under this head-  
21 ing shall be available for the planning or execution of pro-  
22 grams the obligations for which are in excess of  
23 \$3,350,000,000 in fiscal year 2013, notwithstanding sec-  
24 tion 47117(g) of title 49, United States Code: *Provided*  
25 *further*, That none of the funds under this heading shall

1 be available for the replacement of baggage conveyor sys-  
2 tems, reconfiguration of terminal baggage areas, or other  
3 airport improvements that are necessary to install bulk ex-  
4 plosive detection systems: *Provided further*, That notwith-  
5 standing section 137 of Public Law 112–95, for unfin-  
6 ished projects at airports that are not large hub airports  
7 or medium hub airports and for which prior to February  
8 14, 2012, the project sponsor had received a grant for one  
9 or more phases of the project or supporting infrastructure  
10 project funds, funds limited under this heading shall be  
11 used to pay for 95 percent of allowable project costs: *Pro-*  
12 *vided further*, That notwithstanding any other provision  
13 of law, of funds limited under this heading, not more than  
14 \$103,000,000 shall be obligated for administration, not  
15 less than \$15,000,000 shall be available for the airport  
16 cooperative research program, not less than \$29,300,000  
17 shall be for Airport Technology Research and \$6,000,000,  
18 to remain available until expended, shall be available and  
19 transferred to “Office of the Secretary, Salaries and Ex-  
20 penses” to carry out the Small Community Air Service De-  
21 velopment Program.

22 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

23 ADMINISTRATION

24 SEC. 110. None of the funds in this Act may be used  
25 to compensate in excess of 600 technical staff-years under

1 the federally funded research and development center con-  
2 tract between the Federal Aviation Administration and the  
3 Center for Advanced Aviation Systems Development dur-  
4 ing fiscal year 2013.

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

18       SEC. 112. The Administrator of the Federal Aviation  
19 Administration may reimburse amounts made available to  
20 satisfy 49 U.S.C. 41742(a)(1) from fees credited under  
21 49 U.S.C. 45303: *Provided*, That during fiscal year 2013,  
22 49 U.S.C. 41742(b) shall not apply, and any amount re-  
23 maining in such account at the close of that fiscal year  
24 may be made available to satisfy section 41742(a)(1) for  
25 the subsequent fiscal year.

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

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

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

16       SEC. 116. The Secretary shall apportion to the spon-  
17 sor of an airport that received scheduled or unscheduled  
18 air service from a large certified air carrier (as defined  
19 in part 241 of title 14 Code of Federal Regulations, or  
20 such other regulations as may be issued by the Secretary  
21 under the authority of section 41709) an amount equal  
22 to the minimum apportionment specified in 49 U.S.C.  
23 47114(c), if the Secretary determines that airport had  
24 more than 10,000 passenger boardings in the preceding

1 calendar year, based on data submitted to the Secretary  
2 under part 241 of title 14, Code of Federal Regulations.

3       SEC. 117. None of the funds in this Act may be obli-  
4 gated or expended for retention bonuses for an employee  
5 of the Federal Aviation Administration without the prior  
6 written approval of the Deputy Assistant Secretary for  
7 Administration of the Department of Transportation.

8       SEC. 118. Subparagraph (D) of section 47124(b)(3)  
9 of title 49, United States Code, is amended by striking  
10 “benefit.” and inserting “benefit, with the maximum al-  
11 lowable local cost share capped at 20 percent.”.

12       SEC. 119. Notwithstanding any other provision of  
13 law, none of the funds made available under this Act or  
14 any prior Act may be used to implement or to continue  
15 to implement any limitation on the ability of any owner  
16 or operator of a private aircraft to obtain, upon a request  
17 to the Administrator of the Federal Aviation Administra-  
18 tion, a blocking of that owner’s or operator’s aircraft reg-  
19 istration number from any display of the Federal Aviation  
20 Administration’s Aircraft Situational Display to Industry  
21 data that is made available to the public, except data made  
22 available to a Government agency, for the noncommercial  
23 flights of that owner or operator.

24       SEC. 119A. None of the funds in this Act shall be  
25 available for salaries and expenses of more than 7 political

1 and Presidential appointees in the Federal Aviation Ad-  
 2 ministration.

3       SEC. 119B. None of the funds made available under  
 4 this Act may be used to increase fees pursuant to section  
 5 44721 of title 49, United States Code, until the FAA con-  
 6 ducts a public outreach that is designed to elicit feedback  
 7 from aviation stakeholders, and until the FAA has re-  
 8 ported the justification of its fees on paper and digital  
 9 products to the House and Senate Committees on Appro-  
 10 priations.

11       SEC. 119C. None of the funds appropriated or limited  
 12 by this Act may be used to change weight restrictions or  
 13 prior permission rules at Teterboro airport in Teterboro,  
 14 New Jersey.

15                   FEDERAL HIGHWAY ADMINISTRATION

16                           FEDERAL-AID HIGHWAYS

17                               LIMITATION ON ADMINISTRATIVE EXPENSES

18                                   (HIGHWAY TRUST FUND)

19                                       (INCLUDING TRANSFER OF FUNDS)

20       Not to exceed \$426,476,000, together with advances  
 21 and reimbursements received by the Federal Highway Ad-  
 22 ministration, shall be paid in accordance with law from  
 23 appropriations made available by this Act to the Federal  
 24 Highway Administration for necessary expenses for ad-  
 25 ministration and operation. In addition, not to exceed

1 \$3,220,000 shall be paid from appropriations made avail-  
2 able by this Act and transferred to the Appalachian Re-  
3 gional Commission in accordance with section 104 of title  
4 23, United States Code.

5                                   LIMITATION ON OBLIGATIONS

6                                   (HIGHWAY TRUST FUND)

7           None of the funds in this Act shall be available for  
8 the implementation or execution of programs, the obliga-  
9 tions for which are in excess of \$39,143,583,000 for Fed-  
10 eral-aid highways and highway safety construction pro-  
11 grams for fiscal year 2013: *Provided*, That within the  
12 \$39,143,583,000 obligation limitation on Federal-aid  
13 highways and highway safety construction programs, not  
14 more than \$429,800,000 shall be available for the imple-  
15 mentation or execution of programs for transportation re-  
16 search (chapter 5 of title 23, United States Code; sections  
17 111, 5505, and 5506 of title 49, United States Code; and  
18 title 5 of Public Law 109–59) for fiscal year 2013: *Pro-*  
19 *vided further*, That this limitation on transportation re-  
20 search programs shall not apply to any authority pre-  
21 viously made available for obligation: *Provided further*,  
22 That the Secretary may, as authorized by section 605(b)  
23 of title 23, United States Code, collect and spend fees to  
24 cover the costs of services of expert firms, including coun-  
25 sel, in the field of municipal and project finance to assist



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

10 LIQUIDATION OF CONTRACT AUTHORIZATION

11 (HIGHWAY TRUST FUND)

12 For carrying out the provisions of title 23, United  
13 States Code, that are attributable to Federal-aid high-  
14 ways, not otherwise provided, including reimbursement for  
15 sums expended pursuant to the provisions of 23 U.S.C.  
16 308, \$39,882,583,000 or so much thereof as may be avail-  
17 able in and derived from the Highway Trust Fund (other  
18 than the Mass Transit Account), to remain available until  
19 expended.

20 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

21 ADMINISTRATION

22 SEC. 120. (a) For fiscal year 2013, the Secretary of  
23 Transportation shall—

24 (1) not distribute from the obligation limitation  
25 for Federal-aid highways amounts authorized for ad-

1       ministrative expenses and programs by section  
2       104(a) of title 23, United States Code; programs  
3       funded from the administrative takedown authorized  
4       by section 104(a)(1) of title 23, United States Code  
5       (as in effect on the date before the date of enact-  
6       ment of the Safe, Accountable, Flexible, Efficient  
7       Transportation Equity Act: A Legacy for Users); the  
8       highway use tax evasion program; and the Bureau of  
9       Transportation Statistics;

10           (2) not distribute an amount from the obliga-  
11          tion limitation for Federal-aid highways that is equal  
12          to the unobligated balance of amounts made avail-  
13          able from the Highway Trust Fund (other than the  
14          Mass Transit Account) for Federal-aid highways and  
15          highway safety programs for previous fiscal years  
16          the funds for which are allocated by the Secretary;

17           (3) determine the ratio that—

18                   (A) the obligation limitation for Federal-  
19                   aid highways, less the aggregate of amounts not  
20                   distributed under paragraphs (1) and (2), bears  
21                   to

22                   (B) the total of the sums authorized to be  
23                   appropriated for Federal-aid highways and  
24                   highway safety construction programs (other  
25                   than sums authorized to be appropriated for

1 provisions of law described in paragraphs (1)  
2 through (9) of subsection (b) and sums author-  
3 ized to be appropriated for section 105 of title  
4 23, United States Code, equal to the amount  
5 referred to in subsection (b)(10) for such fiscal  
6 year), less the aggregate of the amounts not  
7 distributed under paragraphs (1) and (2) of  
8 this subsection;

9 (4)(A) distribute the obligation limitation for  
10 Federal-aid highways, less the aggregate amounts  
11 not distributed under paragraphs (1) and (2), for  
12 sections 1301, 1302, and 1934 of the Safe, Account-  
13 able, Flexible, Efficient Transportation Equity Act:  
14 A Legacy for Users; sections 117 and section 144(g)  
15 of title 23, United States Code; and section 14501  
16 of title 40, United States Code, so that the amount  
17 of obligation authority available for each of such sec-  
18 tions is equal to the amount determined by multi-  
19 plying the ratio determined under paragraph (3) by  
20 the sums authorized to be appropriated for that sec-  
21 tion for the fiscal year; and

22 (B) distribute \$2,000,000,000 for section 105  
23 of title 23, United States Code;

24 (5) distribute the obligation limitation provided  
25 for Federal-aid highways, less the aggregate

1 amounts not distributed under paragraphs (1) and  
2 (2) and amounts distributed under paragraph (4),  
3 for each of the programs that are allocated by the  
4 Secretary under the Safe, Accountable, Flexible, Ef-  
5 ficient Transportation Equity Act: A Legacy for  
6 Users and title 23, United States Code (other than  
7 to programs to which paragraphs (1) and (4) apply),  
8 by multiplying the ratio determined under paragraph  
9 (3) by the amounts authorized to be appropriated  
10 for each such program for such fiscal year; and

11 (6) distribute the obligation limitation provided  
12 for Federal-aid highways, less the aggregate  
13 amounts not distributed under paragraphs (1) and  
14 (2) and amounts distributed under paragraphs (4)  
15 and (5), for Federal-aid highways and highway safe-  
16 ty construction programs (other than the amounts  
17 apportioned for the equity bonus program, but only  
18 to the extent that the amounts apportioned for the  
19 equity bonus program for the fiscal year are greater  
20 than \$2,639,000,000, and the Appalachian develop-  
21 ment highway system program) that are apportioned  
22 by the Secretary under the Safe, Accountable, Flexi-  
23 ble, Efficient Transportation Equity Act: A Legacy  
24 for Users and title 23, United States Code, in the  
25 ratio that—

1 (A) amounts authorized to be appropriated  
2 for such programs that are apportioned to each  
3 State for such fiscal year, bear to

4 (B) the total of the amounts authorized to  
5 be appropriated for such programs that are ap-  
6 portioned to all States for such fiscal year.

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—  
8 The obligation limitation for Federal-aid highways shall  
9 not apply to obligations:

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

12 (2) under section 147 of the Surface Transpor-  
13 tation Assistance Act of 1978;

14 (3) under section 9 of the Federal-Aid Highway  
15 Act of 1981;

16 (4) under subsections (b) and (j) of section 131  
17 of the Surface Transportation Assistance Act of  
18 1982;

19 (5) under subsections (b) and (c) of section 149  
20 of the Surface Transportation and Uniform Reloca-  
21 tion Assistance Act of 1987;

22 (6) under sections 1103 through 1108 of the  
23 Intermodal Surface Transportation Efficiency Act of  
24 1991;

1           (7) under section 157 of title 23, United States  
2 Code, as in effect on the day before the date of the  
3 enactment of the Transportation Equity Act for the  
4 21st Century;

5           (8) under section 105 of title 23, United States  
6 Code, as in effect for fiscal years 1998 through  
7 2004, but only in an amount equal to \$639,000,000  
8 for each of those fiscal years;

9           (9) for Federal-aid highway programs for which  
10 obligation authority was made available under the  
11 Transportation Equity Act for the 21st Century or  
12 subsequent public laws for multiple years or to re-  
13 main available until used, but only to the extent that  
14 the obligation authority has not lapsed or been used;

15           (10) under section 105 of title 23, United  
16 States Code, but only in an amount equal to  
17 \$639,000,000 for each of fiscal years 2005 through  
18 2010; and

19           (11) under section 1603 of the Safe, Account-  
20 able, Flexible, Efficient Transportation Equity Act:  
21 A Legacy for Users, to the extent that funds obli-  
22 gated in accordance with that section were not sub-  
23 ject to a limitation on obligations at the time at  
24 which the funds were initially made available for ob-  
25 ligation.

1           (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
2 THORITY.—Notwithstanding subsection (a), the Secretary  
3 shall, after August 1 of such fiscal year, revise a distribu-  
4 tion of the obligation limitation made available under sub-  
5 section (a) if the amount distributed cannot be obligated  
6 during that fiscal year, and redistribute sufficient amounts  
7 to those States able to obligate amounts in addition to  
8 those previously distributed during that fiscal year, giving  
9 priority to those States having large unobligated balances  
10 of funds apportioned under sections 104 and 144 of title  
11 23, United States Code.

12           (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO  
13 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-  
14 tion limitation shall apply to transportation research pro-  
15 grams carried out under chapter 5 of title 23, United  
16 States Code, and title V (research title) of the Safe, Ac-  
17 countable, Flexible, Efficient Transportation Equity Act:  
18 A Legacy for Users, except that obligation authority made  
19 available for such programs under such limitation shall re-  
20 main available for a period of 3 fiscal years and shall be  
21 in addition to the amount of any limitation imposed on  
22 obligations for Federal-aid highway and highway safety  
23 construction programs for future fiscal years.

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

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of the distribution of obligation limitation  
3           under subsection (a), the Secretary shall distribute  
4           to the States any funds that—

5                   (A) are authorized to be appropriated for  
6                   such fiscal year for Federal-aid highways pro-  
7                   grams; and

8                   (B) the Secretary determines will not be  
9                   allocated to the States, and will not be available  
10                  for obligation, in such fiscal year due to the im-  
11                  position of any obligation limitation for such  
12                  fiscal year.

13           (2) RATIO.—Funds shall be distributed under  
14           paragraph (1) in the same ratio as the distribution  
15           of obligation authority under subsection (a)(6).

16           (3) AVAILABILITY.—Funds distributed under  
17           paragraph (1) shall be available for any purposes de-  
18           scribed in section 133(b) of title 23, United States  
19           Code.

20           (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-  
21           gation limitation distributed for a fiscal year under sub-  
22           section (a)(4) for the provision specified in subsection  
23           (a)(4) shall—

24                   (1) remain available until used for obligation of  
25                   funds for that provision; and



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

5           (g) LIMITATION ON STATUTORY CONSTRUCTION.—  
6           Nothing in this section shall be construed to limit the dis-  
7           tribution of obligation authority under subsection  
8           (a)(4)(A) for each of the individual projects numbered  
9           greater than 3676 listed in the table contained in section  
10          1702 of the Safe, Accountable, Flexible, Efficient Trans-  
11          portation Equity Act: A Legacy for Users.

12          SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-  
13          ceived by the Bureau of Transportation Statistics from the  
14          sale of data products, for necessary expenses incurred pur-  
15          suant to 49 U.S.C. 111 may be credited to the Federal-  
16          aid Highways account for the purpose of reimbursing the  
17          Bureau for such expenses: *Provided*, That such funds shall  
18          be subject to the obligation limitation for Federal-aid  
19          Highways and highway safety construction programs.

20          SEC. 122. Not less than 15 days prior to waiving,  
21          under his statutory authority, any Buy America require-  
22          ment for Federal-aid highway projects, the Secretary of  
23          Transportation shall make an informal public notice and  
24          comment opportunity on the intent to issue such waiver  
25          and the reasons therefor: *Provided*, That the Secretary

1 shall provide an annual report to the House and Senate  
2 Committees on Appropriations on any waivers granted  
3 under the Buy America requirements.

4 SEC. 123. (a) IN GENERAL.—Except as provided in  
5 subsection (b), none of the funds made available, limited,  
6 or otherwise affected by this Act shall be used to approve  
7 or otherwise authorize the imposition of any toll on any  
8 segment of highway located on the Federal-aid system in  
9 the State of Texas that—

10 (1) as of the date of enactment of this Act, is  
11 not tolled;

12 (2) is constructed with Federal assistance pro-  
13 vided under title 23, United States Code; and

14 (3) is in actual operation as of the date of en-  
15 actment of this Act.

16 (b) EXCEPTIONS.—

17 (1) NUMBER OF TOLL LANES.—Subsection (a)  
18 shall not apply to any segment of highway on the  
19 Federal-aid system described in that subsection that,  
20 as of the date on which a toll is imposed on the seg-  
21 ment, will have the same number of nontoll lanes as  
22 were in existence prior to that date.

23 (2) HIGH-OCCUPANCY VEHICLE LANES.—A  
24 high-occupancy vehicle lane that is converted to a  
25 toll lane shall not be subject to this section, and

1 shall not be considered to be a nontoll lane for pur-  
2 poses of determining whether a highway will have  
3 fewer nontoll lanes than prior to the date of imposi-  
4 tion of the toll, if—

5 (A) high-occupancy vehicles occupied by  
6 the number of passengers specified by the enti-  
7 ty operating the toll lane may use the toll lane  
8 without paying a toll, unless otherwise specified  
9 by the appropriate county, town, municipal or  
10 other local government entity, or public toll  
11 road or transit authority; or

12 (B) each high-occupancy vehicle lane that  
13 was converted to a toll lane was constructed as  
14 a temporary lane to be replaced by a toll lane  
15 under a plan approved by the appropriate coun-  
16 ty, town, municipal or other local government  
17 entity, or public toll road or transit authority.

18 SEC. 124. Notwithstanding subsection 101(d) of Pub-  
19 lic Law 112–102, the level of contract authority for ad-  
20 ministrative expenses of the Federal-aid highway program  
21 for fiscal year 2013 shall be \$426,476,000.

22 SEC. 125. Notwithstanding subsection 111(d)(3) of  
23 Public Law 112–30, funds limited by this Act and made  
24 available for purposes under section 1960 of Public Law  
25 109–59 shall be allocated in accordance with such section.

1       SEC. 126. (a) Section 127 of title 23, United States  
2 Code, is amended by adding at the end the following:

3                   “(i) OPERATION OF VEHICLES ON  
4                   CERTAIN WISCONSIN HIGHWAYS.—If any  
5                   segment of the United States Route 41  
6                   corridor described in section 1105(c)(57)  
7                   of the Intermodal Surface Transportation  
8                   Efficiency Act of 1991 (Public Law 102–  
9                   240; 105 Stat. 2032; 119 Stat. 1209), is  
10                  designated as a route on the Interstate  
11                  System, a vehicle that could operate legally  
12                  on the segment before the date of the des-  
13                  ignation may continue to operate on the  
14                  segment without regard to any require-  
15                  ment under subsection (a).”.

16       SEC. 127. (a) Not later than 90 days after the date  
17 of enactment of this Act, the Secretary, in consultation  
18 with each relevant State and other applicable Federal  
19 agencies, shall commence a comprehensive truck size and  
20 weight limits study. The study shall—

21                  (1) provide data on accident frequency and fac-  
22                  tors related to accident risk of each route of the Na-  
23                  tional Highway System in each State that allows a  
24                  vehicle to operate with size and weight limits that

1 are in excess of the Federal law and regulations and  
2 its correlation to truck size and weight limits;

3 (2) evaluate the impacts to the infrastructure of  
4 each route of the National Highway System in each  
5 State that allows a vehicle to operate with size and  
6 weight limits that are in excess of the Federal law  
7 and regulations, including—

8 (A) an analysis that quantifies the cost  
9 and benefits of the impacts in dollars;

10 (B) an analysis of the percentage of trucks  
11 operating in excess of the Federal size and  
12 weight limits; and

13 (C) an analysis that examines the ability of  
14 each State to recover the cost for the impacts,  
15 or the benefits incurred;

16 (3) evaluate the impacts and frequency of viola-  
17 tions in excess of the Federal size and weight law  
18 and regulations to determine the cost of the enforce-  
19 ment of the law and regulations, and the effective-  
20 ness of the enforcement methods;

21 (4) examine the relationship between truck per-  
22 formance and crash involvement and its correlation  
23 to Federal size and weight limits, including the im-  
24 pacts on crashes;

1           (5) assess the impacts that truck size and  
2 weight limits in excess of the Federal law and regu-  
3 lations have in the risk of bridge failure contributing  
4 to the structural deficiencies of bridges or in the  
5 useful life of a bridge, including the impacts result-  
6 ing from the number of bridge loadings;

7           (6) analyze the impacts on safety and infra-  
8 structure in each State that allows a truck to oper-  
9 ate in excess of Federal size and weight limitations  
10 in truck-only lanes;

11           (7) compare and contrast the safety and infra-  
12 structure impacts of the Federal limits regarding  
13 truck size and weight limits in relation to—

14                 (A) six-axle and other alternative configu-  
15 rations of tractor-trailers; and

16                 (B) safety records of foreign nations with  
17 truck size and weight limits and tractor-trailer  
18 configurations that differ from the Federal law  
19 and regulations; and

20           (8) estimate—

21                 (A) the extent to which freight would be  
22 diverted from other surface transportation  
23 modes to principal arterial routes and National  
24 Highway System intermodal connectors if each  
25 covered truck configuration is allowed to oper-

1           ate and the effect that any such diversion would  
2           have on other modes of transportation;

3           (B) the effect that any such diversion  
4           would have on public safety, infrastructure, cost  
5           responsibilities, fuel efficiency, and the environ-  
6           ment;

7           (C) the effect on the transportation net-  
8           work of the United States that allowing each  
9           covered truck configuration to operate would  
10          have; and

11          (D) whether allowing each covered truck  
12          configuration to operate would result in an in-  
13          crease or decrease in the total number of trucks  
14          operating on principal arterial routes and Na-  
15          tional Highway System intermodal connectors;  
16          and

17          (9) identify all Federal rules and regulations  
18          impacted by changes in truck size and weight limits.

19          (b) REPORT.—Not later than 2 years after the date  
20          that the study is commenced under subsection (a), the  
21          Secretary shall submit a final report on the study, includ-  
22          ing all findings and recommendations, to the House and  
23          Senate Committees on Appropriations, the Committee on  
24          Commerce, Science, and Transportation and the Com-  
25          mittee on Environment and Public Works of the Senate

1 and the Committee on Transportation and Infrastructure  
2 of the House of Representatives.

3 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

4 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 For payment of obligations incurred in the implemen-  
9 tation, execution and administration of motor carrier safe-  
10 ty operations and programs pursuant to section 31104(i)  
11 of title 49, United States Code, and sections 4127 and  
12 4134 of Public Law 109–59, \$247,594,000, to be derived  
13 from the Highway Trust Fund (other than the Mass Tran-  
14 sit Account), together with advances and reimbursements  
15 received by the Federal Motor Carrier Safety Administra-  
16 tion, the sum of which shall remain available until ex-  
17 pended: *Provided*, That none of the funds derived from  
18 the Highway Trust Fund in this Act shall be available for  
19 the implementation, execution or administration of pro-  
20 grams, the obligations for which are in excess of  
21 \$247,594,000, for “Motor Carrier Safety Operations and  
22 Programs” of which \$8,543,000, to remain available for  
23 obligation until September 30, 2015, is for the research  
24 and technology program and \$1,000,000 shall be available  
25 for commercial motor vehicle operator’s grants to carry



1 out section 4134 of Public Law 109–59: *Provided further*,  
2 That notwithstanding any other provision of law, none of  
3 the funds under this heading for outreach and education  
4 shall be available for transfer: *Provided further*, That the  
5 Federal Motor Carrier Safety Administration shall trans-  
6 mit to Congress a report by March 29, 2013, on the agen-  
7 cy’s ability to meet its requirement to conduct compliance  
8 reviews on mandatory carriers: *Provided further*, That the  
9 Federal Motor Carrier Safety Administration shall trans-  
10 mit to Congress a report not later than March 29, 2013  
11 on the implementation of a risk-based vetting methodology  
12 to identify chameleon motor carriers applying for oper-  
13 ating authority that includes timelines and performance  
14 goals for expanding vetting to the freight sector, the modi-  
15 fication of information systems to improve the vetting pro-  
16 gram consistent with the recommendations of GAO Report  
17 12–364, and other relevant information as deemed appro-  
18 priate by the Administrator: *Provided further*, That the  
19 Federal Motor Carrier Safety Administration shall trans-  
20 mit to Congress a report not later than December 10,  
21 2012 on the enforcement actions the agency has taken  
22 against motor coach operators that failed to comply with  
23 the American with Disability Act during the previous fis-  
24 cal year, including the number of denials or revocations:  
25 *Provided further*, That the Federal Motor Carrier Safety

1 Administration's obligation limitation shall be reduced by  
2 \$100,000 per day for each day any report required under  
3 this heading is past the deadlines specified here.

4 NATIONAL MOTOR CARRIER SAFETY  
5 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
6 (LIMITATION OF OBLIGATIONS)  
7 (HIGHWAY TRUST FUND)

8 For payment of obligations incurred in the implemen-  
9 tation, execution, and administration of national motor  
10 carrier safety programs pursuant to section 31104(i) of  
11 title 49, United States Code, and sections 4127 and 4134  
12 of Public Law 109-59, \$16,000,000, to be derived from  
13 the Highway Trust Fund (other than the Mass Transit  
14 Account), together with advances and reimbursements re-  
15 ceived by the Federal Motor Carrier Safety Administra-  
16 tion, the sum of which shall remain available until ex-  
17 pended: *Provided*, That none of the funds derived from  
18 the Highway Trust Fund under this heading shall be  
19 available for the implementation, execution or administra-  
20 tion of programs, the obligations for which are in excess  
21 of \$16,000,000, of which \$3,000,000 shall be made avail-  
22 able for the use of border facilities, \$1,000,000 shall be  
23 made available for oversight of the Motor Carrier Safety  
24 Assistance Program and \$12,000,000 shall be made avail-  
25 able for information technology and data analysis activi-

1 ties: *Provided further*, That of the \$16,000,000 of unobli-  
 2 gated contract authority provided in the Transportation  
 3 Equity Act for the 21st Century (Public Law 105–178)  
 4 or other appropriation or authorization acts for the na-  
 5 tional motor carrier safety program, \$3,000,000 shall be  
 6 made available for the use of border facilities, \$1,000,000  
 7 shall be made available for oversight of the Motor Carrier  
 8 Safety Assistance Program and \$12,000,000 shall be  
 9 made available for information technology and data anal-  
 10 ysis activities.

11 MOTOR CARRIER SAFETY GRANTS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out  
 16 sections 31102, 31104(a), 31106, 31107, 31109, 31309,  
 17 31313 of title 49, United States Code, and sections 4126  
 18 and 4128 of Public Law 109–59, \$308,624,000, to be de-  
 19 rived from the Highway Trust Fund (other than the Mass  
 20 Transit Account) and to remain available until expended:  
 21 *Provided*, That none of the funds in this Act shall be avail-  
 22 able for the implementation or execution of programs, the  
 23 obligations for which are in excess of \$308,624,000, for  
 24 “Motor Carrier Safety Grants”; of which \$213,624,000  
 25 shall be available for the motor carrier safety assistance

1 program to carry out sections 31102 and 31104(a) of title  
2 49, United States Code; \$30,000,000 shall be available for  
3 the commercial driver's license improvements program to  
4 carry out section 31313 of title 49, United States Code;  
5 \$32,000,000 shall be available for the border enforcement  
6 grants program to carry out section 31107 of title 49,  
7 United States Code; \$5,000,000 shall be available for the  
8 performance and registration information system manage-  
9 ment program to carry out sections 31106(b) and 31109  
10 of title 49, United States Code; \$25,000,000 shall be  
11 available for the commercial vehicle information systems  
12 and networks deployment program to carry out section  
13 4126 of Public Law 109–59; and \$3,000,000 shall be  
14 available for the safety data improvement program to  
15 carry out section 4128 of Public Law 109–59: *Provided*  
16 *further*, That of the funds made available for the motor  
17 carrier safety assistance program, \$29,000,000 shall be  
18 available for audits of new entrant motor carriers.

19 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER  
20 SAFETY ADMINISTRATION

21 SEC. 130. Funds appropriated or limited in this Act  
22 shall be subject to the terms and conditions stipulated in  
23 section 350 of Public Law 107–87 and section 6901 of  
24 Public Law 110–28.

1       SEC. 131. (a) No recipient of funds made available  
 2 in this Act shall disseminate personal information (as de-  
 3 fined in 18 U.S.C. 2725(3)) obtained by a State depart-  
 4 ment of motor vehicles in connection with a motor vehicle  
 5 record as defined in 18 U.S.C. 2725(1), except as provided  
 6 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.  
 7 2721.

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

11 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

12 OPERATIONS AND RESEARCH

13 For expenses necessary to discharge the functions of  
 14 the Secretary, with respect to traffic and highway safety  
 15 under subtitle C of title X of Public Law 109–59 and  
 16 chapter 301 and part C of subtitle VI of title 49, United  
 17 States Code, \$136,686,000, of which \$20,000,000 shall  
 18 remain available through September 30, 2014.

19 OPERATIONS AND RESEARCH

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out  
 24 the provisions of 23 U.S.C. 403, and chapter 303 of title  
 25 49, United States Code, \$122,360,000, to be derived from

1 the Highway Trust Fund (other than the Mass Transit  
2 Account) and to remain available until expended: *Pro-*  
3 *vided*, That none of the funds in this Act shall be available  
4 for the planning or execution of programs the total obliga-  
5 tions for which, in fiscal year 2013, are in excess of  
6 \$122,360,000, of which \$118,360,000 shall be for pro-  
7 grams authorized under 23 U.S.C. 403 and \$4,000,000  
8 shall be for the National Driver Register authorized under  
9 and chapter 303 of title 49, United States Code: *Provided*  
10 *further*, That within the \$118,360,000 obligation limita-  
11 tion for operations and research, \$20,000,000 shall re-  
12 main available until September 30, 2014 and shall be in  
13 addition to the amount of any limitation imposed on obli-  
14 gations for future years: *Provided further*, That  
15 \$10,000,000 of the total obligation limitation for oper-  
16 ations and research in fiscal year 2013 shall be derived  
17 from unobligated balances in prior appropriation Acts for  
18 payment of obligations incurred in carrying out the provi-  
19 sions of 23 U.S.C. 403, and chapter 303 of title 49,  
20 United States Code.

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

5 For payment of obligations incurred in carrying out  
6 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410  
7 and sections 2001(a)(11), 2009, 2010, and 2011 of Public  
8 Law 109–59, to remain available until expended,  
9 \$550,328,000 to be derived from the Highway Trust Fund  
10 (other than the Mass Transit Account): *Provided*, That  
11 none of the funds in this Act shall be available for the  
12 planning or execution of programs the total obligations for  
13 which, in fiscal year 2013, are in excess of \$550,328,000  
14 for programs authorized under 23 U.S.C. 402, 405, 406,  
15 408, and 410 and sections 2001(a)(11), 2009, 2010, and  
16 2011 of Public Law 109–59, of which \$235,000,000 shall  
17 be for “Highway Safety Programs” under 23 U.S.C. 402;  
18 \$25,000,000 shall be for “Occupant Protection Incentive  
19 Grants” under 23 U.S.C. 405; \$48,500,000 shall be for  
20 “Safety Belt Performance Grants” under 23 U.S.C. 406,  
21 and such obligation limitation shall remain available until  
22 September 30, 2014 in accordance with subsection (f) of  
23 such section 406 and shall be in addition to the amount  
24 of any limitation imposed on obligations for such grants  
25 for future fiscal years, of which up to \$40,000,000 may

1 be made available by the Secretary as grants to States  
2 that enact and enforce laws to prevent distracted driving;  
3 \$34,500,000 shall be for “State Traffic Safety Informa-  
4 tion System Improvements” under 23 U.S.C. 408;  
5 \$139,000,000 shall be for “Alcohol-Impaired Driving  
6 Countermeasures Incentive Grant Program” under 23  
7 U.S.C. 410; \$25,328,000 shall be for “Administrative Ex-  
8 penses” under section 2001(a)(11) of Public Law 109–  
9 59; \$29,000,000 shall be for “High Visibility Enforcement  
10 Program” under section 2009 of Public Law 109–59;  
11 \$7,000,000 shall be for “Motorcyclist Safety” under sec-  
12 tion 2010 of Public Law 109–59; and \$7,000,000 shall  
13 be for “Child Safety and Child Booster Seat Safety Incen-  
14 tive Grants” under section 2011 of Public Law 109–59:  
15 *Provided further*, That of the funds made available for  
16 grants to States that enact and enforce laws to prevent  
17 distracted driving, up to \$5,000,000 may be available for  
18 the development, production, and use of broadcast and  
19 print media advertising for distracted driving prevention:  
20 *Provided further*, That none of these funds shall be used  
21 for construction, rehabilitation, or remodeling costs, or for  
22 office furnishings and fixtures for State, local or private  
23 buildings or structures: *Provided further*, That not to ex-  
24 ceed \$500,000 of the funds made available for section 410  
25 “Alcohol-Impaired Driving Countermeasures Grants”



1 shall be available for technical assistance to the States:  
2 *Provided further*, That not to exceed \$750,000 of the  
3 funds made available for the “High Visibility Enforcement  
4 Program” shall be available for the evaluation required  
5 under section 2009(f) of Public Law 109–59: *Provided*  
6 *further*, That of the amounts made available under this  
7 heading for “Safety Belt Performance Grants”,  
8 \$8,500,000 shall be available for the development of the  
9 Driver Alcohol Detection System for Safety (DADSS) and  
10 other alcohol-impaired prevention measures.

11 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

12 TRAFFIC SAFETY ADMINISTRATION

13 SEC. 140. Notwithstanding any other provision of law  
14 or limitation on the use of funds made available under  
15 section 403 of title 23, United States Code, an additional  
16 \$130,000 shall be made available to the National Highway  
17 Traffic Safety Administration, out of the amount limited  
18 for section 402 of title 23, United States Code, to pay  
19 for travel and related expenses for State management re-  
20 views and to pay for core competency development train-  
21 ing and related expenses for highway safety staff.

22 SEC. 141. The limitations on obligations for the pro-  
23 grams of the National Highway Traffic Safety Adminis-  
24 tration set in this Act shall not apply to obligations for  
25 which obligation authority was made available in previous

1 public laws but only to the extent that the obligation au-  
2 thority has not lapsed or been used.

3 SEC. 142. None of the funds in this Act shall be used  
4 to implement section 404 of title 23, United States Code.

5 FEDERAL RAILROAD ADMINISTRATION

6 SAFETY AND OPERATIONS

7 For necessary expenses of the Federal Railroad Ad-  
8 ministration, not otherwise provided for, \$179,000,000, of  
9 which \$12,860,000 shall remain available until expended.

10 RAILROAD RESEARCH AND DEVELOPMENT

11 For necessary expenses for railroad research and de-  
12 velopment, \$35,000,000, to remain available until ex-  
13 pended.

14 RAILROAD REHABILITATION AND IMPROVEMENT

15 FINANCING PROGRAM

16 The Secretary of Transportation is authorized to  
17 issue direct loans and loan guarantees pursuant to sec-  
18 tions 502 through 504 of the Railroad Revitalization and  
19 Regulatory Reform Act of 1976 (Public Law 94–210), as  
20 amended, such authority to exist as long as any such di-  
21 rect loan and loan guarantee is outstanding: *Provided,*  
22 That pursuant to section 502 of such Act, as amended,  
23 no new direct loans or loan guarantee commitments shall  
24 be made using Federal funds for the credit risk premium  
25 during fiscal year 2013.

1 OPERATING SUBSIDY GRANTS TO THE NATIONAL  
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make  
4 quarterly grants to the National Railroad Passenger Cor-  
5 poration for the operation of intercity passenger rail, as  
6 authorized by section 101 of the Passenger Rail Invest-  
7 ment and Improvement Act of 2008 (division B of Public  
8 Law 110–432), \$400,000,000, to remain available until  
9 expended: *Provided*, That the amounts available under this  
10 paragraph shall be available for the Secretary to approve  
11 funding to cover operating losses for the Corporation only  
12 after receiving and reviewing a grant request for each spe-  
13 cific train route: *Provided further*, That each such grant  
14 request shall be accompanied by a detailed financial anal-  
15 ysis, revenue projection, and capital expenditure projection  
16 justifying the Federal support to the Secretary’s satisfac-  
17 tion: *Provided further*, That not later than 60 days after  
18 enactment of this Act, the Corporation shall transmit, in  
19 electronic format, to the Secretary, the House and Senate  
20 Committees on Appropriations, the House Committee on  
21 Transportation and Infrastructure and the Senate Com-  
22 mittee on Commerce, Science, and Transportation the an-  
23 nual budget and business plan and the 5-Year Financial  
24 Plan for fiscal year 2013 required under section 204 of  
25 the Passenger Rail Investment and Improvement Act of

1 2008: *Provided further*, That the budget, business plan,  
2 and the 5-Year Financial Plan shall also include a sepa-  
3 rate accounting of ridership, revenues, and capital and op-  
4 erating expenses for the Northeast Corridor; commuter  
5 service; long-distance Amtrak service; State-supported  
6 service; each intercity train route, including Autotrain;  
7 and commercial activities including contract operations:  
8 *Provided further*, That the budget, business plan and the  
9 5-Year Financial Plan shall include a description of work  
10 to be funded, along with cost estimates and an estimated  
11 timetable for completion of the projects covered by these  
12 plans: *Provided further*, That the budget, business plan  
13 and the 5-Year Financial Plan shall include annual infor-  
14 mation on the maintenance, refurbishment, replacement,  
15 and expansion for all Amtrak rolling stock consistent with  
16 the comprehensive fleet plan: *Provided further*, That the  
17 Corporation shall provide semiannual reports in electronic  
18 format regarding the pending business plan, which shall  
19 describe the work completed to date, any changes to the  
20 business plan, and the reasons for such changes, and shall  
21 identify all sole-source contract awards which shall be ac-  
22 companied by a justification as to why said contract was  
23 awarded on a sole-source basis, as well as progress against  
24 the milestones and target dates of the 2012 performance  
25 improvement plan: *Provided further*, That the Corpora-

1 tion's budget, business plan, 5-Year Financial Plan, semi-  
2 annual reports, and all subsequent supplemental plans  
3 shall be displayed on the Corporation's Web site within  
4 a reasonable timeframe following their submission to the  
5 appropriate entities: *Provided further*, That these plans  
6 shall be accompanied by a comprehensive fleet plan for  
7 all Amtrak rolling stock which shall address the Corpora-  
8 tion's detailed plans and timeframes for the maintenance,  
9 refurbishment, replacement, and expansion of the Amtrak  
10 fleet: *Provided further*, That said fleet plan shall establish  
11 year-specific goals and milestones and discuss potential,  
12 current, and preferred financing options for all such activi-  
13 ties: *Provided further*, That none of the funds under this  
14 heading may be obligated or expended until the Corpora-  
15 tion agrees to continue abiding by the provisions of para-  
16 graphs 1, 2, 5, 9, and 11 of the summary of conditions  
17 for the direct loan agreement of June 28, 2002, in the  
18 same manner as in effect on the date of enactment of this  
19 Act: *Provided further*, That the Corporation shall submit  
20 to the House and Senate Committees on Appropriations  
21 a budget request for fiscal year 2014 in similar format  
22 and substance to those submitted by executive agencies  
23 of the Federal Government.

1 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL  
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make  
4 grants to the National Railroad Passenger Corporation for  
5 capital investments as authorized by section 101(c) and  
6 219(b) of the Passenger Rail Investment and Improve-  
7 ment Act of 2008 (division B of Public Law 110–432),  
8 \$1,050,000,000, to remain available until expended, of  
9 which not to exceed \$271,000,000 shall be for debt service  
10 obligations as authorized by section 102 of such Act: *Pro-*  
11 *vided*, That after an initial distribution of up to  
12 \$200,000,000, which shall be used by the Corporation as  
13 a working capital account, all remaining funds shall be  
14 provided to the Corporation only on a reimbursable basis:  
15 *Provided further*, That the Secretary may retain up to one-  
16 half of 1 percent of the funds provided under this heading  
17 to fund the costs of project management oversight of cap-  
18 ital projects funded by grants provided under this heading,  
19 as authorized by subsection 101(d) of division B of Public  
20 Law 110–432: *Provided further*, That the Secretary shall  
21 approve funding for capital expenditures, including ad-  
22 vance purchase orders of materials, for the Corporation  
23 only after receiving and reviewing a grant request for each  
24 specific capital project justifying the Federal support to  
25 the Secretary’s satisfaction: *Provided further*, That none

1 of the funds under this heading may be used to subsidize  
2 operating losses of the Corporation: *Provided further*, That  
3 none of the funds under this heading may be used for cap-  
4 ital projects not approved by the Secretary of Transpor-  
5 tation or in the Corporation's fiscal year 2013 business  
6 plan: *Provided further*, That in addition to the project  
7 management oversight funds authorized under section  
8 101(d) of division B of Public Law 110-432, the Sec-  
9 retary may retain up to an additional one-half of one per-  
10 cent of the funds provided under this heading to fund ex-  
11 penses associated with implementing section 212 of divi-  
12 sion B of Public Law 110-432, including the amendments  
13 made by section 212 to section 24905 of title 49, United  
14 States Code.

15 CAPITAL ASSISTANCE FOR HIGH PERFORMANCE

16 PASSENGER RAIL SERVICE

17 To enable the Secretary of Transportation to make  
18 grants for projects that solely improve existing passenger  
19 rail corridor services as authorized under sections 26106,  
20 24406, and 24105 of title 49, United States Code,  
21 \$100,000,000, to remain available until expended: *Pro-*  
22 *vided*, That up to \$20,000,000 of the funds provided  
23 under this paragraph may be used for planning activities  
24 that lead directly to the development of a passenger rail  
25 corridor investment plan consistent with the requirements

1 established by the Administrator or a state rail plan con-  
2 sistent with chapter 227 of title 49, United States Code:  
3 *Provided further*, That the Secretary may retain a portion  
4 of the funds made available for planning activities under  
5 the previous proviso to facilitate the preparation of a serv-  
6 ice development plan and related environmental impact  
7 statement for high performance rail corridors located in  
8 multiple States: *Provided further*, That the Secretary shall  
9 issue a notice of funding availability that shall provide in-  
10 terim guidance to applicants covering application proce-  
11 dures and administer the grants provided under this head-  
12 ing pursuant to that guidance: *Provided further*, That the  
13 Federal share payable of the costs for which a grant or  
14 cooperative agreements is made under this heading shall  
15 not exceed 80 percent: *Provided further*, That in addition  
16 to the provisions of title 49, United States Code, that  
17 apply to each of the individual programs funded under this  
18 heading, subsections 24402(f), 24402(i), and 24403(a),  
19 (b), and (c) of title 49, United States Code, shall also  
20 apply to the provision of funds provided under this head-  
21 ing: *Provided further*, That a project need not be in a State  
22 rail plan developed under Chapter 227 of title 49, United  
23 States Code, to be eligible for assistance under this head-  
24 ing: *Provided further*, That up to 2 percent of the funds  
25 provided under this paragraph are available to the Admin-



1 istrator of the Federal Railroad Administration to fund  
2 the award and oversight by the Administrator of grants  
3 and cooperative agreements for intercity and high per-  
4 formance rail: *Provided further*, That recipients of grants  
5 under this paragraph shall conduct all procurement trans-  
6 actions using such grant funds in a manner that provides  
7 full and open competition, as determined by the Secretary,  
8 in compliance with existing labor agreements.

9           NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

10                           (RESCISSION)

11           Of the funds made available for the Northeast Cor-  
12 ridor Improvement Program, as authorized by Public Law  
13 94–210, \$4,419,000 are hereby permanently rescinded.

14           NEXT GENERATION HIGH SPEED RAIL

15                           (RESCISSION)

16           Of the funds made available for Next Generation  
17 High Speed Rail, as authorized by sections 1103 and 7201  
18 of Public Law 105–178, \$1,973,000 are hereby perma-  
19 nently rescinded.

20           ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

21                           ADMINISTRATION

22           SEC. 150. Hereafter, notwithstanding any other pro-  
23 vision of law, funds provided in this Act for the National  
24 Railroad Passenger Corporation shall immediately cease  
25 to be available to said Corporation in the event that the

1 Corporation contracts to have services provided at or from  
2 any location outside the United States. For purposes of  
3 this section, the word “services” shall mean any service  
4 that was, as of July 1, 2006, performed by a full-time  
5 or part-time Amtrak employee whose base of employment  
6 is located within the United States.

7       SEC. 151. The Secretary of Transportation may re-  
8 ceive and expend cash, or receive and utilize spare parts  
9 and similar items, from non-United States Government  
10 sources to repair damages to or replace United States  
11 Government owned automated track inspection cars and  
12 equipment as a result of third-party liability for such dam-  
13 ages, and any amounts collected under this section shall  
14 be credited directly to the Railroad Safety and Operations  
15 account of the Federal Railroad Administration, and shall  
16 remain available until expended for the repair, operation  
17 and maintenance of automated track inspection cars and  
18 equipment in connection with the automated track inspec-  
19 tion program.

20       SEC. 152. Notwithstanding any other provisions of  
21 law, rule or regulation, the Secretary of Transportation  
22 is authorized to allow the issuer of any preferred stock  
23 heretofore sold to the Department to redeem or repur-  
24 chase such stock upon the payment to the Department of  
25 an amount determined by the Secretary.

1        SEC. 153. None of the funds provided to the National  
2 Railroad Passenger Corporation may be used to fund any  
3 overtime costs in excess of \$35,000 for any individual em-  
4 ployee: *Provided*, That the president of Amtrak may waive  
5 the cap set in the previous proviso for specific employees  
6 when the president of Amtrak determines such a cap poses  
7 a risk to the safety and operational efficiency of the sys-  
8 tem: *Provided further*, That Amtrak shall notify House  
9 and Senate Committees in Appropriations in the monthly  
10 report within 30 days of waiving such cap and delineate  
11 the reasons for such waiver.

12                    FEDERAL TRANSIT ADMINISTRATION

13                    ADMINISTRATIVE EXPENSES

14        For necessary administrative expenses of the Federal  
15 Transit Administration's programs authorized by chapter  
16 53 of title 49, United States Code, \$99,875,000: *Provided*,  
17 That none of the funds provided or limited in this Act  
18 may be used to create a permanent office of transit secu-  
19 rity under this heading: *Provided further*, That upon sub-  
20 mission to the Congress of the fiscal year 2014 President's  
21 budget, the Secretary of Transportation shall transmit to  
22 Congress the annual report on New Starts, including pro-  
23 posed allocations of funds for fiscal year 2014.

1                                   FORMULA AND BUS GRANTS  
2                           (LIQUIDATION OF CONTRACT AUTHORITY)  
3                           (LIMITATION ON OBLIGATIONS)  
4                           (HIGHWAY TRUST FUND)

5           For payment of obligations incurred in carrying out  
6 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,  
7 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and  
8 section 3038 of Public Law 105–178, as amended,  
9 \$9,400,000,000 to be derived from the Mass Transit Ac-  
10 count of the Highway Trust Fund and to remain available  
11 until expended: *Provided*, That funds available for the im-  
12 plementation or execution of programs authorized under  
13 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,  
14 5317, 5320, 5335, 5339, and 5340 and section 3038 of  
15 Public Law 105–178, as amended, shall not exceed total  
16 obligations of \$8,360,565,000 in fiscal year 2013.

17                           RESEARCH AND UNIVERSITY RESEARCH CENTERS

18           For necessary expenses to carry out 49 U.S.C. 5306,  
19 5312–5315, 5322, and 5506, \$50,000,000, to remain  
20 available until expended: *Provided*, That \$5,000,000 is  
21 available to carry out the transit cooperative research pro-  
22 gram under section 5313 of title 49, United States Code,  
23 \$3,000,000 is available for the National Transit Institute  
24 under section 5315 of title 49, United States Code, and  
25 up to \$5,000,000 is available for university transportation

1 centers program under section 5506 of title 49, United  
2 States Code: *Provided further*, That \$20,000,000 is avail-  
3 able to carry out innovative research and demonstrations  
4 of national significance under section 5312 of title 49,  
5 United States Code.

6 CAPITAL INVESTMENT GRANTS

7 For necessary expenses to carry out section 5309 of  
8 title 49, United States Code, \$2,043,520,000, to remain  
9 available until expended, of which \$20,000,000 shall be  
10 available to carry out section 5309(e) of such title: *Pro-*  
11 *vided*, That not less than \$120,000,000 shall be available  
12 for preliminary engineering, final design, and construction  
13 of projects expected to receive a Full Funding Grant  
14 Agreements during calendar year 2013: *Provided further*,  
15 That the funds awarded for preliminary engineering and  
16 final design under such a grant shall be made available  
17 to cover those costs immediately upon grant award.

18 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

19 For grants to the Washington Metropolitan Area  
20 Transit Authority as authorized under section 601 of divi-  
21 sion B of Public Law 110–432, \$150,000,000, to remain  
22 available until expended: *Provided*, That the Secretary  
23 shall approve grants for capital and preventive mainte-  
24 nance expenditures for the Washington Metropolitan Area  
25 Transit Authority only after receiving and reviewing a re-

1 quest for each specific project: *Provided further*, That  
2 prior to approving such grants, the Secretary shall deter-  
3 mine that the Washington Metropolitan Area Transit Au-  
4 thority has placed the highest priority on those invest-  
5 ments that will improve the safety of the system.

6 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

7 ADMINISTRATION

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

13 SEC. 161. Notwithstanding any other provision of  
14 law, funds appropriated or limited by this Act under the  
15 Federal Transit Administration's discretionary program  
16 appropriations headings for projects specified in this Act  
17 or identified in reports accompanying this Act not obli-  
18 gated by September 30, 2015, and other recoveries, shall  
19 be directed to projects eligible to use the funds for the  
20 purposes for which they were originally provided.

21 SEC. 162. Notwithstanding any other provision of  
22 law, any funds appropriated before October 1, 2012, under  
23 any section of chapter 53 of title 49, United States Code,  
24 that remain available for expenditure, may be transferred

1 to and administered under the most recent appropriation  
2 heading for any such section.

3       SEC. 163. Notwithstanding any other provision of  
4 law, unobligated funds made available for new fixed guide-  
5 way system projects under the heading “Federal Transit  
6 Administration, Capital Investment Grants” in any appro-  
7 priations Act prior to this Act may be used during this  
8 fiscal year to satisfy expenses incurred for such projects.

9       SEC. 164. In addition to the amounts made available  
10 under section 5327(c)(1) of title 49, United States Code,  
11 the Secretary may use, for program management activities  
12 described in section 5327(c)(2), 1 percent of the amount  
13 made available to carry out section 5316 of title 49,  
14 United States Code: *Provided*, That funds made available  
15 for program management oversight shall be used to over-  
16 see the compliance of a recipient or subrecipient of Fed-  
17 eral transit assistance consistent with activities identified  
18 under section 5327(c)(2) and for purposes of enforcement.

19       SEC. 165. Funds made available for Alaska or Hawaii  
20 ferry boats or ferry terminal facilities pursuant to 49  
21 U.S.C. 5309(m)(6)(B) may be used to construct new ves-  
22 sels and facilities, or to improve existing vessels and facili-  
23 ties, including both the passenger and vehicle-related ele-  
24 ments of such vessels and facilities, and for repair facili-  
25 ties.

1        SEC. 166. Hereafter, the Secretary may not enforce  
2 regulations related to charter bus service under part 604  
3 of title 49, Code of Federal Regulations, for any transit  
4 agency who during fiscal year 2008 was both initially  
5 granted a 60-day period to come into compliance with part  
6 604, and then was subsequently granted an exception from  
7 said part.

8        SEC. 167. For purposes of applying the project jus-  
9 tification and local financial commitment criteria of 49  
10 U.S.C. 5309(d) to a New Starts project, the Secretary  
11 may consider the costs and ridership of any connected  
12 project in an instance in which private parties are making  
13 significant financial contributions to the construction of  
14 the connected project; additionally, the Secretary may con-  
15 sider the significant financial contributions of private par-  
16 ties to the connected project in calculating the non-Federal  
17 share of net capital project costs for the New Starts  
18 project.

19        SEC. 168. All bus new fixed guideway capital projects  
20 recommended in the President's fiscal year 2013 budget  
21 request for funds appropriated under the Capital Invest-  
22 ment Grants heading in this Act or any other Act shall  
23 be funded instead from amounts allocated under 49  
24 U.S.C. 5309(m)(2)(C): *Provided*, That all such projects



1 shall remain subject to the appropriate requirements of  
2 49 U.S.C. 5309(d) and (e).

3 (RESCISSIONS)

4 SEC. 169. Of the funds made available for the For-  
5 mula Grants program, as authorized by Public Law 97-  
6 424, as amended, \$70,867,394 are hereby permanently re-  
7 scinded: *Provided*, That of the funds made available for  
8 the Formula Grants program, as authorized by Public  
9 Law 91-43, as amended, \$699,307 are hereby perma-  
10 nently rescinded: *Provided further*, That of the funds made  
11 available for the Formula Grants program as authorized  
12 by Public Law 95-599, as amended, \$928,838 are hereby  
13 permanently rescinded: *Provided further*, That of the  
14 funds made available for the University Transportation  
15 Research program, as authorized by Public Law 91-453,  
16 as amended, and by Public Law 102-240, as amended,  
17 \$292,554 are hereby permanently rescinded: *Provided fur-*  
18 *ther*, That of the funds made available for the Job Access  
19 and Reverse Commute program, as authorized by Public  
20 Law 105-178, as amended, \$14,661,719 are hereby per-  
21 manently rescinded: *Provided further*, That of the funds  
22 made available for the Capital Investment Grants pro-  
23 gram, as authorized by Public Law 105-178, as amended,  
24 \$11,429,055 are hereby permanently rescinded: *Provided*  
25 *further*, That of the funds made available for the Research,

1 Training, and Human Resources program, as authorized  
 2 by Public Law 95–599, as amended, \$247,579 are hereby  
 3 permanently rescinded: *Provided further*, That of the  
 4 funds made available for the Interstate Transfer Grants  
 5 program, as authorized by 23 U.S.C. 103(e)(4),  
 6 \$2,661,568 are hereby permanently rescinded: *Provided*  
 7 *further*, That of the funds made available for the Wash-  
 8 ington Metropolitan Area Transit Authority, as authorized  
 9 by section 14 of Public Law 96–184, as amended, and  
 10 by Public Law 101–551, as amended, \$523,000 are here-  
 11 by permanently rescinded: *Provided further*, That of the  
 12 funds made available for the Urban Discretionary Grants  
 13 program, as authorized by Public Law 88–365, as amend-  
 14 ed, \$578,353 are hereby permanently rescinded: *Provided*  
 15 *further*, That no amounts may be rescinded from amounts  
 16 that were designated by the Congress as an emergency re-  
 17 quirement pursuant to a concurrent resolution on the  
 18 budget or the Balanced Budget and Emergency Deficit  
 19 Control Act of 1985, as amended.

20 SAINT LAWRENCE SEAWAY DEVELOPMENT

21 CORPORATION

22 The Saint Lawrence Seaway Development Corpora-  
 23 tion is hereby authorized to make such expenditures, with-  
 24 in the limits of funds and borrowing authority available  
 25 to the Corporation, and in accord with law, and to make

1 such contracts and commitments without regard to fiscal  
2 year limitations as provided by section 104 of the Govern-  
3 ment Corporation Control Act, as amended, as may be  
4 necessary in carrying out the programs set forth in the  
5 Corporation's budget for the current fiscal year.

6 OPERATIONS AND MAINTENANCE

7 (HARBOR MAINTENANCE TRUST FUND)

8 For necessary expenses for operations, maintenance,  
9 and capital asset renewal of those portions of the St. Law-  
10 rence Seaway owned, operated, and maintained by the  
11 Saint Lawrence Seaway Development Corporation,  
12 \$32,500,000, to be derived from the Harbor Maintenance  
13 Trust Fund, pursuant to Public Law 99-662.

14 MARITIME ADMINISTRATION

15 MARITIME SECURITY PROGRAM

16 For necessary expenses to maintain and preserve a  
17 U.S.-flag merchant fleet to serve the national security  
18 needs of the United States, \$184,000,000, to remain avail-  
19 able until expended.

20 OPERATIONS AND TRAINING

21 For necessary expenses of operations and training ac-  
22 tivities authorized by law, \$150,896,000, of which  
23 \$11,100,000 shall remain available until expended for  
24 maintenance and repair of training ships at State Mari-  
25 time Academies, and of which \$2,400,000 shall remain

1 available through September 30, 2014 for Student Incen-  
2 tive Program payments at State Maritime Academies, and  
3 of which \$16,604,000 shall remain available until ex-  
4 pended for facilities maintenance and repair, equipment,  
5 and capital improvements at the United State Merchant  
6 Marine Academy: *Provided*, That amounts apportioned for  
7 the United States Merchant Marine Academy shall be  
8 available only upon allotments made personally by the Sec-  
9 retary of Transportation or the Assistant Secretary for  
10 Budget and Programs: *Provided further*, That the Super-  
11 intendent, Deputy Superintendent and the Director of the  
12 Office of Resource Management of the United State Mer-  
13 chant Marine Academy may not be allotment holders for  
14 the United States Merchant Marine Academy, and the Ad-  
15 ministrator of the Maritime Administration shall hold all  
16 allotments made by the Secretary of Transportation or the  
17 Assistant Secretary for Budget and Programs under the  
18 previous proviso: *Provided further*, That 50 percent of the  
19 funding made available for the United States Merchant  
20 Marine Academy under this heading shall be available only  
21 after the Secretary, in consultation with the Super-  
22 intendent and the Maritime Administrator, completes a  
23 plan detailing by program or activity how such funding  
24 will be expended at the Academy, and this plan is sub-

1 mitted to the House and Senate Committees on Appro-  
 2 priations.

3 SHIP DISPOSAL

4 For necessary expenses related to the disposal of ob-  
 5 solete vessels in the National Defense Reserve Fleet of the  
 6 Maritime Administration, \$4,000,000, to remain available  
 7 until expended.

8 ASSISTANCE TO SMALL SHIPYARDS

9 To make grants to qualified shipyards as authorized  
 10 under section 3508 of Public Law 110–417 or section  
 11 54101 of title 46, United States Code, \$9,000,000, to re-  
 12 main available until expended: *Provided*, That to be con-  
 13 sidered for assistance, a qualified shipyard shall submit  
 14 an application for assistance no later than 60 days after  
 15 enactment of this Act: *Provided further*, That from appli-  
 16 cations submitted under the previous proviso, the Sec-  
 17 retary of Transportation shall make grants no later than  
 18 120 days after enactment of this Act in such amounts as  
 19 the Secretary determines.

20 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

21 ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of guaranteed loans, as authorized,  
 24 \$38,750,000, of which \$35,000,000 shall remain available  
 25 until expended: *Provided*, That such costs, including the

1 cost of modifying such loans, shall be as defined in section  
2 502 of the Congressional Budget Act of 1974, as amend-  
3 ed: *Provided further*, That not to exceed \$3,750,000 shall  
4 be available for administrative expenses to carry out the  
5 guaranteed loan program, which shall be transferred to  
6 and merged with the appropriations for “Operations and  
7 Training”, Maritime Administration.

8 ADMINISTRATIVE PROVISIONS—MARITIME

9 ADMINISTRATION

10 SEC. 170. Notwithstanding any other provision of  
11 this Act, the Maritime Administration is authorized to fur-  
12 nish utilities and services and make necessary repairs in  
13 connection with any lease, contract, or occupancy involving  
14 Government property under control of the Maritime Ad-  
15 ministration, and payments received therefor shall be cred-  
16 ited to the appropriation charged with the cost thereof:  
17 *Provided*, That rental payments under any such lease, con-  
18 tract, or occupancy for items other than such utilities,  
19 services, or repairs shall be covered into the Treasury as  
20 miscellaneous receipts.

1 PIPELINE AND HAZARDOUS MATERIALS SAFETY

2 ADMINISTRATION

3 OPERATIONAL EXPENSES

4 (PIPELINE SAFETY FUND)

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary operational expenses of the Pipeline  
7 and Hazardous Materials Safety Administration,  
8 \$21,047,000, of which \$639,000 shall be derived from the  
9 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be  
10 transferred to “Pipeline Safety” in order to fund “Pipeline  
11 Safety Information Grants to Communities” as authorized  
12 under section 60130 of title 49, United States Code.

13 HAZARDOUS MATERIALS SAFETY

14 For expenses necessary to discharge the hazardous  
15 materials safety functions of the Pipeline and Hazardous  
16 Materials Safety Administration, \$43,025,000, of which  
17 \$1,725,000 shall remain available until September 30,  
18 2015: *Provided*, That up to \$800,000 in fees collected  
19 under 49 U.S.C. 5108(g) shall be deposited in the general  
20 fund of the Treasury as offsetting receipts: *Provided fur-*  
21 *ther*, That there may be credited to this appropriation, to  
22 be available until expended, funds received from States,  
23 counties, municipalities, other public authorities, and pri-  
24 vate sources for expenses incurred for training, for reports  
25 publication and dissemination, and for travel incurred in

1 performance of hazardous materials exemptions and ap-  
2 provals functions.

3 PIPELINE SAFETY

4 (PIPELINE SAFETY FUND)

5 (OIL SPILL LIABILITY TRUST FUND)

6 (PIPELINE SAFETY DESIGN REVIEW FUND)

7 For expenses necessary to conduct the functions of  
8 the pipeline safety program, for grants-in-aid to carry out  
9 a pipeline safety program, as authorized by 49 U.S.C.  
10 60107, and to discharge the pipeline program responsibil-  
11 ities of the Oil Pollution Act of 1990, \$131,844,000, of  
12 which \$18,573,000 shall be derived from the Oil Spill Li-  
13 ability Trust Fund and shall remain available until Sep-  
14 tember 30, 2015; of which \$111,271,000 shall be derived  
15 from the Pipeline Safety Fund, of which \$72,458,000  
16 shall remain available until September 30, 2015; and of  
17 which \$2,000,000, to remain available until expended,  
18 shall be derived as authorized by the Pipeline Safety, Reg-  
19 ulatory Certainty, and Job Creation Act of 2011, 49  
20 U.S.C. 60117(n).

21 EMERGENCY PREPAREDNESS GRANTS

22 (EMERGENCY PREPAREDNESS FUND)

23 For necessary expenses to carry out 49 U.S.C.  
24 5128(b), \$188,000, to be derived from the Emergency  
25 Preparedness Fund, to remain available until September



1 30, 2014: *Provided*, That not more than \$28,318,000 shall  
 2 be made available for obligation in fiscal year 2013 from  
 3 amounts made available by 49 U.S.C. 5116(i) and  
 4 5128(b)–(c): *Provided further*, That none of the funds  
 5 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)  
 6 shall be made available for obligation by individuals other  
 7 than the Secretary of Transportation, or his designee: *Pro-*  
 8 *vided further*, That unobligated balances of funds provided  
 9 under this paragraph not needed for fiscal year 2013 from  
 10 the sum made available herein shall remain available until  
 11 expended to invest in the data management and informa-  
 12 tion technology modernization efforts, including related  
 13 equipment and non-payroll administrative expenses associ-  
 14 ated solely with this information technology and tele-  
 15 communications infrastructure.

16 ADMINISTRATIVE PROVISION—PIPELINE AND HAZARDOUS  
 17 MATERIALS SAFETY ADMINISTRATION

18 SEC. 180. In administering the assessment and col-  
 19 lection of fees for Cost Recovery for Design Reviews au-  
 20 thorized in section 60117(n)(1)(B) of title 49, the defini-  
 21 tion of “project” shall include all costs associated with all  
 22 components, segments or phases of such project: *Provided*,  
 23 That if the cost recovery for hazardous liquid pipeline  
 24 projects is based on the project costs provided to the Fed-  
 25 eral Energy Regulatory Commission or other applicable

1 regulatory agency for determinations of transportation  
2 tariffs, no good faith estimate under section  
3 60117(n)(1)(B)(i)(II) is required.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Inspector  
7 General to carry out the provisions of the Inspector Gen-  
8 eral Act of 1978, as amended, \$84,499,000: *Provided*,  
9 That the Inspector General shall have all necessary au-  
10 thority, in carrying out the duties specified in the Inspec-  
11 tor General Act, as amended (5 U.S.C. App. 3), to inves-  
12 tigate allegations of fraud, including false statements to  
13 the government (18 U.S.C. 1001), by any person or entity  
14 that is subject to regulation by the Department: *Provided*  
15 *further*, That the funds made available under this heading  
16 may be used to investigate, pursuant to section 41712 of  
17 title 49, United States Code: (1) unfair or deceptive prac-  
18 tices and unfair methods of competition by domestic and  
19 foreign air carriers and ticket agents; and (2) the compli-  
20 ance of domestic and foreign air carriers with respect to  
21 item (1) of this proviso: *Provided further*, That hereafter  
22 funds transferred to the Office of the Inspector General  
23 through forfeiture proceedings or from the Department of  
24 Justice Assets Forfeiture Fund or the Department of the  
25 Treasury Forfeiture Fund, as a participating agency, as

1 an equitable share from the forfeiture of property in inves-  
2 tigations in which the Office of Inspector General partici-  
3 pates, or through the granting of a Petition for Remission  
4 or Mitigation, shall be deposited to the credit of this ac-  
5 count for law enforcement activities authorized under the  
6 Inspector General Act of 1978, as amended, to remain  
7 available until expended.

8 SURFACE TRANSPORTATION BOARD

9 SALARIES AND EXPENSES

10 For necessary expenses of the Surface Transpor-  
11 tation Board, including services authorized by 5 U.S.C.  
12 3109, \$29,300,000: *Provided*, That notwithstanding any  
13 other provision of law, not to exceed \$1,250,000 from fees  
14 established by the Chairman of the Surface Transpor-  
15 tation Board shall be credited to this appropriation as off-  
16 setting collections and used for necessary and authorized  
17 expenses under this heading: *Provided further*, That the  
18 sum herein appropriated from the general fund shall be  
19 reduced on a dollar-for-dollar basis as such offsetting col-  
20 lections are received during fiscal year 2013, to result in  
21 a final appropriation from the general fund estimated at  
22 no more than \$28,050,000.

1           GENERAL PROVISIONS—DEPARTMENT OF  
2                           TRANSPORTATION

3           SEC. 190. During the current fiscal year, applicable  
4 appropriations to the Department of Transportation shall  
5 be available for maintenance and operation of aircraft;  
6 hire of passenger motor vehicles and aircraft; purchase of  
7 liability insurance for motor vehicles operating in foreign  
8 countries on official department business; and uniforms or  
9 allowances therefor, as authorized by law (5 U.S.C. 5901–  
10 5902).

11          SEC. 191. Appropriations contained in this Act for  
12 the Department of Transportation shall be available for  
13 services as authorized by 5 U.S.C. 3109, but at rates for  
14 individuals not to exceed the per diem rate equivalent to  
15 the rate for an Executive Level IV.

16          SEC. 192. None of the funds in this Act shall be avail-  
17 able for salaries and expenses of more than 110 political  
18 and Presidential appointees in the Department of Trans-  
19 portation: *Provided*, That none of the personnel covered  
20 by this provision may be assigned on temporary detail out-  
21 side the Department of Transportation.

22          SEC. 193. Funds received by the Federal Highway  
23 Administration, Federal Transit Administration, and Fed-  
24 eral Railroad Administration from States, counties, mu-  
25 nicipalities, other public authorities, and private sources

1 for expenses incurred for training may be credited respec-  
2 tively to the Federal Highway Administration’s “Federal-  
3 Aid Highways” account, the Federal Transit Administra-  
4 tion’s “Research and University Research Centers” ac-  
5 count, and to the Federal Railroad Administration’s  
6 “Safety and Operations” account, except for State rail  
7 safety inspectors participating in training pursuant to 49  
8 U.S.C. 20105.

9       SEC. 194. None of the funds in this Act to the De-  
10 partment of Transportation may be used to make a grant  
11 unless the Secretary of Transportation notifies the House  
12 and Senate Committees on Appropriations not less than  
13 3 full business days before any project competitively se-  
14 lected to receive a discretionary grant award, any discre-  
15 tionary grant award, letter of intent, or full funding grant  
16 agreement totaling \$1,000,000 or more is announced by  
17 the department or its modal administrations from:

18           (1) any discretionary grant program of the Fed-  
19 eral Highway Administration including the emer-  
20 gency relief program;

21           (2) the airport improvement program of the  
22 Federal Aviation Administration;

23           (3) any program of the Federal Railroad Ad-  
24 ministration;

1           (4) any program of the Federal Transit Admin-  
2           istration other than the formula grants and fixed  
3           guideway modernization programs; or

4           (5) any funding provided under the headings  
5           “National Infrastructure Investments” and “Assist-  
6           ance to Small Shipyards” in this Act: *Provided*,  
7           That the Secretary gives concurrent notification to  
8           the House and Senate Committees on Appropria-  
9           tions for any “quick release” of funds from the  
10          emergency relief program: *Provided further*, That no  
11          notification shall involve funds that are not available  
12          for obligation.

13          SEC. 195. Rebates, refunds, incentive payments,  
14          minor fees and other funds received by the Department  
15          of Transportation from travel management centers,  
16          charge card programs, the subleasing of building space,  
17          and miscellaneous sources are to be credited to appropria-  
18          tions of the Department of Transportation and allocated  
19          to elements of the Department of Transportation using  
20          fair and equitable criteria and such funds shall be avail-  
21          able until expended.

22          SEC. 196. Amounts made available in this or any  
23          other Act that the Secretary determines represent im-  
24          proper payments by the Department of Transportation to  
25          a third-party contractor under a financial assistance

1 award, which are recovered pursuant to law, shall be avail-  
2 able—

3 (1) to reimburse the actual expenses incurred  
4 by the Department of Transportation in recovering  
5 improper payments; and

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

11 (A) shall be credited to and merged with  
12 the appropriation from which the improper pay-  
13 ments were made, and shall be available for the  
14 purposes and period for which such appropria-  
15 tions are available; or

16 (B) if no such appropriation remains avail-  
17 able, shall be deposited in the Treasury as mis-  
18 cellaneous receipts: *Provided further*, That prior  
19 to the transfer of any such recovery to an ap-  
20 propriations account, the Secretary shall notify  
21 to the House and Senate Committees on Appro-  
22 priations of the amount and reasons for such  
23 transfer: *Provided further*, That for purposes of  
24 this section, the term “improper payments”,

1           has the same meaning as that provided in sec-  
2           tion 2(d)(2) of Public Law 107–300.

3           SEC. 197. Notwithstanding any other provision of  
4 law, if any funds provided in or limited by this Act are  
5 subject to a reprogramming action that requires notice to  
6 be provided to the House and Senate Committees on Ap-  
7 propriations, said reprogramming action shall be approved  
8 or denied solely by the Committees on Appropriations:  
9 *Provided*, That the Secretary may provide notice to other  
10 congressional committees of the action of the Committees  
11 on Appropriations on such reprogramming but not sooner  
12 than 30 days following the date on which the reprogram-  
13 ming action has been approved or denied by the House  
14 and Senate Committees on Appropriations.

15          SEC. 198. None of the funds appropriated or other-  
16 wise made available under this Act may be used by the  
17 Surface Transportation Board of the Department of  
18 Transportation to charge or collect any filing fee for rate  
19 or practice complaints filed with the Board in an amount  
20 in excess of the amount authorized for district court civil  
21 suit filing fees under section 1914 of title 28, United  
22 States Code.

23          This title may be cited as the “Department of Trans-  
24 portation Appropriations Act, 2013”.



1 TITLE II  
2 DEPARTMENT OF HOUSING AND URBAN  
3 DEVELOPMENT  
4 MANAGEMENT AND ADMINISTRATION  
5 ADMINISTRATION, OPERATIONS, AND MANAGEMENT  
6 For necessary salaries and expenses for administra-  
7 tion, management and operations of the Department of  
8 Housing and Urban Development, \$527,690,000, of which  
9 not to exceed \$3,623,000 shall be available for the imme-  
10 diate Office of the Secretary; not to exceed \$1,206,000  
11 shall be for the Office of Deputy Secretary and Chief Op-  
12 erating Officer; not to exceed \$1,711,000 shall be available  
13 for the Office of Hearings and Appeals; not to exceed  
14 \$705,000 shall be available for the Office of Small and  
15 Disadvantaged Business Utilization; not to exceed  
16 \$48,321,000 shall be available for the Office of the Chief  
17 Financial Officer; not to exceed \$94,433,000 shall be  
18 available for the Office of the General Counsel; not to ex-  
19 ceed \$2,411,000 shall be available to the Office of Con-  
20 gressional and Intergovernmental Relations; not to exceed  
21 \$3,502,000 shall be available for the Office of Public Af-  
22 fairs; not to exceed \$248,950,000 shall be available for  
23 the Office of the Chief Human Capital Officer; not to ex-  
24 ceed \$54,965,000 shall be available for the Office of Field  
25 Policy and Management; not to exceed \$16,563,000 shall

1 be available for the Office of the Chief Procurement Offi-  
2 cer; not to exceed \$3,500,000 shall be available for the  
3 Office of Departmental Equal Employment Opportunity;  
4 not to exceed \$1,404,000 shall be available for the Center  
5 for Faith-Based and Community Initiatives; not to exceed  
6 \$2,642,000 shall be available for the Office of Sustainable  
7 Housing and Communities; not to exceed \$4,884,000 shall  
8 be available for the Office of Strategic Planning and Man-  
9 agement; and not to exceed \$38,870,000 shall be available  
10 for the Office of the Chief Information Officer: *Provided*,  
11 That funds provided under this heading may be used for  
12 necessary administrative and nonadministrative expenses  
13 of the Department of Housing and Urban Development,  
14 not otherwise provided for, including purchase of uni-  
15 forms, or allowances therefore, as authorized by 5 U.S.C.  
16 5901–5902; hire of passenger motor vehicles; services as  
17 authorized by 5 U.S.C. 3109: *Provided further*, That not-  
18 withstanding any other provision of law, funds appro-  
19 priated under this heading may be used for advertising  
20 and promotional activities that support the housing mis-  
21 sion area: *Provided further*, That the Secretary shall pro-  
22 vide the Committees on Appropriations quarterly written  
23 notification regarding the status of pending congressional  
24 reports: *Provided further*, That the Secretary shall provide  
25 all signed reports required by Congress electronically: *Pro-*

1 *vided further*, That not to exceed \$25,000 of the amount  
2 made available under this paragraph for the immediate  
3 Office of the Secretary shall be available for official recep-  
4 tion and representation expenses as the Secretary may de-  
5 termine.

6 PROGRAM OFFICE SALARIES AND EXPENSES

7 PUBLIC AND INDIAN HOUSING

8 For necessary salaries and expenses of the Office of  
9 Public and Indian Housing, \$206,500,000.

10 COMMUNITY PLANNING AND DEVELOPMENT

11 For necessary salaries and expenses of the Office of  
12 Community Planning and Development mission area,  
13 \$103,500,000.

14 HOUSING

15 For necessary salaries and expenses of the Office of  
16 Housing, \$398,500,000, of which at least \$8,500,000 shall  
17 be for the Office of Risk and Regulatory Affairs.

18 POLICY DEVELOPMENT AND RESEARCH

19 For necessary salaries and expenses of the Office of  
20 Policy Development and Research, \$22,326,000.

21 FAIR HOUSING AND EQUAL OPPORTUNITY

22 For necessary salaries and expenses of the Office of  
23 Fair Housing and Equal Opportunity, \$72,904,000.

1 OFFICE OF HEALTHY HOMES AND LEAD HAZARD  
2 CONTROL

3 For necessary salaries and expenses of the Office of  
4 Healthy Homes and Lead Hazard Control, \$7,433,000.

5 PUBLIC AND INDIAN HOUSING  
6 TENANT-BASED RENTAL ASSISTANCE

7 For activities and assistance for the provision of ten-  
8 ant-based rental assistance authorized under the United  
9 States Housing Act of 1937, as amended (42 U.S.C. 1437  
10 et seq.) (“the Act” herein), not otherwise provided for,  
11 \$15,396,335,000, to remain available until expended, shall  
12 be available on October 1, 2012 (in addition to the  
13 \$4,000,000,000 previously appropriated under this head-  
14 ing that will become available on October 1, 2012), and  
15 \$4,000,000,000, to remain available until expended, shall  
16 be available on October 1, 2013: *Provided*, That of the  
17 amounts made available under this heading are provided  
18 as follows:

19 (1) \$17,495,000,000 shall be available for re-  
20 newals of expiring section 8 tenant-based annual  
21 contributions contracts (including renewals of en-  
22 hanced vouchers under any provision of law author-  
23 izing such assistance under section 8(t) of the Act)  
24 and including renewal of other special purpose incre-  
25 mental vouchers: *Provided*, That notwithstanding

1 any other provision of law, from amounts provided  
2 under this paragraph and any carryover, the Sec-  
3 retary for the calendar year 2013 funding cycle shall  
4 provide renewal funding for each public housing  
5 agency based on validated voucher management sys-  
6 tem (VMS) leasing and cost data for the prior cal-  
7 endar year and by applying an inflation factor as es-  
8 tablished by the Secretary, by notice published in  
9 the Federal Register, and by making any necessary  
10 adjustments for the costs associated with the first-  
11 time renewal of vouchers under this paragraph in-  
12 cluding tenant protection and HOPE VI vouchers:  
13 *Provided further*, That none of the funds provided  
14 under this paragraph may be used to fund a total  
15 number of unit months under lease which exceeds a  
16 public housing agency's authorized level of units  
17 under contract, except for public housing agencies  
18 participating in the Moving to Work (MTW) dem-  
19 onstration, which are instead governed by the terms  
20 and conditions of their MTW agreements: *Provided*  
21 *further*, That the Secretary shall, to the extent nec-  
22 essary to stay within the amount specified under this  
23 paragraph, pro rate each public housing agency's al-  
24 location otherwise established pursuant to this para-  
25 graph: *Provided further*, That except as provided in

1 the following provisos, the entire amount specified  
2 under this paragraph shall be obligated to the public  
3 housing agencies based on the allocation and pro  
4 rata method described above, and the Secretary shall  
5 notify public housing agencies of their annual budget  
6 by the latter of 60 days after enactment of this Act  
7 or March 1, 2013: *Provided further*, That the Sec-  
8 retary may extend the 60-day notification period  
9 with the prior written approval of the House and  
10 Senate Committees on Appropriations: *Provided fur-*  
11 *ther*, That public housing agencies participating in  
12 the MTW demonstration shall be funded pursuant to  
13 their MTW agreements and shall be subject to the  
14 same pro rata adjustments under the previous pro-  
15 visos: *Provided further*, That up to \$75,000,000  
16 shall be available only: (1) for adjustments in the al-  
17 locations for public housing agencies, after applica-  
18 tion for an adjustment by a public housing agency  
19 that experienced a significant increase, as deter-  
20 mined by the Secretary, in renewal costs of vouchers  
21 resulting from unforeseen circumstances or from  
22 portability under section 8(r) of the Act; (2) for  
23 vouchers that were not in use during the 12-month  
24 period in order to be available to meet a commit-  
25 ment pursuant to section 8(o)(13) of the Act; and

1 (3) for adjustments for costs associated with HUD-  
2 Veterans Affairs Supportive Housing (HUD-VASH)  
3 vouchers;

4 (2) \$80,000,000 shall be for section 8 rental as-  
5 sistance for relocation and replacement of housing  
6 units that are demolished or disposed of pursuant to  
7 section 18 of the Act, conversion of section 23  
8 projects to assistance under section 8, the family  
9 unification program under section 8(x) of the Act,  
10 relocation of witnesses in connection with efforts to  
11 combat crime in public and assisted housing pursu-  
12 ant to a request from a law enforcement or prosecu-  
13 tion agency, enhanced vouchers under any provision  
14 of law authorizing such assistance under section 8(t)  
15 of the Act, HOPE VI vouchers, mandatory and vol-  
16 untary conversions, and tenant protection assistance  
17 including replacement and relocation assistance or  
18 for project-based assistance to prevent the displace-  
19 ment of unassisted elderly tenants currently residing  
20 in section 202 properties financed between 1959 and  
21 1974 that are refinanced pursuant to Public Law  
22 106-569, as amended, or under the authority as  
23 provided under this Act: *Provided*, That when a pub-  
24 lic housing development is submitted for demolition  
25 or disposition under section 18 of the Act, the Sec-

1       retary may provide section 8 rental assistance when  
2       the units pose an imminent health and safety risk to  
3       residents: *Provided further*, That the Secretary may  
4       only provide replacement vouchers for units that  
5       were occupied within the previous 24 months that  
6       cease to be available as assisted housing, subject  
7       only to the availability of funds: *Provided further*,  
8       That of the amounts made available under this para-  
9       graph, \$5,000,000 may be available to provide ten-  
10      ant protection assistance, not otherwise provided  
11      under this paragraph, to residents residing in low-  
12      vacancy areas and who pay or may have to pay rents  
13      greater than 30 percent of household income, as the  
14      result of (1) the maturity of a HUD-insured, HUD-  
15      held, or section 202 of the Housing Act of 1959 loan  
16      that requires the permission of the Secretary prior  
17      to loan prepayment; (2) the expiration of a rental  
18      assistance contract for which the tenants are not eli-  
19      gible for enhanced voucher or tenant protection as-  
20      sistance under existing law; or (3) the expiration of  
21      affordability restrictions accompanying a mortgage  
22      or preservation program administered by the Sec-  
23      retary: *Provided further*, That such tenant protection  
24      assistance made available under the previous proviso  
25      may be provided under the authority of section 8(t)



1 or section 8(o)(13) of the United States Housing  
2 Act of 1937 (42 U.S.C. 1437f(t) or (o)(13)): *Pro-*  
3 *vided further*, That the Secretary shall issue guid-  
4 ance to implement the previous two provisos, includ-  
5 ing, but not limited to, requirements for defining eli-  
6 gible at-risk households within 120 days of the en-  
7 actment of this Act;

8 (3) \$1,575,000,000 shall be for administrative  
9 and other expenses of public housing agencies in ad-  
10 ministering the section 8 tenant-based rental assist-  
11 ance program, of which up to \$15,000,000 shall be  
12 available to the Secretary to allocate to public hous-  
13 ing agencies that need additional funds to admin-  
14 ister their section 8 programs, including fees associ-  
15 ated with section 8 tenant protection rental assist-  
16 ance, the administration of disaster related vouchers,  
17 Veterans Affairs Supportive Housing vouchers, and  
18 other incremental vouchers: *Provided*, That no less  
19 than \$1,560,000,000 of the amount provided in this  
20 paragraph shall be allocated to public housing agen-  
21 cies for the calendar year 2013 funding cycle based  
22 on section 8(q) of the Act (and related Appropria-  
23 tion Act provisions) as in effect immediately before  
24 the enactment of the Quality Housing and Work Re-  
25 sponsibility Act of 1998 (Public Law 105–276): *Pro-*

1        *vided further*, That if the amounts made available  
2        under this paragraph are insufficient to pay the  
3        amounts determined under the previous proviso, the  
4        Secretary may decrease the amounts allocated to  
5        agencies by a uniform percentage applicable to all  
6        agencies receiving funding under this paragraph or  
7        may, to the extent necessary to provide full payment  
8        of amounts determined under the previous proviso,  
9        utilize unobligated balances, including recaptures  
10       and carryovers, remaining from funds appropriated  
11       to the Department of Housing and Urban Develop-  
12       ment under this heading from prior fiscal years, not-  
13       withstanding the purposes for which such amounts  
14       were appropriated: *Provided further*, That all public  
15       housing agencies participating in the MTW dem-  
16       onstration shall be funded pursuant to their MTW  
17       agreements, and shall be subject to the same uni-  
18       form percentage decrease as under the previous pro-  
19       viso: *Provided further*, That amounts provided under  
20       this paragraph shall be only for activities related to  
21       the provision of tenant-based rental assistance au-  
22       thorized under section 8, including related develop-  
23       ment activities;

1           (4) \$60,000,000 shall be available for family  
2 self-sufficiency coordinators under section 23 of the  
3 Act;

4           (5) \$111,335,000 for the renewal of tenant-  
5 based assistance contracts under section 811 of the  
6 Cranston-Gonzalez National Affordable Housing Act  
7 (42 U.S.C. 8013), including necessary administra-  
8 tive expenses;

9           (6) \$75,000,000 for incremental rental voucher  
10 assistance for use through a supported housing pro-  
11 gram administered in conjunction with the Depart-  
12 ment of Veterans Affairs as authorized under section  
13 8(o)(19) of the United States Housing Act of 1937:  
14 *Provided*, That the Secretary of Housing and Urban  
15 Development shall make such funding available, not-  
16 withstanding section 204 (competition provision) of  
17 this title, to public housing agencies that partner  
18 with eligible VA Medical Centers or other entities as  
19 designated by the Secretary of the Department of  
20 Veterans Affairs, based on geographical need for  
21 such assistance as identified by the Secretary of the  
22 Department of Veterans Affairs, public housing  
23 agency administrative performance, and other fac-  
24 tors as specified by the Secretary of Housing and  
25 Urban Development in consultation with the Sec-

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

18               (7) The Secretary shall separately track all spe-  
19      cial purpose vouchers funded under this heading.

20                               HOUSING CERTIFICATE FUND

21                               (INCLUDES RESCISSIONS)

22      Unobligated balances, including recaptures and car-  
23      ryover, remaining from funds appropriated to the Depart-  
24      ment of Housing and Urban Development under this  
25      heading, the heading “Annual Contributions for Assisted

1 Housing” and the heading “Project-Based Rental Assist-  
2 ance”, for fiscal year 2013 and prior years may be used  
3 for renewal of or amendments to section 8 project-based  
4 contracts and for performance-based contract administra-  
5 tors, notwithstanding the purposes for which such funds  
6 were appropriated: *Provided*, That any obligated balances  
7 of contract authority from fiscal year 1974 and prior that  
8 have been terminated shall be rescinded: *Provided further*,  
9 That amounts heretofore recaptured, or recaptured during  
10 the current fiscal year, from section 8 project-based con-  
11 tracts from source years fiscal year 1975 through fiscal  
12 year 1987 are hereby rescinded, and an amount of addi-  
13 tional new budget authority, equivalent to the amount re-  
14 scinded is hereby appropriated, to remain available until  
15 expended, for the purposes set forth under this heading,  
16 in addition to amounts otherwise available.

17 PUBLIC HOUSING CAPITAL FUND

18 For the Public Housing Capital Fund Program to  
19 carry out capital and management activities for public  
20 housing agencies, as authorized under section 9 of the  
21 United States Housing Act of 1937 (42 U.S.C. 1437g)  
22 (the “Act”) \$1,985,000,000, to remain available until  
23 September 30, 2016: *Provided*, That notwithstanding any  
24 other provision of law or regulation, during fiscal year  
25 2013 the Secretary of Housing and Urban Development

1 may not delegate to any Department official other than  
2 the Deputy Secretary and the Assistant Secretary for  
3 Public and Indian Housing any authority under paragraph  
4 (2) of section 9(j) regarding the extension of the time peri-  
5 ods under such section: *Provided further*, That for pur-  
6 poses of such section 9(j), the term “obligate” means, with  
7 respect to amounts, that the amounts are subject to a  
8 binding agreement that will result in outlays, immediately  
9 or in the future: *Provided further*, That up to \$15,345,000  
10 shall be to support the ongoing Public Housing Financial  
11 and Physical Assessment activities of the Real Estate As-  
12 sessment Center (REAC): *Provided further*, That of the  
13 total amount provided under this heading, not to exceed  
14 \$20,000,000 shall be available for the Secretary to make  
15 grants, notwithstanding section 204 of this Act, to public  
16 housing agencies for emergency capital needs including  
17 safety and security measures necessary to address crime  
18 and drug-related activity as well as needs resulting from  
19 unforeseen or unpreventable emergencies and natural dis-  
20 asters excluding Presidentially declared emergencies and  
21 natural disasters under the Robert T. Stafford Disaster  
22 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-  
23 ring in fiscal year 2013: *Provided further*, That of the total  
24 amount provided under this heading \$50,000,000 shall be  
25 for supportive services, service coordinator and congregate

1 services as authorized by section 34 of the Act (42 U.S.C.  
2 1437z-6) and the Native American Housing Assistance  
3 and Self-Determination Act of 1996 (25 U.S.C. 4101 et  
4 seq.): *Provided further*, That of the total amount made  
5 available under this heading, up to \$15,000,000 may be  
6 used for incentives as part of a Jobs-Plus Pilot initiative  
7 modeled after the Jobs-Plus demonstration: *Provided fur-*  
8 *ther*, That the funding provided under the previous proviso  
9 shall provide competitive grants to partnerships between  
10 public housing authorities, local workforce investment  
11 boards established under section 117 of the Workforce In-  
12 vestment Act of 1998, and other agencies and organiza-  
13 tions that provide support to help public housing residents  
14 obtain employment and increase earnings: *Provided fur-*  
15 *ther*, That applicants must demonstrate the ability to pro-  
16 vide services to residents, partner with workforce invest-  
17 ments boards, and leverage service dollars: *Provided fur-*  
18 *ther*, That the Secretary may set aside a portion of the  
19 funds provided for the Resident Opportunity and Self-Suf-  
20 ficiency program to support the services element of the  
21 Jobs Plus Initiative Pilot: *Provided further*, That the Sec-  
22 retary may allow PHAs to request exemptions from rent  
23 and income limitation requirements under sections 3 and  
24 6 of the United States Housing Act of 1937 as necessary  
25 to implement the Jobs-Plus program, on such terms and

1 conditions as the Secretary may approve upon a finding  
2 by the Secretary that any such waivers or alternative re-  
3 quirements are necessary for the effective implementation  
4 of the Jobs-Plus Pilot initiative: *Provided further*, That the  
5 Secretary shall publish by notice in the Federal Register  
6 any waivers or alternative requirements pursuant to the  
7 preceding proviso no later than 10 days before the effec-  
8 tive date of such notice: *Provided further*, That of the total  
9 amount provided under this heading, up to \$5,000,000 is  
10 to support the costs of administrative and judicial receiv-  
11 erships: *Provided further*, That from the funds made avail-  
12 able under this heading, the Secretary shall provide bonus  
13 awards in fiscal year 2013 to public housing agencies that  
14 are designated high performers.

15 PUBLIC HOUSING OPERATING FUND

16 For 2013 payments to public housing agencies for the  
17 operation and management of public housing, as author-  
18 ized by section 9(e) of the United States Housing Act of  
19 1937 (42 U.S.C. 1437g(e)), \$4,591,000,000: *Provided*,  
20 That in determining public housing agencies', including  
21 Moving to Work agencies', calendar year 2013 funding al-  
22 locations under this heading, the Secretary shall take into  
23 account the impact of changes to flat rents on public hous-  
24 ing agencies' formula income levels.



## CHOICE NEIGHBORHOODS

1  
2 For competitive grants under the Choice Neighbor-  
3 hoods Initiative (subject to section 24 of the United States  
4 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise  
5 specified under this heading), for transformation, rehabili-  
6 tation, and replacement housing needs of both public and  
7 HUD-assisted housing and to transform neighborhoods of  
8 poverty into functioning, sustainable mixed income neigh-  
9 borhoods with appropriate services, schools, public assets,  
10 transportation and access to jobs, \$120,000,000, to re-  
11 main available until September 30, 2015: *Provided*, That  
12 grant funds may be used for resident and community serv-  
13 ices, community development, and affordable housing  
14 needs in the community, and for conversion of vacant or  
15 foreclosed properties to affordable housing: *Provided fur-*  
16 *ther*, That grantees shall undertake comprehensive local  
17 planning with input from residents and the community,  
18 and that grantees shall provide a match in State, local,  
19 other Federal or private funds: *Provided further*, That  
20 grantees may include local governments, tribal entities,  
21 public housing authorities, and nonprofits: *Provided fur-*  
22 *ther*, That for-profit developers may apply jointly with a  
23 public entity: *Provided further*, That of the amount pro-  
24 vided, not less than \$80,000,000 shall be awarded to pub-  
25 lic housing authorities: *Provided further*, That such grant-

1 ees shall create partnerships with other local organizations  
2 including assisted housing owners, service agencies, and  
3 resident organizations: *Provided further*, That the Sec-  
4 retary shall consult with the Secretaries of Education,  
5 Labor, Transportation, Health and Human Services, Agri-  
6 culture, and Commerce and the Administrator of the Envi-  
7 ronmental Protection Agency to coordinate and leverage  
8 other appropriate Federal resources: *Provided further*,  
9 That no more than \$5,000,000 of funds made available  
10 under this heading may be provided to assist communities  
11 in developing comprehensive strategies for implementing  
12 this program or implementing other revitalization efforts  
13 in conjunction with community notice and input: *Provided*  
14 *further*, That the Secretary shall develop and publish  
15 guidelines for the use of such competitive funds, including  
16 but not limited to eligible activities, program require-  
17 ments, and performance metrics.

18 NATIVE AMERICAN HOUSING BLOCK GRANTS

19 For the Native American Housing Block Grants pro-  
20 gram, as authorized under title I of the Native American  
21 Housing Assistance and Self-Determination Act of 1996  
22 (NAHASDA) (25 U.S.C. 4111 et seq.), \$650,000,000, to  
23 remain available until September 30, 2017: *Provided*,  
24 That, notwithstanding the Native American Housing As-  
25 sistance and Self-Determination Act of 1996, to determine

1 the amount of the allocation under title I of such Act for  
2 each Indian tribe, the Secretary shall apply the formula  
3 under section 302 of such Act with the need component  
4 based on single-race census data and with the need compo-  
5 nent based on multi-race census data, and the amount of  
6 the allocation for each Indian tribe shall be the greater  
7 of the two resulting allocation amounts: *Provided further*,  
8 That of the amounts made available under this heading,  
9 \$4,000,000 shall be contracted for assistance for a na-  
10 tional organization representing Native American housing  
11 interests for providing training and technical assistance to  
12 Indian housing authorities and tribally designated housing  
13 entities as authorized under NAHASDA; and \$4,000,000  
14 shall be to support the inspection of Indian housing units,  
15 contract expertise, training, and technical assistance in  
16 the training, oversight, and management of such Indian  
17 housing and tenant-based assistance, including up to  
18 \$300,000 for related travel: *Provided further*, That of the  
19 amount provided under this heading, \$2,000,000 shall be  
20 made available for the cost of guaranteed notes and other  
21 obligations, as authorized by title VI of NAHASDA: *Pro-*  
22 *vided further*, That such costs, including the costs of modi-  
23 fying such notes and other obligations, shall be as defined  
24 in section 502 of the Congressional Budget Act of 1974,  
25 as amended: *Provided further*, That these funds are avail-

1 able to subsidize the total principal amount of any notes  
2 and other obligations, any part of which is to be guaran-  
3 teed, not to exceed \$18,332,000: *Provided further*, That  
4 the Department will notify grantees of their formula allo-  
5 cation within 60 days of the date of enactment of this Act.

6           NATIVE HAWAIIAN HOUSING BLOCK GRANT

7           For the Native Hawaiian Housing Block Grant pro-  
8 gram, as authorized under title VIII of the Native Amer-  
9 ican Housing Assistance and Self-Determination Act of  
10 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain  
11 available until expended: *Provided*, That of this amount,  
12 \$300,000 shall be for training and technical assistance ac-  
13 tivities, including up to \$100,000 for related travel by  
14 HUD employees.

15           INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

16   ACCOUNT

17           For the cost of guaranteed loans, as authorized by  
18 section 184 of the Housing and Community Development  
19 Act of 1992 (12 U.S.C. 1715z), \$6,000,000, to remain  
20 available until expended: *Provided*, That such costs, in-  
21 cluding the costs of modifying such loans, shall be as de-  
22 fined in section 502 of the Congressional Budget Act of  
23 1974: *Provided further*, That these funds are available to  
24 subsidize total loan principal, any part of which is to be  
25 guaranteed, up to \$633,000,000: *Provided further*, That

1 up to \$750,000 of this amount may be for administrative  
 2 contract expenses including management processes and  
 3 systems to carry out the loan guarantee program.

4 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND  
 5 PROGRAM ACCOUNT

6 For the cost of guaranteed loans, as authorized by  
 7 section 184A of the Housing and Community Develop-  
 8 ment Act of 1992 (12 U.S.C. 1715z) and for such costs  
 9 for loans used for refinancing, \$386,000, to remain avail-  
 10 able until expended: *Provided*, That such costs, including  
 11 the costs of modifying such loans, shall be as defined in  
 12 section 502 of the Congressional Budget Act of 1974: *Pro-*  
 13 *vided further*, That these funds are available to subsidize  
 14 total loan principal, any part of which is to be guaranteed,  
 15 up to \$41,504,000 to remain available until expended.

16 COMMUNITY PLANNING AND DEVELOPMENT  
 17 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

18 For carrying out the Housing Opportunities for Per-  
 19 sons with AIDS program, as authorized by the AIDS  
 20 Housing Opportunity Act (42 U.S.C. 12901 et seq.),  
 21 \$330,000,000, to remain available until September 30,  
 22 2014, except that amounts allocated pursuant to section  
 23 854(c)(3) of such Act shall remain available until Sep-  
 24 tember 30, 2015: *Provided*, That the Secretary shall renew  
 25 all expiring contracts for permanent supportive housing

1 that were funded under section 854(c)(3) of such Act that  
 2 meet all program requirements before awarding funds for  
 3 new contracts and activities authorized under this section:  
 4 *Provided further*, That the Department will notify grantees  
 5 of their formula allocation within 60 days of the date of  
 6 enactment of this Act.

7                                   COMMUNITY DEVELOPMENT FUND

8           For assistance to units of State and local govern-  
 9 ment, and to other entities, for economic and community  
 10 development activities, and for other purposes,  
 11 \$3,210,000,000, to remain available until September 30,  
 12 2015, unless otherwise specified: *Provided*, That of the  
 13 total amount provided, \$3,100,000,000 is for carrying out  
 14 the community development block grant program under  
 15 title I of the Housing and Community Development Act  
 16 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301  
 17 et seq.): *Provided further*, That unless explicitly provided  
 18 for under this heading (except for planning grants pro-  
 19 vided in the second paragraph and amounts made avail-  
 20 able under the third paragraph), not to exceed 20 percent  
 21 of any grant made with funds appropriated under this  
 22 heading shall be expended for planning and management  
 23 development and administration: *Provided further*, That  
 24 \$60,000,000 shall be for grants to Indian tribes notwith-  
 25 standing section 106(a)(1) of such Act, of which, notwith-

1 standing any other provision of law (including section 204  
2 of this Act), up to \$3,960,000 may be used for emer-  
3 gencies that constitute imminent threats to health and  
4 safety.

5       Of the amounts made available under this heading,  
6 \$50,000,000 shall be made available for a Sustainable  
7 Communities Initiative to improve regional planning ef-  
8 forts that integrate housing and transportation decisions,  
9 and increase the capacity to improve land use and zoning:  
10 *Provided*, That the funding provided shall be for Regional  
11 Integrated Planning Grants to support the linking of  
12 transportation and land use planning and for Community  
13 Challenge Planning Grants to foster reform and reduce  
14 barriers to achieve affordable, economically vital, and sus-  
15 tainable communities: *Provided further*, That not less than  
16 \$12,500,000 of the funding made available under this  
17 heading shall be awarded to metropolitan areas of less  
18 than 500,000: *Provided further*, That the Secretary will  
19 consult with the Secretary of Transportation in evaluating  
20 grant proposals.

21           COMMUNITY DEVELOPMENT LOAN GUARANTEES

22                           PROGRAM ACCOUNT

23       Subject to section 502 of the Congressional Budget  
24 Act of 1974, during fiscal year 2013 commitments to  
25 guarantee loans under section 108 of the Housing and

1 Community Development Act of 1974, any part of which  
2 is guaranteed, shall not exceed a total principal amount  
3 of \$500,000,000, notwithstanding any aggregate limita-  
4 tion on outstanding obligations guaranteed in subsection  
5 (k) of such section 108: *Provided*, That the Secretary shall  
6 collect fees from borrowers, notwithstanding subsection  
7 (m) of such section 108, to result in a credit subsidy cost  
8 of zero, and such fees such be collected in accordance with  
9 section 502(7) of the Congressional Budget Act of 1974.

10 HOME INVESTMENT PARTNERSHIPS PROGRAM

11 For the HOME investment partnerships program, as  
12 authorized under title II of the Cranston-Gonzalez Na-  
13 tional Affordable Housing Act, as amended,  
14 \$1,000,000,000, to remain available until September 30,  
15 2015: *Provided*, That notwithstanding the amount made  
16 available under this heading, the threshold reduction re-  
17 quirements in sections 216(10) and 217(b)(4) of such Act  
18 shall not apply to allocation of such amount: *Provided fur-*  
19 *ther*, That funds made available under this heading used  
20 for projects not completed within 4 years of the commit-  
21 ment date, as determined by a signature of each party  
22 to the agreement, shall be repaid: *Provided further*, That  
23 the Secretary may extend the deadline for 1 year if the  
24 Secretary determines that the failure to complete the  
25 project is beyond the control of the participating jurisdic-



1 tion: *Provided further*, That no funds provided under this  
2 heading may be committed to any project included as part  
3 of a participating jurisdiction's plan under section 105(b),  
4 unless each participating jurisdiction certifies that it has  
5 conducted an underwriting review, assessed developer ca-  
6 pacity and fiscal soundness, and examined neighborhood  
7 market conditions to ensure adequate need for each  
8 project: *Provided further*, That any homeownership units  
9 funded under this heading which cannot be sold to an eli-  
10 gible homeowner within 6 months of project completion  
11 shall be rented to an eligible tenant: *Provided further*,  
12 That no funds provided under this heading may be award-  
13 ed for development activities to a community housing de-  
14 velopment organization that cannot demonstrate that it is  
15 has staff with demonstrated development experience: *Pro-*  
16 *vided further*, That funds provided in prior appropriations  
17 Acts for technical assistance, that were made available for  
18 Community Housing Development Organizations technical  
19 assistance, and that still remain available, may be used  
20 for HOME technical assistance notwithstanding the pur-  
21 poses for which such amounts were appropriated: *Provided*  
22 *further*, That the Department shall notify grantees of their  
23 formula allocation within 60 days of enactment of this Act.

1           SELF-HELP AND ASSISTED HOMEOWNERSHIP  
2                           OPPORTUNITY PROGRAM

3           For the Self-Help and Assisted Homeownership Op-  
4 portunity Program, as authorized under section 11 of the  
5 Housing Opportunity Program Extension Act of 1996, as  
6 amended, \$53,500,000, to remain available until Sep-  
7 tember 30, 2015: *Provided*, That of the total amount pro-  
8 vided under this heading, \$13,500,000 shall be made  
9 available to the Self-Help and Assisted Homeownership  
10 Opportunity Program as authorized under section 11 of  
11 the Housing Opportunity Program Extension Act of 1996,  
12 as amended: *Provided further*, That \$35,000,000 shall be  
13 made available for the second, third and fourth capacity  
14 building activities authorized under section 4(a) of the  
15 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),  
16 of which not less than \$5,000,000 may be made available  
17 for rural capacity-building activities: *Provided further*,  
18 That \$5,000,000 shall be made available for capacity-  
19 building activities for a national organization with exper-  
20 tise in rural housing, including experience working with  
21 rural housing organizations, local governments, and In-  
22 dian tribes.

23                           HOMELESS ASSISTANCE GRANTS

24           For the emergency solutions grants program as au-  
25 thorized under subtitle B of title IV of the McKinney-

1 Vento Homeless Assistance Act, as amended; the con-  
2 tinuum of care program as authorized under subtitle C  
3 of title IV of such Act; and the rural housing stability as-  
4 sistance program as authorized under subtitle D of title  
5 IV of such Act, \$2,146,000,000, of which \$2,141,000,000  
6 shall remain available until September 30, 2015, and of  
7 which \$5,000,000 shall remain available until expended  
8 for project-based rental assistance with rehabilitation  
9 projects with 10-year grant terms and any rental assist-  
10 ance amounts that are recaptured under such continuum  
11 of care program shall remain available until expended:  
12 *Provided*, That not less than \$286,000,000 of the funds  
13 appropriated under this heading shall be available for such  
14 emergency solutions grants program: *Provided further*,  
15 That not less than \$1,841,262,000 of the funds appro-  
16 priated under this heading shall be available for such con-  
17 tinuum of care and rural housing stability assistance pro-  
18 grams: *Provided further*, That up to \$8,000,000 of the  
19 funds appropriated under this heading shall be available  
20 for the national homeless data analysis project: *Provided*  
21 *further*, That for all match requirements applicable to  
22 funds made available under this heading for this fiscal  
23 year and prior years, a grantee may use (or could have  
24 used) as a source of match funds other funds administered  
25 by the Secretary and other Federal agencies unless there

1 is (or was) a specific statutory prohibition on any such  
2 use of any such funds: *Provided further*, That the Sec-  
3 retary shall renew on an annual basis expiring contracts  
4 or amendments to contracts funded under the continuum  
5 of care program if the program is determined to be needed  
6 under the applicable continuum of care and meets appro-  
7 priate program requirements and financial standards, as  
8 determined by the Secretary: *Provided further*, That all  
9 awards of assistance under this heading shall be required  
10 to coordinate and integrate homeless programs with other  
11 mainstream health, social services, and employment pro-  
12 grams for which homeless populations may be eligible, in-  
13 cluding Medicaid, State Children’s Health Insurance Pro-  
14 gram, Temporary Assistance for Needy Families, Food  
15 Stamps, and services funding through the Mental Health  
16 and Substance Abuse Block Grant, Workforce Investment  
17 Act, and the Welfare-to-Work grant program: *Provided*  
18 *further*, That all balances for Shelter Plus Care renewals  
19 previously funded from the Shelter Plus Care Renewal ac-  
20 count and transferred to this account shall be available,  
21 if recaptured, for continuum of care renewals in fiscal year  
22 2013: *Provided further*, That the term local government  
23 includes an instrumentality of a unit of general purpose  
24 local government other than a public housing agency that  
25 is established pursuant to legislation and designated by

1 the chief executive to act on behalf of the local government  
2 with regard to activities funded under this heading and  
3 includes a combination of general purpose local govern-  
4 ments, such as an association of governments, that is rec-  
5 ognized by the Secretary: *Provided further*, That the term  
6 State includes any instrumentality of any of the several  
7 States designated by the Governor to act on behalf of the  
8 State and does not include Washington, DC: *Provided fur-*  
9 *ther*, That for purposes of environmental review, the Sec-  
10 retary shall continue to permit assistance and projects  
11 under this heading to be treated as assistance for special  
12 projects that are subject to section 305(c) of the Multi-  
13 family Housing Property Disposition Reform Act of 1994,  
14 and subject to the regulations issued by the Secretary to  
15 implement such section: *Provided further*, That a metro-  
16 politan city and an urban county that each receive an allo-  
17 cation under this heading and are located within a geo-  
18 graphic area that is covered by a single continuum of care  
19 may jointly request the Secretary to permit the urban  
20 county or the metropolitan city, as agreed to by such coun-  
21 ty and city, to receive and administer their combined allo-  
22 cations under a single grant: *Provided further*, That the  
23 Department shall notify grantees of their formula alloca-  
24 tion from amounts allocated (which may represent initial

1 or final amounts allocated) for the emergency solutions  
2 grant program within 60 days of enactment of this Act.

### 3 HOUSING PROGRAMS

#### 4 PROJECT-BASED RENTAL ASSISTANCE

5 For activities and assistance for the provision of  
6 project-based subsidy contracts under the United States  
7 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the  
8 Act”), not otherwise provided for, \$9,475,795,000, to re-  
9 main available until expended, shall be available on Octo-  
10 ber 1, 2012 (in addition to the \$400,000,000 previously  
11 appropriated under this heading that will become available  
12 October 1, 2012), and \$400,000,000, to remain available  
13 until expended, shall be available on October 1, 2013: *Pro-*  
14 *vided*, That the amounts made available under this head-  
15 ing shall be available for expiring or terminating section  
16 8 project-based subsidy contracts (including section 8  
17 moderate rehabilitation contracts), for amendments to sec-  
18 tion 8 project-based subsidy contracts (including section  
19 8 moderate rehabilitation contracts), for contracts entered  
20 into pursuant to section 441 of the McKinney-Vento  
21 Homeless Assistance Act (42 U.S.C. 11401), for renewal  
22 of section 8 contracts for units in projects that are subject  
23 to approved plans of action under the Emergency Low In-  
24 come Housing Preservation Act of 1987 or the Low-In-  
25 come Housing Preservation and Resident Homeownership

1 Act of 1990, and for administrative and other expenses  
2 associated with project-based activities and assistance  
3 funded under this paragraph: *Provided further*, That of  
4 the total amounts provided under this heading, not to ex-  
5 ceed \$260,000,000 shall be available for performance-  
6 based contract administrators for section 8 project-based  
7 assistance: *Provided further*, That the Secretary of Hous-  
8 ing and Urban Development may also use such amounts  
9 in the previous proviso for performance-based contract ad-  
10 ministrators for the administration of: interest reduction  
11 payments pursuant to section 236(a) of the National  
12 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement  
13 payments pursuant to section 101 of the Housing and  
14 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-  
15 tion 236(f)(2) rental assistance payments (12 U.S.C.  
16 1715z-1(f)(2)); project rental assistance contracts for the  
17 elderly under section 202(c)(2) of the Housing Act of  
18 1959 (12 U.S.C. 1701q); project rental assistance con-  
19 tracts for supportive housing for persons with disabilities  
20 under section 811(d)(2) of the Cranston-Gonzalez Na-  
21 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));  
22 project assistance contracts pursuant to section 202(h) of  
23 the Housing Act of 1959 (Public Law 86-372; 73 Stat.  
24 667); and loans under section 202 of the Housing Act of  
25 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*

1 *ther*, That amounts recaptured under this heading, the  
2 heading “Annual Contributions for Assisted Housing”, or  
3 the heading “Housing Certificate Fund”, may be used for  
4 renewals of or amendments to section 8 project-based con-  
5 tracts or for performance-based contract administrators,  
6 notwithstanding the purposes for which such amounts  
7 were appropriated: *Provided further*, That, notwith-  
8 standing any other provision of law, upon the request of  
9 the Secretary of Housing and Urban Development, project  
10 funds that are held in residual receipts accounts for any  
11 project subject to a section 8 project-based Housing As-  
12 sistance Payments contract that authorizes HUD to re-  
13 quire that surplus project funds be deposited in an inter-  
14 est-bearing residual receipts account and that are in ex-  
15 cess of an amount to be determined by the Secretary, shall  
16 be remitted to the Department and deposited in this ac-  
17 count, to be available until expended: *Provided further*,  
18 That amounts deposited pursuant to the previous proviso  
19 shall be available in addition to the amount otherwise pro-  
20 vided by this heading for uses authorized under this head-  
21 ing.

22 HOUSING FOR THE ELDERLY

23 For amendments to capital advance contracts for  
24 housing for the elderly, as authorized by section 202 of  
25 the Housing Act of 1959, as amended, and for project



1 rental assistance for the elderly under section 202(e)(2)  
2 of such Act, including amendments to contracts for such  
3 assistance and renewal of expiring contracts for such as-  
4 sistance for up to a 1-year term, and for senior preserva-  
5 tion rental assistance contracts, as authorized by section  
6 811(e) of the American Housing and Economic Oppor-  
7 tunity Act of 2000, as amended, and for supportive serv-  
8 ices associated with the housing, \$375,000,000 to remain  
9 available until September 30, 2016: *Provided*, That of the  
10 amount provided under this heading, up to \$70,000,000  
11 shall be for service coordinators and the continuation of  
12 existing congregate service grants for residents of assisted  
13 housing projects, and of which up to \$20,000,000 shall  
14 be for grants under section 202(b) of the Housing Act  
15 of 1959 (12 U.S.C. 1701q-2) for conversion of eligible  
16 projects under such section to assisted living, service-en-  
17 riched housing, or related use for substantial and emer-  
18 gency repairs as determined by the Secretary: *Provided*  
19 *further*, That amounts under this heading shall be avail-  
20 able for Real Estate Assessment Center inspections and  
21 inspection-related activities associated with section 202  
22 projects: *Provided further*, That the Secretary may waive  
23 the provisions of section 202 governing the terms and con-  
24 ditions of project rental assistance, except that the initial

1 contract term for such assistance shall not exceed 5 years  
2 in duration.

3 HOUSING FOR PERSONS WITH DISABILITIES

4 For amendments to capital advance contracts for  
5 supportive housing for persons with disabilities, as author-  
6 ized by section 811 of the Cranston-Gonzalez National Af-  
7 fordable Housing Act (42 U.S.C. 8013) for project rental  
8 assistance for supportive housing for persons with disabil-  
9 ities under section 811(d)(2) of such Act and for project  
10 assistance contracts pursuant to section 202(h) of the  
11 Housing Act of 1959 (Public Law 86–372; 73 Stat. 667),  
12 including amendments to contracts for such assistance  
13 and renewal of expiring contracts for such assistance for  
14 up to a 1-year term, for project rental assistance to State  
15 housing finance agencies and other appropriate entities as  
16 authorized under section 811(b)(3) of the Cranston-Gon-  
17 zalez National Housing Act and for supportive services as-  
18 sociated with the housing for persons with disabilities as  
19 authorized by section 811(b)(1) of such Act,  
20 \$150,000,000 to remain available until September 30,  
21 2016: *Provided*, That amounts made available under this  
22 heading shall be available for Real Estate Assessment  
23 Center inspections and inspection-related activities associ-  
24 ated with section 811 Projects.

## 1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding  
3 loans, as authorized under section 106 of the Housing and  
4 Urban Development Act of 1968, as amended,  
5 \$55,000,000, including up to \$3,500,000 for administra-  
6 tive contract services: *Provided*, That grants made avail-  
7 able from amounts provided under this heading shall be  
8 awarded within 120 days of enactment of this Act: *Pro-*  
9 *vided further*, That funds shall be used for providing coun-  
10 seling and advice to tenants and homeowners, both current  
11 and prospective, with respect to property maintenance, fi-  
12 nancial management/literacy, and such other matters as  
13 may be appropriate to assist them in improving their hous-  
14 ing conditions, meeting their financial needs, and fulfilling  
15 the responsibilities of tenancy or homeownership; for pro-  
16 gram administration; and for housing counselor training.

## 17 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

## 18 FUND

19 For necessary expenses as authorized by the National  
20 Manufactured Housing Construction and Safety Stand-  
21 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to  
22 \$5,500,000, to remain available until expended, of which  
23 \$4,000,000 is to be derived from the Manufactured Hous-  
24 ing Fees Trust Fund: *Provided*, That not to exceed the  
25 total amount appropriated under this heading shall be

1 available from the general fund of the Treasury to the ex-  
2 tent necessary to incur obligations and make expenditures  
3 pending the receipt of collections to the Fund pursuant  
4 to section 620 of such Act: *Provided further*, That the  
5 amount made available under this heading from the gen-  
6 eral fund shall be reduced as such collections are received  
7 during fiscal year 2013 so as to result in a final fiscal  
8 year 2013 appropriation from the general fund estimated  
9 at not more than \$1,500,000 and fees pursuant to such  
10 section 620 shall be modified as necessary to ensure such  
11 a final fiscal year 2013 appropriation: *Provided further*,  
12 That for the dispute resolution and installation programs,  
13 the Secretary of Housing and Urban Development may  
14 assess and collect fees from any program participant: *Pro-*  
15 *vided further*, That such collections shall be deposited into  
16 the Fund, and the Secretary, as provided herein, may use  
17 such collections, as well as fees collected under section  
18 620, for necessary expenses of such Act: *Provided further*,  
19 That notwithstanding the requirements of section 620 of  
20 such Act, the Secretary may carry out responsibilities of  
21 the Secretary under such Act through the use of approved  
22 service providers that are paid directly by the recipients  
23 of their services.

1                   FEDERAL HOUSING ADMINISTRATION  
2           MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT  
3                   (INCLUDING TRANSFER OF FUNDS)

4           New commitments to guarantee single family loans  
5 insured under the Mutual Mortgage Insurance Fund shall  
6 not exceed \$400,000,000,000, to remain available until  
7 September 30, 2014: *Provided*, That during fiscal year  
8 2013, obligations to make direct loans to carry out the  
9 purposes of section 204(g) of the National Housing Act,  
10 as amended, shall not exceed \$50,000,000: *Provided fur-*  
11 *ther*, That the foregoing amount in the previous proviso  
12 shall be for loans to nonprofit and governmental entities  
13 in connection with sales of single family real properties  
14 owned by the Secretary and formerly insured under the  
15 Mutual Mortgage Insurance Fund. For administrative  
16 contract expenses of the Federal Housing Administration,  
17 \$215,000,000, to remain available until September 30,  
18 2014, of which up to \$71,500,000 may be transferred to  
19 and merged with the Working Capital Fund: *Provided fur-*  
20 *ther*, That to the extent guaranteed loan commitments ex-  
21 ceed \$200,000,000,000 on or before April 1, 2013, an ad-  
22 ditional \$1,400 for administrative contract expenses shall  
23 be available for each \$1,000,000 in additional guaranteed  
24 loan commitments (including a pro rata amount for any

1 amount below \$1,000,000), but in no case shall funds  
2 made available by this proviso exceed \$30,000,000.

3 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

4 New commitments to guarantee loans insured under  
5 the General and Special Risk Insurance Funds, as author-  
6 ized by sections 238 and 519 of the National Housing Act  
7 (12 U.S.C. 1715z-3 and 1735c), shall not exceed  
8 \$25,000,000,000 in total loan principal, any part of which  
9 is to be guaranteed, to remain available until September  
10 30, 2014: *Provided*, That during fiscal year 2013 gross  
11 obligations for the principal amount of direct loans, as au-  
12 thorized by sections 204(g), 207(l), 238, and 519(a) of  
13 the National Housing Act, shall not exceed \$20,000,000,  
14 which shall be for loans to nonprofit and governmental en-  
15 tities in connection with the sale of single family real prop-  
16 erties owned by the Secretary and formerly insured under  
17 such Act.

18 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

19 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

20 GUARANTEE PROGRAM ACCOUNT

21 New commitments to issue guarantees to carry out  
22 the purposes of section 306 of the National Housing Act,  
23 as amended (12 U.S.C. 1721(g)), shall not exceed  
24 \$500,000,000,000, to remain available until September  
25 30, 2014: *Provided*, That \$20,500,000 shall be available

1 for necessary salaries and expenses of the Office of Gov-  
2 ernment National Mortgage Association: *Provided further,*  
3 That to the extent that guaranteed loan commitments will  
4 and do exceed \$155,000,000,000 on or before April 1,  
5 2013, an additional \$100 for necessary salaries and ex-  
6 penses shall be available until expended for each  
7 \$1,000,000 in additional guaranteed loan commitments  
8 (including a pro rata amount for any amount below  
9 \$1,000,000), but in no case shall funds made available by  
10 this proviso exceed \$3,000,000: *Provided further,* That re-  
11 ceipts from Commitment and Multiclass fees collected pur-  
12 suant to title III of the National Housing Act, as amend-  
13 ed, shall be credited as offsetting collections to this ac-  
14 count.

15 POLICY DEVELOPMENT AND RESEARCH

16 RESEARCH AND TECHNOLOGY

17 For contracts, grants, and necessary expenses of pro-  
18 grams of research and studies relating to housing and  
19 urban problems, not otherwise provided for, as authorized  
20 by title V of the Housing and Urban Development Act  
21 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying  
22 out the functions of the Secretary of Housing and Urban  
23 Development under section 1(a)(1)(i) of Reorganization  
24 Plan No. 2 of 1968, \$46,000,000, to remain available  
25 until September 30, 2014: *Provided,* That with respect to

1 amounts made available under this heading, notwith-  
2 standing section 204 of this title, the Secretary may enter  
3 into cooperative agreements funded with philanthropic en-  
4 tities, other Federal agencies, or State or local govern-  
5 ments and their agencies for research projects: *Provided*  
6 *further*, That with respect to the previous proviso, such  
7 partners to the cooperative agreements must contribute at  
8 least a 50 percent match toward the cost of the project:  
9 *Provided further*, That for non-competitive agreements en-  
10 tered into in accordance with the previous two provisos,  
11 the Secretary of Housing and Urban Development shall  
12 comply with section 2(b) of the Federal Funding Account-  
13 ability and Transparency Act of 2006 (Public Law 109-  
14 282, 31 U.S.C. note) in lieu of compliance with section  
15 102(a)(4)(C) with respect to documentation of award deci-  
16 sions.

17           FAIR HOUSING AND EQUAL OPPORTUNITY

18                           FAIR HOUSING ACTIVITIES

19           For contracts, grants, and other assistance, not oth-  
20 erwise provided for, as authorized by title VIII of the Civil  
21 Rights Act of 1968, as amended by the Fair Housing  
22 Amendments Act of 1988, and section 561 of the Housing  
23 and Community Development Act of 1987, as amended,  
24 \$68,000,000, to remain available until September 30,  
25 2014, of which \$42,500,000 shall be to carry out activities



1 pursuant to such section 561: *Provided*, That notwith-  
2 standing 31 U.S.C. 3302, the Secretary may assess and  
3 collect fees to cover the costs of the Fair Housing Training  
4 Academy, and may use such funds to provide such train-  
5 ing: *Provided further*, That no funds made available under  
6 this heading shall be used to lobby the executive or legisla-  
7 tive branches of the Federal Government in connection  
8 with a specific contract, grant or loan: *Provided further*,  
9 That of the funds made available under this heading,  
10 \$300,000 shall be available to the Secretary of Housing  
11 and Urban Development for the creation and promotion  
12 of translated materials and other programs that support  
13 the assistance of persons with limited English proficiency  
14 in utilizing the services provided by the Department of  
15 Housing and Urban Development.

16 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

17 CONTROL

18 LEAD HAZARD REDUCTION

19 For the Lead Hazard Reduction Program, as author-  
20 ized by section 1011 of the Residential Lead-Based Paint  
21 Hazard Reduction Act of 1992, \$120,000,000, to remain  
22 available until September 30, 2014: *Provided*, That up to  
23 \$30,000,000 of that amount shall be for the Healthy  
24 Homes Initiative, pursuant to sections 501 and 502 of the  
25 Housing and Urban Development Act of 1970 that shall

1 include research, studies, testing, and demonstration ef-  
2 forts, including education and outreach concerning lead-  
3 based paint poisoning and other housing-related diseases  
4 and hazards: *Provided further*, That for purposes of envi-  
5 ronmental review, pursuant to the National Environ-  
6 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and  
7 other provisions of the law that further the purposes of  
8 such Act, a grant under the Healthy Homes Initiative, Op-  
9 eration Lead Elimination Action Plan (LEAP), or the  
10 Lead Technical Studies program under this heading or  
11 under prior appropriations Acts for such purposes under  
12 this heading, shall be considered to be funds for a special  
13 project for purposes of section 305(c) of the Multifamily  
14 Housing Property Disposition Reform Act of 1994: *Pro-*  
15 *vided further*, That of the total amount made available  
16 under this heading, \$45,000,000 shall be made available  
17 on a competitive basis for areas with the highest lead paint  
18 abatement needs: *Provided further*, That each recipient of  
19 funds provided under the second proviso shall make a  
20 matching contribution in an amount not less than 25 per-  
21 cent: *Provided further*, That each applicant shall certify  
22 adequate capacity that is acceptable to the Secretary to  
23 carry out the proposed use of funds pursuant to a notice  
24 of funding availability: *Provided further*, That amounts  
25 made available under this heading in this or prior appro-

1 priations Acts, and that still remain available, may be used  
2 for any purpose under this heading notwithstanding the  
3 purpose for which such amounts were appropriated if a  
4 program competition is undersubscribed and there are  
5 other program competitions under this heading that are  
6 oversubscribed.

7 **WORKING CAPITAL FUND**

8 For additional capital for the Working Capital Fund  
9 (42 U.S.C. 3535) for the maintenance of infrastructure  
10 for Department-wide information technology systems, for  
11 the continuing operation and maintenance of both Depart-  
12 ment-wide and program-specific information systems, and  
13 for program-related maintenance activities, \$230,000,000,  
14 of which \$170,000,000 shall remain available until Sep-  
15 tember 30, 2014, and of which \$60,000,000 shall remain  
16 available until September 30, 2015 for Development Mod-  
17 ernization and Enhancement: *Provided*, That any amounts  
18 transferred to this Fund under this Act shall remain avail-  
19 able until expended: *Provided further*, That any amounts  
20 transferred to this Fund from amounts appropriated by  
21 previously enacted appropriations Acts may be used for  
22 the purposes specified under this Fund, in addition to any  
23 other information technology the purposes for which such  
24 amounts were appropriated: *Provided further*, That not  
25 more than 25 percent of the funds made available under

1 this heading for Development, Modernization and En-  
2 hancement, including development and deployment of a  
3 Next Generation Management System and development  
4 and deployment of modernized Federal Housing Adminis-  
5 tration systems may be obligated until the Secretary sub-  
6 mits to the Committees on Appropriations a plan for ex-  
7 penditure that—(A) identifies for each modernization  
8 project: (i) the functional and performance capabilities to  
9 be delivered and the mission benefits to be realized, (ii)  
10 the estimated life-cycle cost, and (iii) key milestones to  
11 be met; (B) demonstrates that each modernization project  
12 is: (i) compliant with the department’s enterprise architec-  
13 ture, (ii) being managed in accordance with applicable life-  
14 cycle management policies and guidance, (iii) subject to  
15 the department’s capital planning and investment control  
16 requirements, and (iv) supported by an adequately staffed  
17 project office; and (C) has been reviewed by the Govern-  
18 ment Accountability Office.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary salaries and expenses of the Office of  
21 Inspector General in carrying out the Inspector General  
22 Act of 1978, as amended, \$125,194,000: *Provided*, That  
23 the Inspector General shall have independent authority  
24 over all personnel issues within this office.

## 1 TRANSFORMATION INITIATIVE

2 For necessary expenses of research, evaluation, and  
3 program metrics activities; program demonstrations; and  
4 technical assistance and capacity building, \$43,000,000,  
5 to remain available until September 30, 2015: *Provided*,  
6 That with respect to amounts made available under this  
7 heading for research, evaluation and program metrics or  
8 program demonstrations, the Secretary may make grants  
9 or enter into cooperative agreements if such grants or  
10 agreements include a substantial match contribution, not-  
11 withstanding section 204 of this title.

12 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND  
13 URBAN DEVELOPMENT

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

1 tlement occurred after January 1, 1992, in accordance  
2 with such section. Notwithstanding the previous sentence,  
3 the Secretary may award up to 15 percent of the budget  
4 authority or cash recaptured and not rescinded or remitted  
5 to the Treasury to provide project owners with incentives  
6 to refinance their project at a lower interest rate.

7       SEC. 202. None of the amounts made available under  
8 this Act may be used during fiscal year 2013 to investigate  
9 or prosecute under the Fair Housing Act any otherwise  
10 lawful activity engaged in by one or more persons, includ-  
11 ing the filing or maintaining of a nonfrivolous legal action,  
12 that is engaged in solely for the purpose of achieving or  
13 preventing action by a Government official or entity, or  
14 a court of competent jurisdiction.

15       SEC. 203. (a) Sections 203 and 209 of the Depart-  
16 ment of Housing and Urban Development Appropriations  
17 Act, 2012 is amended by striking “fiscal year 2012” each  
18 place it appears and inserting “fiscal years 2012 and  
19 2013”.

20       (b) Section 203(a)(2) of such Act is amended by  
21 striking “fiscal year 2011” and inserting “fiscal years  
22 2012 and 2013”.

23       SEC. 204. Except as explicitly provided in law, any  
24 grant, cooperative agreement or other assistance made  
25 pursuant to title II of this Act shall be made on a competi-

1 tive basis and in accordance with section 102 of the De-  
2 partment of Housing and Urban Development Reform Act  
3 of 1989 (42 U.S.C. 3545).

4       SEC. 205. Funds of the Department of Housing and  
5 Urban Development subject to the Government Corpora-  
6 tion Control Act or section 402 of the Housing Act of  
7 1950 shall be available, without regard to the limitations  
8 on administrative expenses, for legal services on a contract  
9 or fee basis, and for utilizing and making payment for  
10 services and facilities of the Federal National Mortgage  
11 Association, Government National Mortgage Association,  
12 Federal Home Loan Mortgage Corporation, Federal Fi-  
13 nancing Bank, Federal Reserve banks or any member  
14 thereof, Federal Home Loan banks, and any insured bank  
15 within the meaning of the Federal Deposit Insurance Cor-  
16 poration Act, as amended (12 U.S.C. 1811-1).

17       SEC. 206. Unless otherwise provided for in this Act  
18 or through a reprogramming of funds, no part of any ap-  
19 propriation for the Department of Housing and Urban  
20 Development shall be available for any program, project  
21 or activity in excess of amounts set forth in the budget  
22 estimates submitted to Congress.

23       SEC. 207. Corporations and agencies of the Depart-  
24 ment of Housing and Urban Development which are sub-  
25 ject to the Government Corporation Control Act are here-

1 by authorized to make such expenditures, within the limits  
2 of funds and borrowing authority available to each such  
3 corporation or agency and in accordance with law, and to  
4 make such contracts and commitments without regard to  
5 fiscal year limitations as provided by section 104 of such  
6 Act as may be necessary in carrying out the programs set  
7 forth in the budget for 2013 for such corporation or agen-  
8 cy except as hereinafter provided: *Provided*, That collec-  
9 tions of these corporations and agencies may be used for  
10 new loan or mortgage purchase commitments only to the  
11 extent expressly provided for in this Act (unless such loans  
12 are in support of other forms of assistance provided for  
13 in this or prior appropriations Acts), except that this pro-  
14 viso shall not apply to the mortgage insurance or guaranty  
15 operations of these corporations, or where loans or mort-  
16 gage purchases are necessary to protect the financial in-  
17 terest of the United States Government.

18       SEC. 208. The Secretary of Housing and Urban De-  
19 velopment shall provide quarterly reports to the House  
20 and Senate Committees on Appropriations regarding all  
21 uncommitted, unobligated, recaptured and excess funds in  
22 each program and activity within the jurisdiction of the  
23 Department and shall submit additional, updated budget  
24 information to these Committees upon request.



1       SEC. 209. Paragraph (2)(B)(i) of section 3(a) of the  
2 United States Housing Act of 1937 (42 U.S.C. 1437a(a))  
3 is amended—

4           (1) in the matter preceding subclause (I)—

5               (A) by striking “Except as otherwise pro-  
6               vided under this clause, each” and inserting  
7               “Each”; and

8               (B) by inserting after “which shall” the  
9               following: “not be lower than 80 percent of the  
10              applicable fair market rental established under  
11              section 8(c) of this Act and which shall”; and

12           (2) by striking the undesignated matter fol-  
13           lowing subclause (II) and inserting the following:  
14           “Public housing agencies must comply by September  
15           30, 2013, with the requirement of this clause, except  
16           that if a new flat rental amount for a dwelling unit  
17           will increase a family’s existing rental payment by  
18           more than 35 percent, the new flat rental amount  
19           shall be phased in as necessary to ensure that the  
20           family’s existing rental payment does not increase by  
21           more than 35 percent annually. The preceding sen-  
22           tence shall not be construed to require establishment  
23           of rental amounts equal to 80 percent of the fair  
24           market rental in years when the fair market rental  
25           falls from the prior year.”.

1        SEC. 210 The President's formal budget request for  
2 fiscal year 2014, as well as the Department of Housing  
3 and Urban Development's congressional budget justifica-  
4 tions to be submitted to the Committees on Appropriations  
5 of the House of Representatives and the Senate, shall use  
6 the identical account and sub-account structure provided  
7 under this Act.

8        SEC. 211. A public housing agency or such other enti-  
9 ty that administers Federal housing assistance for the  
10 Housing Authority of the county of Los Angeles, Cali-  
11 fornia, the States of Alaska, Iowa, and Mississippi shall  
12 not be required to include a resident of public housing or  
13 a recipient of assistance provided under section 8 of the  
14 United States Housing Act of 1937 on the board of direc-  
15 tors or a similar governing board of such agency or entity  
16 as required under section (2)(b) of such Act. Each public  
17 housing agency or other entity that administers Federal  
18 housing assistance under section 8 for the Housing Au-  
19 thority of the county of Los Angeles, California and the  
20 States of Alaska, Iowa and Mississippi that chooses not  
21 to include a resident of public housing or a recipient of  
22 section 8 assistance on the board of directors or a similar  
23 governing board shall establish an advisory board of not  
24 less than six residents of public housing or recipients of  
25 section 8 assistance to provide advice and comment to the

1 public housing agency or other administering entity on  
2 issues related to public housing and section 8. Such advi-  
3 sory board shall meet not less than quarterly.

4       SEC. 212. (a) Notwithstanding any other provision  
5 of law, subject to the conditions listed in subsection (b),  
6 for fiscal years 2013 and 2014, the Secretary of Housing  
7 and Urban Development may authorize the transfer of  
8 some or all project-based assistance, debt and statutorily  
9 required low-income and very low-income use restrictions,  
10 associated with one or more multifamily housing project  
11 to another multifamily housing project or projects.

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

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

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

22                       (A) For occupied units in the transferring  
23 project: the number of low-income and very low-  
24 income units and the configuration (i.e. bed-  
25 room size) provided by the transferring project

1 shall be no less than when transferred to the re-  
2 ceiving project or projects and the net dollar  
3 amount of Federal assistance provided by the  
4 transferring project shall remain the same in  
5 the receiving project or projects.

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

14 (2) The net dollar amount of Federal assistance  
15 provided to the transferring project shall remain the  
16 same as the receiving project or projects.

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

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

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

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

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

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

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

22          (9) If the transferring project meets the re-  
23      quirements of subsection (e)(2)(E), the owner or  
24      mortgagor of the receiving project or projects shall  
25      execute and record either a continuation of the exist-

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

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

11      (d) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (F) assistance payments made under sec-  
8 tion 811(d)(2) of the Housing Act of 1959;

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

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

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

22 (e) The Secretary shall publish by notice in the Fed-  
23 eral Register the terms and conditions, including criteria  
24 for HUD approval, of transfers pursuant to this section



1 no later than 30 days before the effective date of such  
2 notice.

3       SEC. 213. The funds made available for Native Alas-  
4 kans under the heading “Native American Housing Block  
5 Grants” in title III of this Act shall be allocated to the  
6 same Native Alaskan housing block grant recipients that  
7 received funds in fiscal year 2005.

8       SEC. 214. No funds provided under this title may be  
9 used for an audit of the Government National Mortgage  
10 Association that makes applicable requirements under the  
11 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

12       SEC. 215. (a) No assistance shall be provided under  
13 section 8 of the United States Housing Act of 1937 (42  
14 U.S.C. 1437f) to any individual who—

15           (1) is enrolled as a student at an institution of  
16 higher education (as defined under section 102 of  
17 the Higher Education Act of 1965 (20 U.S.C.  
18 1002));

19           (2) is under 24 years of age;

20           (3) is not a veteran;

21           (4) is unmarried;

22           (5) does not have a dependent child;

23           (6) is not a person with disabilities, as such  
24 term is defined in section 3(b)(3)(E) of the United  
25 States Housing Act of 1937 (42 U.S.C.

1 1437a(b)(3)(E)) and was not receiving assistance  
2 under such section 8 as of November 30, 2005; and

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

7 (b) For purposes of determining the eligibility of a  
8 person to receive assistance under section 8 of the United  
9 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-  
10 cial assistance (in excess of amounts received for tuition  
11 and any other required fees and charges) that an indi-  
12 vidual receives under the Higher Education Act of 1965  
13 (20 U.S.C. 1001 et seq.), from private sources, or an insti-  
14 tution of higher education (as defined under the Higher  
15 Education Act of 1965 (20 U.S.C. 1002)), shall be consid-  
16 ered income to that individual, except for a person over  
17 the age of 23 with dependent children.

18 SEC. 216. Notwithstanding the limitation in the first  
19 sentence of section 255(g) of the National Housing Act  
20 (12 U.S.C. 1715z–g), the Secretary of Housing and Urban  
21 Development may, until September 30, 2013, insure and  
22 enter into commitments to insure mortgages under section  
23 255(g) of the National Housing Act (12 U.S.C. 1715z–  
24 20).

1        SEC. 217. Notwithstanding any other provision of  
2 law, in fiscal year 2013, in managing and disposing of any  
3 multifamily property that is owned or has a mortgage held  
4 by the Secretary of Housing and Urban Development, and  
5 during the process of foreclosure on any property with a  
6 contract for rental assistance payments under section 8  
7 of the United States Housing Act of 1937 or other Fed-  
8 eral programs, the Secretary shall maintain any rental as-  
9 sistance payments under section 8 of the United States  
10 Housing Act of 1937 and other programs that are at-  
11 tached to any dwelling units in the property. To the extent  
12 the Secretary determines, in consultation with the tenants  
13 and the local government, that such a multifamily prop-  
14 erty owned or held by the Secretary is not feasible for con-  
15 tinued rental assistance payments under such section 8  
16 or other programs, based on consideration of (1) the costs  
17 of rehabilitating and operating the property and all avail-  
18 able Federal, State, and local resources, including rent ad-  
19 justments under section 524 of the Multifamily Assisted  
20 Housing Reform and Affordability Act of 1997  
21 (“MAHRAA”) and (2) environmental conditions that can-  
22 not be remedied in a cost-effective fashion, the Secretary  
23 may, in consultation with the tenants of that property,  
24 contract for project-based rental assistance payments with  
25 an owner or owners of other existing housing properties,

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

13       SEC. 218. During fiscal year 2013, in the provision  
14 of rental assistance under section 8(o) of the United  
15 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-  
16 nection with a program to demonstrate the economy and  
17 effectiveness of providing such assistance for use in as-  
18 sisted living facilities that is carried out in the counties  
19 of the State of Michigan notwithstanding paragraphs (3)  
20 and (18)(B)(iii) of such section 8(o), a family residing in  
21 an assisted living facility in any such county, on behalf  
22 of which a public housing agency provides assistance pur-  
23 suant to section 8(o)(18) of such Act, may be required,  
24 at the time the family initially receives such assistance,  
25 to pay rent in an amount exceeding 40 percent of the

1 monthly adjusted income of the family by such a percent-  
2 age or amount as the Secretary of Housing and Urban  
3 Development determines to be appropriate.

4       SEC. 219. The Secretary of Housing and Urban De-  
5 velopment shall report quarterly to the House of Rep-  
6 resentatives and Senate Committees on Appropriations on  
7 HUD's use of all sole-source contracts, including terms  
8 of the contracts, cost, and a substantive rationale for  
9 using a sole-source contract.

10       SEC. 220. Notwithstanding any other provision of  
11 law, the recipient of a grant under section 202b of the  
12 Housing Act of 1959 (12 U.S.C. 1701q) after December  
13 26, 2000, in accordance with the unnumbered paragraph  
14 at the end of section 202(b) of such Act, may, at its op-  
15 tion, establish a single-asset nonprofit entity to own the  
16 project and may lend the grant funds to such entity, which  
17 may be a private nonprofit organization described in sec-  
18 tion 831 of the American Homeownership and Economic  
19 Opportunity Act of 2000.

20       SEC. 221. The commitment authority funded by fees  
21 as provided under the subheading "Program Account"  
22 under the heading "Community Development Loan Guar-  
23 antees" may be used to guarantee, or make commitments  
24 to guarantee, notes, or other obligations issued by any  
25 State on behalf of non-entitlement communities in the

1 State in accordance with the requirements of section 108  
2 of the Housing and Community Development Act of 1974:  
3 *Provided*, That any State receiving such a guarantee or  
4 commitment shall distribute all funds subject to such  
5 guarantee to the units of general local government in non-  
6 entitlement areas that received the commitment.

7 SEC. 222. Section 24 of the United States Housing  
8 Act of 1937 (42 U.S.C. 1437v) is amended—

9 (1) in subsection (m)(1), by striking “fiscal  
10 year” and all that follows through the period at the  
11 end and inserting “fiscal year 2013.”; and

12 (2) in subsection (o), by striking “September”  
13 and all that follows through the period at the end  
14 and inserting “September 30, 2013.”.

15 SEC. 223. Public housing agencies that own and oper-  
16 ate 400 or fewer public housing units may elect to be ex-  
17 empt from any asset management requirement imposed by  
18 the Secretary of Housing and Urban Development in con-  
19 nection with the operating fund rule: *Provided*, That an  
20 agency seeking a discontinuance of a reduction of subsidy  
21 under the operating fund formula shall not be exempt  
22 from asset management requirements.

23 SEC. 224. With respect to the use of amounts pro-  
24 vided in this Act and in future Acts for the operation, cap-  
25 ital improvement and management of public housing as

1 authorized by sections 9(d) and 9(e) of the United States  
2 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the  
3 Secretary shall not impose any requirement or guideline  
4 relating to asset management that restricts or limits in  
5 any way the use of capital funds for central office costs  
6 pursuant to section 9(g)(1) or 9(g)(2) of the United States  
7 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*  
8 *vided*, That a public housing agency may not use capital  
9 funds authorized under section 9(d) for activities that are  
10 eligible under section 9(e) for assistance with amounts  
11 from the operating fund in excess of the amounts per-  
12 mitted under section 9(g)(1) or 9(g)(2).

13       SEC. 225. No official or employee of the Department  
14 of Housing and Urban Development shall be designated  
15 as an allotment holder unless the Office of the Chief Fi-  
16 nancial Officer has determined that such allotment holder  
17 has implemented an adequate system of funds control and  
18 has received training in funds control procedures and di-  
19 rectives. The Chief Financial Officer shall ensure that, not  
20 later than 90 days after the date of enactment of this Act,  
21 a trained allotment holder shall be designated for each  
22 HUD subaccount under the heading “Administration, Op-  
23 erations, and Management” as well as each account receiv-  
24 ing appropriations for “Program Office Salaries and Ex-

1 penses” within the Department of Housing and Urban  
2 Development.

3 SEC. 226. (a) The Secretary of Housing and Urban  
4 Development shall take the required actions under sub-  
5 section (b) when a multifamily housing project with a sec-  
6 tion 8 contract or contract for similar project-based assist-  
7 ance:

8 (1) receives a Real Estate Assessment Center  
9 (REAC) score of 30 or less; or

10 (2) receives a REAC score between 31 and 59  
11 and:

12 (A) fails to certify in writing to HUD with-  
13 in 60 days that all deficiencies have been cor-  
14 rected; or

15 (B) receives consecutive scores of less than  
16 60 on REAC inspections.

17 Such requirements shall apply to insured and non-  
18 insured projects with assistance attached to the units  
19 under section 8 of the United States Housing Act of 1937  
20 (42 U.S.C. 1437f), but do not apply to such units assisted  
21 under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to  
22 public housing units assisted with capital or operating  
23 funds under section 9 of the United States Housing Act  
24 of 1937 (42 U.S.C. 1437g).



1 (b) The Secretary shall take the following required  
2 actions as authorized under subsection (a)—

3 (1) The Secretary shall notify the owner and  
4 provide an opportunity for response within 30 days.  
5 If the violations remain, the Secretary shall develop  
6 a Compliance, Disposition and Enforcement Plan  
7 within 60 days, with a specified timetable for cor-  
8 recting all deficiencies. The Secretary shall provide  
9 notice of the Plan to the owner, tenants, the local  
10 government, any mortgagees, and any contract ad-  
11 ministrators.

12 (2) At the end of the term of the Compliance,  
13 Disposition and Enforcement Plan, if the owner fails  
14 to fully comply with such plan, the Secretary may  
15 require immediate replacement of project manage-  
16 ment with a management agent approved by the  
17 Secretary, and shall take one or more of the fol-  
18 lowing actions, and provide additional notice of those  
19 actions to the owner and the parties specified above:

20 (A) impose civil money penalties;

21 (B) abate the section 8 contract, including  
22 partial abatement as determined by the Sec-  
23 retary, until all deficiencies have been corrected;

24 (C) pursue transfer of the project to an  
25 owner, approved by the Secretary under estab-

1           lished procedures, which will be obligated to  
2           promptly make all required repairs and to ac-  
3           cept renewal of the assistance contract as long  
4           as such renewal is offered; or

5                   (D) seek judicial appointment of a receiver  
6           to manage the property and cure all project de-  
7           ficiencies or seek a judicial order of specific per-  
8           formance requiring the owner to cure all project  
9           deficiencies.

10          (c) The Secretary shall also take appropriate steps  
11       to ensure that project-based contracts remain in effect,  
12       subject to the exercise of contractual abatement remedies  
13       to assist relocation of tenants for imminent major threats  
14       to health and safety after written notice to and informed  
15       consent of the affected tenants and use of other remedies  
16       set forth above. To the extent the Secretary determines,  
17       in consultation with the tenants and the local government,  
18       that the property is not feasible for continued rental as-  
19       sistance payments under such section 8 or other programs,  
20       based on consideration of (1) the costs of rehabilitating  
21       and operating the property and all available Federal,  
22       State, and local resources, including rent adjustments  
23       under section 524 of the Multifamily Assisted Housing  
24       Reform and Affordability Act of 1997 (“MAHRAA”) and  
25       (2) environmental conditions that cannot be remedied in

1 a cost-effective fashion, the Secretary may, in consultation  
2 with the tenants of that property, contract for project-  
3 based rental assistance payments with an owner or owners  
4 of other existing housing properties, or provide other rent-  
5 al assistance. The Secretary shall report semi-annually on  
6 all properties covered by this section that are assessed  
7 through the Real Estate Assessment Center and have  
8 physical inspection scores of less than 30 or have consecu-  
9 tive physical inspection scores of less than 60. The report  
10 shall include:

11 (1) The enforcement actions being taken to ad-  
12 dress such conditions, including imposition of civil  
13 money penalties and termination of subsidies, and  
14 identify properties that have such conditions mul-  
15 tiple times; and

16 (2) Actions that the Department of Housing  
17 and Urban Development is taking to protect tenants  
18 of such identified properties.

19 SEC. 227. Payment of attorney fees in program-re-  
20 lated litigation must be paid from individual program of-  
21 fice personnel benefits and compensation funding. The an-  
22 nual budget submission for program office personnel ben-  
23 efit and compensation funding must include program-re-  
24 lated litigation costs for attorney fees as a separate line  
25 item request.

1        SEC. 228. The Secretary of the Department of Hous-  
2     ing and Urban Development shall for fiscal year 2013 and  
3     subsequent fiscal years, notify the public through the Fed-  
4     eral Register and other means, as determined appropriate,  
5     of the issuance of a notice of the availability of assistance  
6     or notice of funding availability (NOFA) for any program  
7     or discretionary fund administered by the Secretary that  
8     is to be competitively awarded. Notwithstanding any other  
9     provision of law, for fiscal year 2013 and subsequent fiscal  
10    years, the Secretary may make the NOFA available only  
11    on the Internet at the appropriate Government Web site  
12    or through other electronic media, as determined by the  
13    Secretary.

14       SEC. 229. The proviso under the “Community Devel-  
15    opment Fund” heading in Public Laws 109–148, 109–  
16    234, 110–252, and 110–329 which requires the Secretary  
17    to establish procedures to prevent duplication of benefits  
18    and to report to the Committees on Appropriations on all  
19    steps to prevent fraud and abuse is amended by striking  
20    “quarterly” and inserting “annually”.

21       SEC. 230. The Secretary of the Department of Hous-  
22    ing and Urban Development is authorized to transfer up  
23    to 5 percent or \$5,000,000, whichever is less, of the funds  
24    appropriated for any office funded under the heading “Ad-  
25    ministration, Operations, and Management” to any other

1 office funded under such heading: *Provided*, That no ap-  
2 propriation for any office funded under the heading “Ad-  
3 ministration, Operations, and Management” shall be in-  
4 creased or decreased by more than 5 percent or  
5 \$5,000,000, whichever is less, without prior written ap-  
6 proval of the House and Senate Committees on Appropria-  
7 tions: *Provided further*, That the Secretary is authorized  
8 to transfer up to 5 percent or \$5,000,000, whichever is  
9 less, of the funds appropriated for any account funded  
10 under the general heading “Program Office Salaries and  
11 Expenses” to any other account funded under such head-  
12 ing: *Provided further*, That no appropriation for any ac-  
13 count funded under the general heading “Program Office  
14 Salaries and Expenses” shall be increased or decreased by  
15 more than 5 percent or \$5,000,000, whichever is less,  
16 without prior written approval of the House and Senate  
17 Committees on Appropriations: *Provided further*, That the  
18 Secretary may transfer funds made available for salaries  
19 and expenses between any office funded under the heading  
20 “Administration, Operations and Management” and any  
21 account funded under the general heading “Program Of-  
22 fice Salaries and Expenses”, but only with the prior writ-  
23 ten approval of the House and Senate Committees on Ap-  
24 propriations.

1       SEC. 231. The Disaster Housing Assistance Pro-  
2 grams, administered by the Department of Housing and  
3 Urban Development, shall be considered a “program of  
4 the Department of Housing and Urban Development”  
5 under section 904 of the McKinney Act for the purpose  
6 of income verifications and matching.

7       SEC. 232. Of the amounts made available for salaries  
8 and expenses under all accounts under this title (except  
9 for the Office of Inspector General account), a total of  
10 up to \$10,000,000 may be transferred to and merged with  
11 amounts made available in the “Working Capital Fund”  
12 account under this title.

13       SEC. 233. Title II of division K of Public Law 110–  
14 161 is amended by striking the item related to “Flexible  
15 Subsidy Fund”.

16       SEC. 234. Paragraph (1) of section 242(i) of the Na-  
17 tional Housing Act (12 U.S.C. 1715z–7(i)(1)) is amended  
18 by striking “July 31, 2011” and inserting “July 31,  
19 2016”.

20       SEC. 235. Subparagraph (A) of section 3(b)(6) of the  
21 United States Housing Act of 1937 (42 U.S.C.  
22 1437a(b)(6)(A)) is amended by inserting before the period  
23 at the end the following: “, or a consortium of such enti-  
24 ties or bodies as approved by the Secretary”.

1       SEC. 236. (a) Section 3(b) of the United States  
2 Housing Act of 1937 (42 U.S.C. 1437a) is amended—

3           (1) in paragraph (2), by designating the first  
4 sentence as subparagraph (A), the second sentence  
5 as subparagraph (B), and the remaining sentences  
6 as subparagraph (D), and by inserting after sub-  
7 paragraph (B) the following new subparagraph (C):

8           “(C) The term extremely low-income fami-  
9 lies means very low-income families whose in-  
10 comes do not exceed the higher of—

11           “(i) the poverty guidelines updated  
12 periodically by the Department of Health  
13 and Human Services under the authority  
14 of section 673(2) of the Community Serv-  
15 ices Block Grant Act applicable to a family  
16 of the size involved (except that this clause  
17 shall not apply in the case of public hous-  
18 ing agencies located in Puerto Rico or any  
19 other territory or possession of the United  
20 States); or

21           “(ii) 30 percent of the median family  
22 income for the area, as determined by the  
23 Secretary, with adjustments for smaller  
24 and larger families (except that the Sec-  
25 retary may establish income ceilings higher

1 or lower than 30 percent of the median for  
2 the area on the basis of the Secretary's  
3 findings that such variations are necessary  
4 because of unusually high or low family in-  
5 comes)."; and

6 (b) Section 16 of the United States Housing Act of  
7 1937 (42 U.S.C. 1437n) is amended—

8 (1) in subsection (a)(2)(A);

9 (2) in subsection (b)(1); and

10 (3) in subsection (c)(3), by striking "families  
11 whose incomes" and all that follows through "low  
12 family incomes" and inserting "extremely low-in-  
13 come families".

14 SEC. 237. (a) Section 8(o)(8) of the United States  
15 Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amend-  
16 ed—

17 (1) by redesignating subparagraph (E) as sub-  
18 paragraph (G); and

19 (2) by striking subparagraph (D) and inserting  
20 the following new subparagraphs:

21 "(D) BIENNIAL INSPECTIONS.—

22 "(i) REQUIREMENT.—Each public  
23 housing agency providing assistance under  
24 this subsection (or other entity, as pro-  
25 vided in paragraph (11)) shall, for each as-



1           sisted dwelling unit, make inspections not  
2           less often than biennially during the term  
3           of the housing assistance payments con-  
4           tract for the unit to determine whether the  
5           unit is maintained in accordance with the  
6           requirements under subparagraph (A).

7           “(ii) USE OF ALTERNATIVE INSPEC-  
8           TION METHOD.—The requirements under  
9           clause (i) may be complied with by use of  
10          inspections that qualify as an alternative  
11          inspection method pursuant to subpara-  
12          graph (E).

13          “(iii) RECORDS.—The public housing  
14          agency (or other entity) shall retain the  
15          records of the inspection for a reasonable  
16          time and shall make the records available  
17          upon request to the Secretary, the Inspec-  
18          tor General for the Department of Housing  
19          and Urban Development, and any auditor  
20          conducting an audit under section 5(h) of  
21          this Act.

22          “(E) ALTERNATIVE INSPECTION METH-  
23          OD.—An inspection of a property shall qualify  
24          as an alternative inspection method for pur-  
25          poses of this subparagraph if—

1           “(i) the inspection was conducted pur-  
2           suant to requirements under a Federal,  
3           State, or local housing program (including  
4           the Home investment partnership program  
5           under title II of the Cranston-Gonzalez  
6           National Affordable Housing Act and the  
7           low-income housing tax credit program  
8           under section 42 of the Internal Revenue  
9           Code of 1986); and

10           “(ii) pursuant to such inspection, the  
11           property was determined to meet the  
12           standards or requirements regarding hous-  
13           ing quality or safety applicable to prop-  
14           erties assisted under such program, and, if  
15           a non-Federal standard or requirement  
16           was used, the public housing agency has  
17           certified to the Secretary that such stand-  
18           ard or requirement provides the same (or  
19           greater) protection to occupants of dwell-  
20           ing units meeting such standard or re-  
21           quirement as would the housing quality  
22           standards under subparagraph (B).

23           “(F) INTERIM INSPECTIONS.—Upon notifi-  
24           cation to the public housing agency, by a family  
25           (on whose behalf tenant-based rental assistance

1 is provided under this subsection) or by a gov-  
2 ernment official, that the dwelling unit for  
3 which such assistance is provided does not com-  
4 ply with the housing quality standards under  
5 subparagraph (B), the public housing agency  
6 shall inspect the dwelling unit—

7 “(i) in the case of any condition that  
8 is life-threatening, within 24 hours after  
9 the agency’s receipt of such notification;  
10 and

11 “(ii) in the case of any condition that  
12 is not life-threatening, within 15 days after  
13 the agency’s receipt of such notification.”.

14 (b) EFFECTIVE DATE.—The amendments in sub-  
15 section (a) shall take effect upon such date as the Sec-  
16 retary determines, in the Secretary’s sole discretion,  
17 through the Secretary’s publication of such date in the  
18 Federal Register, as part of regulations promulgated, or  
19 a notice issued, by the Secretary to implement such  
20 amendments.

21 SEC. 238. The fourth proviso under the “Rental As-  
22 sistance Demonstration” heading of the Department of  
23 Housing and Urban Development Appropriations Act,  
24 2012 is amended by striking “or section 8(e)(2)”.

1       SEC. 239. (a) Subsection (b) of section 225 of the  
2 Cranston-Gonzalez National Affordable Housing Act (42  
3 U.S.C. 12755) is amended by inserting at the end the fol-  
4 lowing sentence: “Such 30 day waiting period is not re-  
5 quired if the grounds for the termination or refusal to  
6 renew involve a direct threat to the safety of the tenants  
7 or employees of the housing, or an imminent and serious  
8 threat to the property (and the termination or refusal to  
9 renew is in accordance with the requirements of State or  
10 local law).”.

11       (b) Section 231 of the Cranston-Gonzalez National  
12 Affordable Housing Act (42 U.S.C. 12771) is amended—

13           (1) in subsection (b) by striking “make such  
14 funds available by direct reallocation” and all that  
15 follows through “were recaptured” and inserting  
16 “reallocate the funds by formula in accordance with  
17 section 217(d) of this Act (42 U.S.C. 12747(d))”;  
18 and

19           (2) by striking subsection (c).

20       This title may be cited as the “Department of Hous-  
21 ing and Urban Development Appropriations Act, 2013”.

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

5 For expenses necessary for the Access Board, as au-  
6 thorized by section 502 of the Rehabilitation Act of 1973,  
7 as amended, \$7,400,000: *Provided*, That, notwithstanding  
8 any other provision of law, there may be credited to this  
9 appropriation funds received for publications and training  
10 expenses.

11 FEDERAL MARITIME COMMISSION  
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime  
14 Commission as authorized by section 201(d) of the Mer-  
15 chant Marine Act, 1936, as amended (46 U.S.C. App.  
16 1111), including services as authorized by 5 U.S.C. 3109;  
17 hire of passenger motor vehicles as authorized by 31  
18 U.S.C. 1343(b); and uniforms or allowances therefore, as  
19 authorized by 5 U.S.C. 5901–5902, \$25,000,000.

20 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE  
21 OF INSPECTOR GENERAL  
22 OFFICE OF INSPECTOR GENERAL  
23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Inspector  
25 General for the National Railroad Passenger Corporation

1 to carry out the provisions of the Inspector General Act  
2 of 1978, as amended, \$19,000,000: *Provided*, That the In-  
3 spector General shall have all necessary authority, in car-  
4 rying out the duties specified in the Inspector General Act,  
5 as amended (5 U.S.C. App. 3), to investigate allegations  
6 of fraud, including false statements to the government (18  
7 U.S.C. 1001), by any person or entity that is subject to  
8 regulation by the National Railroad Passenger Corpora-  
9 tion: *Provided further*, That the Inspector General may  
10 enter into contracts and other arrangements for audits,  
11 studies, analyses, and other services with public agencies  
12 and with private persons, subject to the applicable laws  
13 and regulations that govern the obtaining of such services  
14 within the National Railroad Passenger Corporation: *Pro-*  
15 *vided further*, That the Inspector General may select, ap-  
16 point, and employ such officers and employees as may be  
17 necessary for carrying out the functions, powers, and du-  
18 ties of the Office of Inspector General, subject to the appli-  
19 cable laws and regulations that govern such selections, ap-  
20 pointments, and employment within Amtrak: *Provided fur-*  
21 *ther*, That concurrent with the President's budget request  
22 for fiscal year 2014, the Inspector General shall submit  
23 to the House and Senate Committees on Appropriations  
24 a budget request for fiscal year 2014 in similar format

1 and substance to those submitted by executive agencies  
2 of the Federal Government.

3 NATIONAL TRANSPORTATION SAFETY BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the National Transpor-  
6 tation Safety Board, including hire of passenger motor ve-  
7 hicles and aircraft; services as authorized by 5 U.S.C.  
8 3109, but at rates for individuals not to exceed the per  
9 diem rate equivalent to the rate for a GS-15; uniforms,  
10 or allowances therefor, as authorized by law (5 U.S.C.  
11 5901-5902), \$102,400,000, of which not to exceed \$2,000  
12 may be used for official reception and representation ex-  
13 penses. The amounts made available to the National  
14 Transportation Safety Board in this Act include amounts  
15 necessary to make lease payments on an obligation in-  
16 curred in fiscal year 2001 for a capital lease.

17 NEIGHBORHOOD REINVESTMENT CORPORATION

18 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

19 CORPORATION

20 For payment to the Neighborhood Reinvestment Cor-  
21 poration for use in neighborhood reinvestment activities,  
22 as authorized by the Neighborhood Reinvestment Corpora-  
23 tion Act (42 U.S.C. 8101-8107), \$135,300,000, of which  
24 \$5,000,000 shall be for a multi-family rental housing pro-  
25 gram: *Provided*, That in addition, \$80,000,000 shall be

1 made available until expended to the Neighborhood Rein-  
2 vestment Corporation for mortgage foreclosure mitigation  
3 activities, under the following terms and conditions:

4           (1) The Neighborhood Reinvestment Corpora-  
5 tion (“NRC”) shall make grants to counseling inter-  
6 mediaries approved by the Department of Housing  
7 and Urban Development (HUD) (with match to be  
8 determined by the NRC based on affordability and  
9 the economic conditions of an area; a match also  
10 may be waived by the NRC based on the aforemen-  
11 tioned conditions) to provide mortgage foreclosure  
12 mitigation assistance primarily to States and areas  
13 with high rates of defaults and foreclosures to help  
14 eliminate the default and foreclosure of mortgages of  
15 owner-occupied single-family homes that are at risk  
16 of such foreclosure. Other than areas with high rates  
17 of defaults and foreclosures, grants may also be pro-  
18 vided to approved counseling intermediaries based on  
19 a geographic analysis of the Nation by the NRC  
20 which determines where there is a prevalence of  
21 mortgages that are risky and likely to fail, including  
22 any trends for mortgages that are likely to default  
23 and face foreclosure. A State Housing Finance  
24 Agency may also be eligible where the State Housing  
25 Finance Agency meets all the requirements under



1 this paragraph. A HUD-approved counseling inter-  
2 mediary shall meet certain mortgage foreclosure  
3 mitigation assistance counseling requirements, as de-  
4 termined by the NRC, and shall be approved by  
5 HUD or the NRC as meeting these requirements.

6 (2) Mortgage foreclosure mitigation assistance  
7 shall only be made available to homeowners of  
8 owner-occupied homes with mortgages in default or  
9 in danger of default. These mortgages shall likely be  
10 subject to a foreclosure action and homeowners will  
11 be provided such assistance that shall consist of ac-  
12 tivities that are likely to prevent foreclosures and re-  
13 sult in the long-term affordability of the mortgage  
14 retained pursuant to such activity or another posi-  
15 tive outcome for the homeowner. No funds made  
16 available under this paragraph may be provided di-  
17 rectly to lenders or homeowners to discharge out-  
18 standing mortgage balances or for any other direct  
19 debt reduction payments.

20 (3) The use of Mortgage Foreclosure Mitigation  
21 Assistance by approved counseling intermediaries  
22 and State Housing Finance Agencies shall involve a  
23 reasonable analysis of the borrower's financial situa-  
24 tion, an evaluation of the current value of the prop-  
25 erty that is subject to the mortgage, counseling re-

1        regarding the assumption of the mortgage by another  
2        non-Federal party, counseling regarding the possible  
3        purchase of the mortgage by a non-Federal third  
4        party, counseling and advice of all likely restruc-  
5        turing and refinancing strategies or the approval of  
6        a work-out strategy by all interested parties.

7            (4) NRC may provide up to 15 percent of the  
8        total funds under this paragraph to its own charter  
9        members with expertise in foreclosure prevention  
10       counseling, subject to a certification by the NRC  
11       that the procedures for selection do not consist of  
12       any procedures or activities that could be construed  
13       as an unacceptable conflict of interest or have the  
14       appearance of impropriety.

15           (5) HUD-approved counseling entities and  
16       State Housing Finance Agencies receiving funds  
17       under this paragraph shall have demonstrated expe-  
18       rience in successfully working with financial institu-  
19       tions as well as borrowers facing default, delin-  
20       quency and foreclosure as well as documented coun-  
21       seling capacity, outreach capacity, past successful  
22       performance and positive outcomes with documented  
23       counseling plans (including post mortgage fore-  
24       closure mitigation counseling), loan workout agree-  
25       ments and loan modification agreements. NRC may

1 use other criteria to demonstrate capacity in under-  
2 served areas.

3 (6) Of the total amount made available under  
4 this paragraph, up to \$3,000,000 may be made  
5 available to build the mortgage foreclosure and de-  
6 fault mitigation counseling capacity of counseling  
7 intermediaries through NRC training courses with  
8 HUD-approved counseling intermediaries and their  
9 partners, except that private financial institutions  
10 that participate in NRC training shall pay market  
11 rates for such training.

12 (7) Of the total amount made available under  
13 this paragraph, up to 5 percent may be used for as-  
14 sociated administrative expenses for the NRC to  
15 carry out activities provided under this section.

16 (8) Mortgage foreclosure mitigation assistance  
17 grants may include a budget for outreach and adver-  
18 tising, and training, as determined by the NRC.

19 (9) The NRC shall continue to report bi-annu-  
20 ally to the House and Senate Committees on Appro-  
21 priations as well as the Senate Banking Committee  
22 and House Financial Services Committee on its ef-  
23 forts to mitigate mortgage default.

1           UNITED STATES INTERAGENCY COUNCIL ON  
2                           HOMELESSNESS  
3                           OPERATING EXPENSES

4           For necessary expenses (including payment of sala-  
5 ries, authorized travel, hire of passenger motor vehicles,  
6 the rental of conference rooms, and the employment of ex-  
7 perts and consultants under section 3109 of title 5, United  
8 States Code) of the United States Interagency Council on  
9 Homelessness in carrying out the functions pursuant to  
10 title II of the McKinney-Vento Homeless Assistance Act,  
11 as amended, \$3,600,000.

12                           TITLE IV  
13                   GENERAL PROVISIONS—THIS ACT

14           SEC. 401. Such sums as may be necessary for fiscal  
15 year 2013 pay raises for programs funded in this Act shall  
16 be absorbed within the levels appropriated in this Act or  
17 previous appropriations Acts.

18           SEC. 402. None of the funds in this Act shall be used  
19 for the planning or execution of any program to pay the  
20 expenses of, or otherwise compensate, non-Federal parties  
21 intervening in regulatory or adjudicatory proceedings  
22 funded in this Act.

23           SEC. 403. None of the funds appropriated in this Act  
24 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-  
2 tions, unless expressly so provided herein.

3       SEC. 404. The expenditure of any appropriation  
4 under this Act for any consulting service through procure-  
5 ment contract pursuant to section 3109 of title 5, United  
6 States Code, shall be limited to those contracts where such  
7 expenditures are a matter of public record and available  
8 for public inspection, except where otherwise provided  
9 under existing law, or under existing Executive order  
10 issued pursuant to existing law.

11       SEC. 405. Except as otherwise provided in this Act,  
12 none of the funds provided in this Act, provided by pre-  
13 vious appropriations Acts to the agencies or entities fund-  
14 ed in this Act that remain available for obligation or ex-  
15 penditure in fiscal year 2013, or provided from any ac-  
16 counts in the Treasury derived by the collection of fees  
17 and available to the agencies funded by this Act, shall be  
18 available for obligation or expenditure through a re-  
19 programming of funds that:

- 20           (1) creates a new program;
- 21           (2) eliminates a program, project, or activity;
- 22           (3) increases funds or personnel for any pro-  
23 gram, project, or activity for which funds have been  
24 denied or restricted by the Congress;

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

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

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

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

1 (A) a table for each appropriation with a  
2 separate column to display the President's  
3 budget request, adjustments made by Congress,  
4 adjustments due to enacted rescissions, if ap-  
5 propriate, and the fiscal year enacted level;

6 (B) a delineation in the table for each ap-  
7 propriation both by object class and program,  
8 project, and activity as detailed in the budget  
9 appendix for the respective appropriation; and

10 (C) an identification of items of special  
11 congressional interest: *Provided further*, That  
12 the amount appropriated or limited for salaries  
13 and expenses for an agency shall be reduced by  
14 \$100,000 per day for each day after the re-  
15 quired date that the report has not been sub-  
16 mitted to the Congress.

17 SEC. 406. Except as otherwise specifically provided  
18 by law, not to exceed 50 percent of unobligated balances  
19 remaining available at the end of fiscal year 2013 from  
20 appropriations made available for salaries and expenses  
21 for fiscal year 2013 in this Act, shall remain available  
22 through September 30, 2014, for each such account for  
23 the purposes authorized: *Provided*, That a request shall  
24 be submitted to the House and Senate Committees on Ap-  
25 propriations for approval prior to the expenditure of such

1 funds: *Provided further*, That these requests shall be made  
2 in compliance with reprogramming guidelines under sec-  
3 tion 405 of this Act.

4 SEC. 407. All Federal agencies and departments that  
5 are funded under this Act shall issue a report to the House  
6 and Senate Committees on Appropriations on all sole-  
7 source contracts by no later than July 30, 2013. Such re-  
8 port shall include the contractor, the amount of the con-  
9 tract and the rationale for using a sole-source contract.

10 SEC. 408. (a) None of the funds made available in  
11 this Act may be obligated or expended for any employee  
12 training that—

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

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

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

22 (4) contains any methods or content associated  
23 with religious or quasi-religious belief systems or  
24 “new age” belief systems as defined in Equal Em-



1       employment Opportunity Commission Notice N-  
2       915.022, dated September 2, 1988; or

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

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

9       SEC. 409. No funds in this Act may be used to sup-  
10      port any Federal, State, or local projects that seek to use  
11      the power of eminent domain, unless eminent domain is  
12      employed only for a public use: *Provided*, That for pur-  
13      poses of this section, public use shall not be construed to  
14      include economic development that primarily benefits pri-  
15      vate entities: *Provided further*, That any use of funds for  
16      mass transit, railroad, airport, seaport or highway projects  
17      as well as utility projects which benefit or serve the gen-  
18      eral public (including energy-related, communication-re-  
19      lated, water-related and wastewater-related infrastruc-  
20      ture), other structures designated for use by the general  
21      public or which have other common-carrier or public-util-  
22      ity functions that serve the general public and are subject  
23      to regulation and oversight by the government, and  
24      projects for the removal of an immediate threat to public  
25      health and safety or brownsfield as defined in the Small

1 Business Liability Relief and Brownsfield Revitalization  
2 Act (Public Law 107–118) shall be considered a public  
3 use for purposes of eminent domain.

4 SEC. 410. None of the funds made available in this  
5 Act may be transferred to any department, agency, or in-  
6 strumentality of the United States Government, except  
7 pursuant to a transfer made by, or transfer authority pro-  
8 vided in, this Act or any other appropriations Act.

9 SEC. 411. No part of any appropriation contained in  
10 this Act shall be available to pay the salary for any person  
11 filling a position, other than a temporary position, for-  
12 merly held by an employee who has left to enter the Armed  
13 Forces of the United States and has satisfactorily com-  
14 pleted his period of active military or naval service, and  
15 has within 90 days after his release from such service or  
16 from hospitalization continuing after discharge for a pe-  
17 riod of not more than 1 year, made application for restora-  
18 tion to his former position and has been certified by the  
19 Office of Personnel Management as still qualified to per-  
20 form the duties of his former position and has not been  
21 restored thereto.

22 SEC. 412. No funds appropriated pursuant to this  
23 Act may be expended by an entity unless the entity agrees  
24 that in expending the assistance the entity will comply  
25 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-  
2 ican Act”).

3 SEC. 413. No funds appropriated or otherwise made  
4 available under this Act shall be made available to any  
5 person or entity that has been convicted of violating the  
6 Buy American Act (41 U.S.C. 10a–10c).

7 SEC. 414. None of the funds made available in this  
8 Act may be used for first-class airline accommodations in  
9 contravention of sections 301–10.122 and 301–10.123 of  
10 title 41, Code of Federal Regulations.

11 SEC. 415. None of the funds made available in this  
12 Act may be used to purchase a light bulb for an office  
13 building unless the light bulb has, to the extent prac-  
14 ticable, an Energy Star or Federal Energy Management  
15 Program designation.

16 SEC. 416. None of the funds made available under  
17 this Act or any prior Act may be provided to the Associa-  
18 tion of Community Organizations for Reform Now  
19 (ACORN), or any of its affiliates, subsidiaries, or allied  
20 organizations.

21 SEC. 417. Concurrent with the issuance of any notice  
22 of funding availability or any other notice designed to so-  
23 licit applications for a program through which grants or  
24 credit assistance are awarded through a competitive proc-  
25 ess, the Secretary of Transportation and the Secretary of

1 Housing and Urban Development shall post on their Web  
2 sites information about such program, including, but not  
3 limited to, the goals of the program, the criteria that will  
4 be used in awarding grants or credit assistance, and the  
5 process by which applications will be selected for the  
6 award of a grant or credit assistance: *Provided*, That con-  
7 current with the public announcement of grants or credit  
8 assistance to be awarded through such competitive pro-  
9 gram, the Secretary of Transportation and the Secretary  
10 of Housing and Urban Development shall post on their  
11 Web sites information on each applicant to be awarded  
12 a grant or credit assistance, including, but not limited to,  
13 the name and address of the applicant, the amount of the  
14 grant or credit assistance to be awarded, the amount of  
15 financing expected from other sources, and an explanation  
16 of how such award is consistent with program goals.

17       SEC. 418. All agencies and departments funded by  
18 the Act shall send to Congress at the end of the fiscal  
19 year a report containing a complete inventory of the total  
20 number of vehicles owned, permanently retired, and pur-  
21 chased during fiscal year 2013 as well as the total cost  
22 of the vehicle fleet, including maintenance, fuel, storage,  
23 purchasing, and leasing.

24       SEC. 419. (a) The head of any department, agency,  
25 board or commission funded by this Act shall submit quar-

1 terly reports to the Inspector General, or the senior ethics  
2 official for any entity without an inspector general, of the  
3 appropriate department, agency, board or commission re-  
4 garding the costs and contracting procedures relating to  
5 each conference held by the department, agency, board or  
6 commission during fiscal year 2013 for which the cost to  
7 the United States Government was more than \$20,000.

8 (b) Each report submitted shall include, for each con-  
9 ference held during the applicable quarter—

10 (1) a description of the purpose of that con-  
11 ference;

12 (2) the number of participants attending that  
13 conference;

14 (3) a detailed statement of the costs to the  
15 United States Government relating to that con-  
16 ference, including—

17 (A) the cost of any food or beverages;

18 (B) the cost of any audio-visual services;

19 and

20 (C) a discussion of the methodology used  
21 to determine which costs relate to that con-  
22 ference; and

23 (4) a description of the contracting procedures  
24 relating to that conference, including—

1 (A) whether contracts were awarded on a  
2 competitive basis for that conference; and

3 (B) a discussion of any cost comparison  
4 conducted by the department, agency, board or  
5 commission in evaluating potential contractors  
6 for that conference.

7 (c) A grant or contract funded by amounts appro-  
8 priated by this Act may not be used for the purpose of  
9 defraying the costs of a conference that is not directly and  
10 programmatically related to the purpose for which the  
11 grant or contract was awarded, such as a banquet or con-  
12 ference held in connection with planning, training, assess-  
13 ment, review, or other routine purposes related to a  
14 project funded by the grant or contract.

15 SEC. 420. None of the funds made available in this  
16 Act may be used to send or otherwise pay for the attend-  
17 ance of more than 50 employees of a single agency or de-  
18 partment of the United States Government, who are sta-  
19 tioned in the United States, at any single international  
20 conference unless the relevant Secretary reports to the  
21 Committees on Appropriations at least 5 days in advance  
22 that such attendance is important to the national interest:  
23 *Provided*, That for purposes of this section the term  
24 “international conference” shall mean a conference occur-  
25 ring outside of the United States attended by representa-

1 tives of the United States Government and of foreign gov-  
2 ernments, international organizations, or nongovern-  
3 mental organizations.

4       This Act may be cited as the “Transportation, Hous-  
5 ing and Urban Development, and Related Agencies Appro-  
6 priations Act, 2013”.

Calendar No. 359

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2322**

[Report No. 112-157]

---

---

## **A BILL**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

---

---

APRIL 19, 2012

Read twice and placed on the calendar