

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000116TH CONGRESS
2^D SESSION**S. 0000****[Report No. 116-000]**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER _____, 2020

Ms. COLLINS, 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, 2021, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Transportation, and Housing and Urban
4 Development, and related agencies for the fiscal year end-
5 ing September 30, 2021, and for other purposes, namely:

6

TITLE I

7

DEPARTMENT OF TRANSPORTATION

8

OFFICE OF THE SECRETARY

9

SALARIES AND EXPENSES

10 For necessary expenses of the Office of the Secretary,
11 \$122,274,000 of which not to exceed \$3,346,000 shall be
12 available for the immediate Office of the Secretary; not
13 to exceed \$1,115,000 shall be available for the immediate
14 Office of the Deputy Secretary; not to exceed \$22,200,000
15 shall be available for the Office of the General Counsel;
16 not to exceed \$11,064,000 shall be available for the Office
17 of the Under Secretary of Transportation for Policy; not
18 to exceed \$16,376,000 shall be available for the Office of
19 the Assistant Secretary for Budget and Programs; not to
20 exceed \$2,894,000 shall be available for the Office of the
21 Assistant Secretary for Governmental Affairs; not to ex-
22 ceed \$30,090,000 shall be available for the Office of the
23 Assistant Secretary for Administration; not to exceed
24 \$2,432,000 shall be available for the Office of Public Af-
25 fairs; not to exceed \$2,008,000 shall be available for the

1 Office of the Executive Secretariat; not to exceed
2 \$13,256,000 shall be available for the Office of Intel-
3 ligence, Security, and Emergency Response; and not to ex-
4 ceed \$17,493,000 shall be available for the Office of the
5 Chief Information Officer: *Provided*, That the Secretary
6 of Transportation (referred to in this title as the “Sec-
7 retary”) is authorized to transfer funds appropriated for
8 any office of the Office of the Secretary to any other office
9 of the Office of the Secretary: *Provided further*, That no
10 appropriation for any office shall be increased or de-
11 creased by more than 7 percent by all such transfers: *Pro-*
12 *vided further*, That notice of any change in funding greater
13 than 7 percent shall be submitted for approval to the
14 House and Senate Committees on Appropriations: *Pro-*
15 *vided further*, That not to exceed \$70,000 shall be for allo-
16 cation within the Department for official reception and
17 representation expenses as the Secretary may determine:
18 *Provided further*, That notwithstanding any other provi-
19 sion of law, excluding fees authorized in Public Law 107–
20 71, there may be credited to this appropriation up to
21 \$2,500,000 in funds received in user fees: *Provided fur-*
22 *ther*, That none of the funds provided in this Act shall
23 be available for the position of Assistant Secretary for
24 Public Affairs.

1 RESEARCH AND TECHNOLOGY

2 For necessary expenses related to the Office of the
3 Assistant Secretary for Research and Technology,
4 \$18,000,000, of which \$11,685,000 shall remain available
5 until expended: *Provided*, That there may be credited to
6 this appropriation, to be available until expended, funds
7 received from States, counties, municipalities, other public
8 authorities, and private sources for expenses incurred for
9 training: *Provided further*, That any reference in law, reg-
10 ulation, judicial proceedings, or elsewhere to the Research
11 and Innovative Technology Administration shall continue
12 to be deemed to be a reference to the Office of the Assist-
13 ant Secretary for Research and Technology of the Depart-
14 ment of Transportation.

15 NATIONAL INFRASTRUCTURE INVESTMENTS

16 For capital investments in surface transportation in-
17 frastructure, \$1,000,000,000 to remain available through
18 September 30, 2023: *Provided*, That the Secretary shall
19 distribute funds provided under this heading as discre-
20 tionary grants to be awarded to a State, local government,
21 transit agency, port authority, or a collaboration among
22 such entities on a competitive basis for projects that will
23 have a significant local or regional impact: *Provided fur-*
24 *ther*, That projects eligible for funding provided under this
25 heading shall include, but not be limited to, highway or

1 bridge projects eligible under title 23, United States Code;
2 public transportation projects eligible under chapter 53 of
3 title 49, United States Code; passenger and freight rail
4 transportation projects; port infrastructure investments
5 (including inland port infrastructure and land ports of
6 entry); and projects investing in surface transportation fa-
7 cilities that are located on tribal land and for which title
8 or maintenance responsibility is vested in the Federal Gov-
9 ernment: *Provided further*, That of the amount made avail-
10 able under this heading, the Secretary shall use an amount
11 not less than \$15,000,000 for the planning, preparation
12 or design of projects eligible for funding under this head-
13 ing: *Provided further*, That grants awarded under the pre-
14 vious proviso shall not be subject to a minimum grant size:
15 *Provided further*, That the Secretary may use up to 20
16 percent of the funds made available under this heading
17 for the purpose of paying the subsidy and administrative
18 costs of projects eligible for Federal credit assistance
19 under chapter 6 of title 23, United States Code, or sec-
20 tions 501 through 504 of the Railroad Revitalization and
21 Regulatory Reform Act of 1976 (Public Law 94–210), as
22 amended, if the Secretary finds that such use of the funds
23 would advance the purposes of this paragraph: *Provided*
24 *further*, That in distributing funds provided under this
25 heading, the Secretary shall take such measures so as to

1 ensure an equitable geographic distribution of funds, an
2 appropriate balance in addressing the needs of urban and
3 rural areas, and the investment in a variety of transpor-
4 tation modes: *Provided further*, That a grant funded under
5 this heading shall be not less than \$5,000,000 and not
6 greater than \$25,000,000: *Provided further*, That not
7 more than 10 percent of the funds made available under
8 this heading may be awarded to projects in a single State:
9 *Provided further*, That the Federal share of the costs for
10 which an expenditure is made under this heading shall be,
11 at the option of the recipient, up to 80 percent: *Provided*
12 *further*, That the Secretary shall give priority to projects
13 that require a contribution of Federal funds in order to
14 complete an overall financing package: *Provided further*,
15 That not less than 30 percent of the funds provided under
16 this heading shall be for projects located in rural areas:
17 *Provided further*, That for projects located in a rural area,
18 the minimum grant size shall be \$1,000,000: *Provided fur-*
19 *ther*, That for projects located in rural areas or areas of
20 persistent poverty the Secretary may increase the Federal
21 share of costs above 80 percent: *Provided further*, That
22 areas of persistent poverty means any county that has con-
23 sistently had greater than or equal to 20 percent or more
24 of the population living in poverty over the 30 years pre-
25 ceding the date of enactment of this Act, as measured by

1 the 1990 and 2000 decennial census and the most recent
2 Small Area Income and Poverty Estimates, or any census
3 tract with a poverty rate of at least 20 percent as meas-
4 ured by the 2014–2018 5-year data series available from
5 the American Community Survey of the Census Bureau:
6 *Provided further*, That projects conducted using funds pro-
7 vided under this heading must comply with the require-
8 ments of subchapter IV of chapter 31 of title 40, United
9 States Code: *Provided further*, That the Secretary shall
10 conduct a new competition to select the grants and credit
11 assistance awarded under this heading: *Provided further*,
12 That the Secretary may retain up to 3 percent of the
13 funds provided under this heading, and may transfer por-
14 tions of those funds to the Administrators of the Federal
15 Highway Administration, the Federal Transit Administra-
16 tion, the Federal Railroad Administration and the Mari-
17 time Administration to fund the award and oversight of
18 grants and credit assistance made under the National In-
19 frastructure Investments program: *Provided further*, That
20 none of the funds provided in the previous proviso may
21 be used to hire additional personnel: *Provided further*,
22 That the Secretary shall consider and award projects
23 based solely on the selection criteria from the fiscal year
24 2017 Notice of Funding Opportunity: *Provided further*,
25 That, notwithstanding the previous proviso, the Secretary

1 shall not use the Federal share or an applicant's ability
2 to generate non-Federal revenue as a selection criteria in
3 awarding projects: *Provided further*, That the Secretary
4 shall issue the Notice of Funding Opportunity no later
5 than 60 days after enactment of this Act: *Provided further*,
6 That such Notice of Funding Opportunity shall require
7 application submissions 90 days after the publishing of
8 such Notice: *Provided further*, That of the applications
9 submitted under the previous two provisos, the Secretary
10 shall make grants no later than 270 days after enactment
11 of this Act in such amounts that the Secretary determines.

12 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
13 FINANCE BUREAU

14 For necessary expenses of the National Surface
15 Transportation and Innovative Finance Bureau as author-
16 ized by 49 U.S.C. 116, \$4,250,000, to remain available
17 until expended: *Provided*, That the Secretary may collect
18 and spend fees, as authorized by title 23, United States
19 Code, to cover the costs of services of expert firms, includ-
20 ing counsel, in the field of municipal and project finance
21 to assist in the underwriting and servicing of Federal cred-
22 it instruments and all or a portion of the costs to the Fed-
23 eral Government of servicing such credit instruments: *Pro-*
24 *vided further*, That such fees are available until expended
25 to pay for such costs: *Provided further*, That such amounts

1 are in addition to other amounts made available for such
2 purposes and are not subject to any obligation limitation
3 or the limitation on administrative expenses under section
4 608 of title 23, United States Code.

5 FINANCIAL MANAGEMENT CAPITAL

6 For necessary expenses for upgrading and enhancing
7 the Department of Transportation's financial systems and
8 re-engineering business processes, \$2,000,000, to remain
9 available through September 30, 2022.

10 CYBER SECURITY INITIATIVES

11 For necessary expenses for cyber security initiatives,
12 including necessary upgrades to wide area network and
13 information technology infrastructure, improvement of
14 network perimeter controls and identity management,
15 testing and assessment of information technology against
16 business, security, and other requirements, implementa-
17 tion of Federal cyber security initiatives and information
18 infrastructure enhancements, and implementation of en-
19 hanced security controls on network devices, \$22,000,000,
20 to remain available through September 30, 2022.

21 OFFICE OF CIVIL RIGHTS

22 For necessary expenses of the Office of Civil Rights,
23 \$9,600,000.

1 to entities within the Department of Transportation: *Pro-*
2 *vided further*, That the above limitation on operating ex-
3 penses shall not apply to non-DOT entities: *Provided fur-*
4 *ther*, That no funds appropriated in this Act to an agency
5 of the Department shall be transferred to the Working
6 Capital Fund without majority approval of the Working
7 Capital Fund Steering Committee and approval of the
8 Secretary: *Provided further*, That no assessments may be
9 levied against any program, budget activity, subactivity or
10 project funded by this Act unless notice of such assess-
11 ments and the basis therefor are presented to the House
12 and Senate Committees on Appropriations and are ap-
13 proved by such Committees.

14 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
15 OUTREACH

16 For necessary expenses for small and disadvantaged
17 business utilization and outreach activities, \$4,714,000, to
18 remain available until September 30, 2022: *Provided*,
19 That notwithstanding 49 U.S.C. 332, these funds may be
20 used for business opportunities related to any mode of
21 transportation: *Provided further*, That appropriations
22 made available under this heading shall be available for
23 any purpose consistent with prior year appropriations that
24 were made available under the heading “Minority Busi-
25 ness Resource Center Program”.

12

1 PAYMENTS TO AIR CARRIERS

2 (AIRPORT AND AIRWAY TRUST FUND)

3 In addition to funds made available from any other
4 source to carry out the essential air service program under
5 49 U.S.C. 41731 through 41742, \$141,724,000, to be de-
6 rived from the Airport and Airway Trust Fund, to remain
7 available until expended: *Provided*, That in determining
8 between or among carriers competing to provide service
9 to a community, the Secretary may consider the relative
10 subsidy requirements of the carriers: *Provided further*,
11 That basic essential air service minimum requirements
12 shall not include the 15-passenger capacity requirement
13 under section 41732(b)(3) of title 49, United States Code:
14 *Provided further*, That none of the funds in this Act or
15 any other Act shall be used to enter into a new contract
16 with a community located less than 40 miles from the
17 nearest small hub airport before the Secretary has nego-
18 tiated with the community over a local cost share: *Pro-*
19 *vided further*, That amounts authorized to be distributed
20 for the essential air service program under section
21 41742(b) of title 49, United States Code, shall be made
22 available immediately from amounts otherwise provided to
23 the Administrator of the Federal Aviation Administration:
24 *Provided further*, That the Administrator may reimburse

1 such amounts from fees credited to the account estab-
2 lished under section 45303 of title 49, United States Code.

3 TRANSPORTATION DEMONSTRATION PROGRAM

4 To expand intermodal and multimodal freight and
5 cargo transportation infrastructure, including airport de-
6 velopment under chapter 471 of title 49, United States
7 Code, \$100,000,000, to remain available until expended:
8 *Provided*, That the Secretary shall distribute funds pro-
9 vided under this heading as discretionary grants to mari-
10 time port authorities or former military airports classified
11 as general aviation airports in the National Plan on Inte-
12 grated Airport System report for fiscal years 2019 to
13 2023: *Provided further*, That eligible applicants that are
14 maritime port authorities shall use a terminal railway and
15 be located not more than 10 miles from a former military
16 airport classified as a general aviation airport in the Na-
17 tional Plan on Integrated Airport System report for fiscal
18 years 2019 to 2023: *Provided further*, That eligible appli-
19 cants that are former military airports classified as gen-
20 eral aviation airports in the National Plan on Integrated
21 Airport System report for fiscal years 2019 to 2023 shall
22 be located not more than 10 miles from a maritime port
23 authority that uses a terminal railway: *Provided further*,
24 That projects eligible under this heading shall be located
25 not more than 10 miles from at least two highways on

1 the Interstate System: *Provided further*, That the Sec-
2 retary shall issue the Notice of Funding Opportunity no
3 later than 60 days after enactment of this Act.

4 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
5 SECRETARY OF TRANSPORTATION

6 SEC. 101. None of the funds made available in this
7 Act to the Department of Transportation may be obligated
8 for the Office of the Secretary of Transportation to ap-
9 prove assessments or reimbursable agreements pertaining
10 to funds appropriated to the modal administrations in this
11 Act, except for activities underway on the date of enact-
12 ment of this Act, unless such assessments or agreements
13 have completed the normal reprogramming process for
14 Congressional notification.

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

21 SEC. 103. In addition to authority provided by section
22 327 of title 49, United States Code, the Department's
23 Working Capital Fund is hereby authorized to provide
24 partial or full payments in advance and accept subsequent
25 reimbursements from all Federal agencies from available

1 funds for transit benefit distribution services that are nec-
2 essary to carry out the Federal transit pass transportation
3 fringe benefit program under Executive Order No. 13150
4 and section 3049 of Public Law 109–59: *Provided*, That
5 the Department shall maintain a reasonable operating re-
6 serve in the Working Capital Fund, to be expended in ad-
7 vance to provide uninterrupted transit benefits to Govern-
8 ment employees: *Provided further*, That such reserve will
9 not exceed one month of benefits payable and may be used
10 only for the purpose of providing for the continuation of
11 transit benefits: *Provided further*, That the Working Cap-
12 ital Fund will be fully reimbursed by each customer agen-
13 cy from available funds for the actual cost of the transit
14 benefit.

15 SEC. 104. None of the funds in this Act may be obli-
16 gated or expended for retention or senior executive bo-
17 nuses for an employee of the Department of Transpor-
18 tation without the prior written approval of the Assistant
19 Secretary for Administration.

20 SEC. 105. In addition to authority provided by section
21 327 of title 49, United States Code, the Department’s Ad-
22 ministrative Working Capital Fund is hereby authorized
23 to transfer information technology equipment, software,
24 and systems from Departmental sources or other entities

1 and collect and maintain a reserve at rates which will re-
2 turn full cost of transferred assets.

3 SEC. 106. Receipts collected in the Administrative
4 Working Capital Fund (49 U.S.C. 327) for unused van
5 pool benefits, in an amount not to exceed ten percent of
6 fiscal year collections, shall be available in the Administra-
7 tive Working Capital Fund to provide contractual services
8 in support of section 189 of this Act: *Provided*, That such
9 collections shall be available until expended and obliga-
10 tions shall not exceed \$1,000,000 in any fiscal year.

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

1 provided as a direct loan, loan guarantee, or line of credit;
2 and the amount of credit assistance.

3 FEDERAL AVIATION ADMINISTRATION
4 OPERATIONS
5 (AIRPORT AND AIRWAY TRUST FUND)

6 For necessary expenses of the Federal Aviation Ad-
7 ministration, not otherwise provided for, including oper-
8 ations and research activities related to commercial space
9 transportation, administrative expenses for research and
10 development, establishment of air navigation facilities, the
11 operation (including leasing) and maintenance of aircraft,
12 subsidizing the cost of aeronautical charts and maps sold
13 to the public, the lease or purchase of passenger motor
14 vehicles for replacement only, \$11,001,500,000, to remain
15 available until September 30, 2022, of which
16 \$10,519,000,000 shall be derived from the Airport and
17 Airway Trust Fund: *Provided*, That of the sums appro-
18 priated under this heading—

19 (1) not less than \$1,479,039,000 shall be avail-
20 able for aviation safety activities;

21 (2) \$8,205,821,000 shall be available for air
22 traffic organization activities;

23 (3) \$27,555,000 shall be available for commer-
24 cial space transportation activities;

1 (4) \$836,141,000 shall be available for finance
2 and management activities;

3 (5) \$62,862,000 shall be available for NextGen
4 and operations planning activities;

5 (6) \$124,928,000 shall be available for security
6 and hazardous materials safety; and

7 (7) \$265,154,000 shall be available for staff of-
8 fices:

9 *Provided further*, That not to exceed 5 percent of any
10 budget activity, except for aviation safety budget activity,
11 may be transferred to any budget activity under this head-
12 ing: *Provided further*, That no transfer may increase or
13 decrease any appropriation by more than 5 percent: *Pro-*
14 *vided further*, That any transfer in excess of 5 percent
15 shall be treated as a reprogramming of funds under sec-
16 tion 405 of this Act and shall not be available for obliga-
17 tion or expenditure except in compliance with the proce-
18 dures set forth in that section: *Provided further*, That not
19 later than 60 days after the submission of the budget re-
20 quest, the Administrator of the Federal Aviation Adminis-
21 tration shall transmit to Congress an annual update to
22 the report submitted to Congress in December 2004 pur-
23 suant to section 221 of Public Law 108–176: *Provided fur-*
24 *ther*, That the amount herein appropriated shall be re-
25 duced by \$100,000 for each day after the date that is 60

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

1 offsetting collections, funds received from States, counties,
2 municipalities, foreign authorities, other public authori-
3 ties, and private sources for expenses incurred in the pro-
4 vision of agency services, including receipts for the mainte-
5 nance and operation of air navigation facilities, and for
6 issuance, renewal, or modification of certificates, including
7 airman, aircraft, and repair station certificates, or for
8 tests related thereto, or for processing major repair or al-
9 teration forms: *Provided further*, That of the funds appro-
10 priated under this heading, not less than \$172,800,000
11 shall be used to fund direct operations of the current air
12 traffic control towers in the contract tower program, in-
13 cluding the contract tower cost share program, and any
14 airport that is currently qualified or that will qualify for
15 the program during the fiscal year: *Provided further*, That
16 none of the funds in this Act for aeronautical charting
17 and cartography are available for activities conducted by,
18 or coordinated through, the Working Capital Fund: *Pro-*
19 *vided further*, That none of the funds appropriated or oth-
20 erwise made available by this Act or any other Act may
21 be used to eliminate the Contract Weather Observers pro-
22 gram at any airport.

21

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for acquisition, establishment, technical support services,
5 improvement by contract or purchase, and hire of national
6 airspace systems and experimental facilities and equip-
7 ment, as authorized under part A of subtitle VII of title
8 49, United States Code, including initial acquisition of
9 necessary sites by lease or grant; engineering and service
10 testing, including construction of test facilities and acqui-
11 sition of necessary sites by lease or grant; construction
12 and furnishing of quarters and related accommodations
13 for officers and employees of the Federal Aviation Admin-
14 istration stationed at remote localities where such accom-
15 modations are not available; and the purchase, lease, or
16 transfer of aircraft from funds available under this head-
17 ing, including aircraft for aviation regulation and certifi-
18 cation; to be derived from the Airport and Airway Trust
19 Fund, \$3,011,980,000, of which \$550,000,000 shall re-
20 main available until September 30, 2022, \$2,322,380,000
21 shall remain available until September 30, 2023, and
22 \$139,600,000 shall remain available until expended: *Pro-*
23 *vided*, That there may be credited to this appropriation
24 funds received from States, counties, municipalities, other
25 public authorities, and private sources, for expenses in-

1 curred in the establishment, improvement, and moderniza-
2 tion of national airspace systems: *Provided further*, That
3 not later than 60 days after submission of the budget re-
4 quest, the Secretary shall transmit to the Congress an in-
5 vestment plan for the Federal Aviation Administration
6 which includes funding for each budget line item for fiscal
7 years 2022 through 2026, with total funding for each year
8 of the plan constrained to the funding targets for those
9 years as estimated and approved by the Office of Manage-
10 ment and Budget.

11 RESEARCH, ENGINEERING, AND DEVELOPMENT

12 (AIRPORT AND AIRWAY TRUST FUND)

13 For necessary expenses, not otherwise provided for,
14 for research, engineering, and development, as authorized
15 under part A of subtitle VII of title 49, United States
16 Code, including construction of experimental facilities and
17 acquisition of necessary sites by lease or grant,
18 \$190,097,000, to be derived from the Airport and Airway
19 Trust Fund and to remain available until September 30,
20 2023: *Provided*, That there may be credited to this appro-
21 priation as offsetting collections, funds received from
22 States, counties, municipalities, other public authorities,
23 and private sources, which shall be available for expenses
24 incurred for research, engineering, and development: *Pro-*
25 *vided further*, That funds made available under this head-

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

14

GRANTS-IN-AID FOR AIRPORTS

15

(LIQUIDATION OF CONTRACT AUTHORIZATION)

16

(LIMITATION ON OBLIGATIONS)

17

(AIRPORT AND AIRWAY TRUST FUND)

18

(INCLUDING TRANSFER OF FUNDS)

19

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

1 and systems at airports of such title; for grants authorized
2 under section 41743 of title 49, United States Code; and
3 for inspection activities and administration of airport safe-
4 ty programs, including those related to airport operating
5 certificates under section 44706 of title 49, United States
6 Code, \$3,350,000,000, to be derived from the Airport and
7 Airway Trust Fund, and to remain available until ex-
8 pended: *Provided*, That none of the funds under this head-
9 ing shall be available for the planning or execution of pro-
10 grams the obligations for which are in excess of
11 \$3,350,000,000 in fiscal year 2021, notwithstanding sec-
12 tion 47117(g) of title 49, United States Code: *Provided*
13 *further*, That none of the funds under this heading shall
14 be available for the replacement of baggage conveyor sys-
15 tems, reconfiguration of terminal baggage areas, or other
16 airport improvements that are necessary to install bulk ex-
17 plosive detection systems: *Provided further*, That notwith-
18 standing section 47109(a) of title 49, United States Code,
19 the Government's share of allowable project costs under
20 paragraph (2) for subgrants or paragraph (3) of that sec-
21 tion shall be 95 percent for a project at other than a large
22 or medium hub airport that is a successive phase of a
23 multi-phased construction project for which the project
24 sponsor received a grant in fiscal year 2011 for the con-
25 struction project: *Provided further*, That notwithstanding

1 any other provision of law, of funds limited under this
2 heading, not more than \$119,402,000 shall be available
3 for administration, not less than \$15,000,000 shall be
4 available for the Airport Cooperative Research Program,
5 not less than \$40,666,000 shall be available for Airport
6 Technology Research, and \$10,000,000, to remain avail-
7 able until expended, shall be available and transferred to
8 “Office of the Secretary, Salaries and Expenses” to carry
9 out the Small Community Air Service Development Pro-
10 gram: *Provided further*, That in addition to airports eligi-
11 ble under section 41743 of title 49, United States Code,
12 such program may include the participation of an airport
13 that serves a community or consortium that is not larger
14 than a small hub airport, according to FAA hub classifica-
15 tions effective at the time the Office of the Secretary
16 issues a request for proposals.

17 GRANTS-IN-AID FOR AIRPORTS

18 For an additional amount for “Grants-In-Aid for Air-
19 ports”, to enable the Secretary to make grants for projects
20 as authorized by subchapter 1 of chapter 471 and sub-
21 chapter 1 of chapter 475 of title 49, United States Code,
22 \$400,000,000, to remain available through September 30,
23 2023: *Provided*, That amounts made available under this
24 heading shall be derived from the general fund, and such
25 funds shall not be subject to apportionment formulas, spe-

1 cial apportionment categories, or minimum percentages
2 under chapter 471: *Provided further*, That the Secretary
3 shall distribute funds provided under this heading as dis-
4 cretionary grants to airports: *Provided further*, That the
5 amount made available under this heading shall not be
6 subject to any limitation on obligations for the Grants-
7 in-Aid for Airports program set forth in any Act: *Provided*
8 *further*, That the Administrator of the Federal Aviation
9 Administration may retain up to 0.5 percent of the funds
10 provided under this heading to fund the award and over-
11 sight by the Administrator of grants made under this
12 heading.

13 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

14 ADMINISTRATION

15 SEC. 110. None of the funds in this Act may be used
16 to compensate in excess of 600 technical staff-years under
17 the federally funded research and development center con-
18 tract between the Federal Aviation Administration and the
19 Center for Advanced Aviation Systems Development dur-
20 ing fiscal year 2021.

21 SEC. 111. None of the funds in this Act shall be used
22 to pursue or adopt guidelines or regulations requiring air-
23 port sponsors to provide to the Federal Aviation Adminis-
24 tration without cost building construction, maintenance,
25 utilities and expenses, or space in airport sponsor-owned

1 buildings for services relating to air traffic control, air
2 navigation, or weather reporting: *Provided*, That the pro-
3 hibition of funds in this section does not apply to negotia-
4 tions between the agency and airport sponsors to achieve
5 agreement on “below-market” rates for these items or to
6 grant assurances that require airport sponsors to provide
7 land without cost to the Federal Aviation Administration
8 for air traffic control facilities.

9 SEC. 112. The Administrator of the Federal Aviation
10 Administration may reimburse amounts made available to
11 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
12 49 U.S.C. 45303 and any amount remaining in such ac-
13 count at the close of that fiscal year may be made available
14 to satisfy section 41742(a)(1) for the subsequent fiscal
15 year.

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

21 SEC. 114. None of the funds in this Act shall be avail-
22 able for paying premium pay under subsection 5546(a) of
23 title 5, United States Code, to any Federal Aviation Ad-
24 ministration employee unless such employee actually per-

1 formed work during the time corresponding to such pre-
2 mium pay.

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

7 SEC. 116. Notwithstanding any other provision of
8 law, none of the funds made available under this Act or
9 any prior Act may be used to implement or to continue
10 to implement any limitation on the ability of any owner
11 or operator of a private aircraft to obtain, upon a request
12 to the Administrator of the Federal Aviation Administra-
13 tion, a blocking of that owner's or operator's aircraft reg-
14 istration number, Mode S transponder code, flight identi-
15 fication, call sign, or similar identifying information from
16 any ground based display to the public that would allow
17 the real-time or near real-time flight tracking of that air-
18 craft's movements, except data made available to a Gov-
19 ernment agency, for the noncommercial flights of that
20 owner or operator.

21 SEC. 117. None of the funds in this Act shall be avail-
22 able for salaries and expenses of more than nine political
23 and Presidential appointees in the Federal Aviation Ad-
24 ministration.

1 SEC. 118. None of the funds made available under
2 this Act may be used to increase fees pursuant to section
3 44721 of title 49, United States Code, until the Federal
4 Aviation Administration provides to the House and Senate
5 Committees on Appropriations a report that justifies all
6 fees related to aeronautical navigation products and ex-
7 plains how such fees are consistent with Executive Order
8 No. 13642.

9 SEC. 119. None of the funds in this Act may be used
10 to close a regional operations center of the Federal Avia-
11 tion Administration or reduce its services unless the Ad-
12 ministrator notifies the House and Senate Committees on
13 Appropriations not less than 90 full business days in ad-
14 vance.

15 SEC. 119A. None of the funds appropriated or limited
16 by this Act may be used to change weight restrictions or
17 prior permission rules at Teterboro airport in Teterboro,
18 New Jersey.

19 SEC. 119B. None of the funds provided under this
20 Act may be used by the Administrator of the Federal Avia-
21 tion Administration to withhold from consideration and
22 approval any new application for participation in the Con-
23 tract Tower Program, or for reevaluation of Cost-share
24 Program participants as long as the Federal Aviation Ad-
25 ministration has received an application from the airport,

1 and as long as the Administrator determines such tower
2 is eligible using the factors set forth in Federal Aviation
3 Administration published establishment criteria.

4 SEC. 119C. None of the funds made available by this
5 Act may be used to open, close, redesignate as a lesser
6 office, or reorganize a regional office, the aeronautical cen-
7 ter, or technical center unless the Administrator submits
8 a request for the reprogramming of funds under section
9 405 of this Act.

10 FEDERAL HIGHWAY ADMINISTRATION
11 LIMITATION ON ADMINISTRATIVE EXPENSES
12 (HIGHWAY TRUST FUND)
13 (INCLUDING TRANSFER OF FUNDS)

14 Not to exceed \$475,649,049 together with advances
15 and reimbursements received by the Federal Highway Ad-
16 ministration, shall be obligated for necessary expenses for
17 administration and operation of the Federal Highway Ad-
18 ministration: *Provided*, That in addition, \$3,248,000 shall
19 be transferred to the Appalachian Regional Commission
20 in accordance with section 104(a) of title 23, United
21 States Code.

31

1 FEDERAL-AID HIGHWAYS

2 (LIMITATION ON OBLIGATIONS)

3 (HIGHWAY TRUST FUND)

4 Funds available for the implementation or execution
5 of Federal-aid highway and highway safety construction
6 programs authorized under titles 23 and 49, United States
7 Code, and the provisions of the Fixing America's Surface
8 Transportation (FAST) Act (Public Law 114–94) shall
9 not exceed total obligations of \$46,365,092,000 for fiscal
10 year 2021.

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (HIGHWAY TRUST FUND)

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

19 HIGHWAY INFRASTRUCTURE PROGRAMS

20 There is hereby appropriated to the Secretary
21 \$2,365,000,000: *Provided*, That the funds made available
22 under this heading shall be derived from the general fund,
23 shall be in addition to any funds provided for fiscal year
24 2021 in this or any other Act for: (1) “Federal-aid High-
25 ways” under chapter 1 of title 23, United States Code;

1 or (2) the Appalachian Development Highway System as
2 authorized under section 1069(y) of Public Law 102–240,
3 and shall not affect the distribution or amount of funds
4 provided in any other Act: *Provided further*, That section
5 1101(b) of Public Law 114–94 shall apply to funds made
6 available under this heading: *Provided further*, That of the
7 funds made available under this heading—

8 (1) \$796,328,026 shall be for activities eligible
9 under sections 133(b)(1) and 133(b)(4) of title 23,
10 United States Code, and to provide necessary charg-
11 ing infrastructure along corridor-ready or corridor-
12 pending alternative fuel corridors designated pursu-
13 ant to section 151 of title 23, United States Code;

14 (2) \$2,900,859 shall be for activities eligible
15 under the Puerto Rico Highway Program as de-
16 scribed in section 165(b)(2)(C) of title 23, United
17 States Code;

18 (3) \$771,115 shall be for activities eligible
19 under the Territorial Highway Program, as de-
20 scribed in section 165(e)(6) of title 23, United
21 States Code;

22 (4) \$70,000,000 shall be for the nationally sig-
23 nificant Federal lands and tribal projects program
24 under section 1123 of the FAST Act;

1 (5) \$1,360,000,000 shall be for a bridge re-
2 placement and rehabilitation program;

3 (6) \$100,000,000 shall be for necessary ex-
4 penses for construction of the Appalachian Develop-
5 ment Highway System as authorized under section
6 1069(y) of Public Law 102–240; and

7 (7) \$35,000,000 shall be for the national scenic
8 byways program under section 162 of title 23,
9 United States Code:

10 *Provided further*, That for the purposes of funds made
11 available under this heading for activities eligible under
12 sections 133(b)(1) and 133(b)(4) of title 23, United States
13 Code, and to provide necessary charging infrastructure
14 along corridor-ready or corridor-pending alternative fuel
15 corridors designated pursuant to section 151 of title 23,
16 United States Code, the term “State” means any of the
17 50 States or the District of Columbia: *Provided further*,
18 That the funds made available under this heading for ac-
19 tivities eligible under sections 133(b)(1) and 133(b)(4) of
20 title 23, United States Code, and to provide necessary
21 charging infrastructure along corridor-ready or corridor-
22 pending alternative fuel corridors designated pursuant to
23 section 151 of title 23, United States Code, shall be sub-
24 allocated in the manner described in section 133(d) of
25 such title, except that the set-aside described in section

1 133(h) of such title shall not apply to funds made avail-
2 able under this heading: *Provided further*, That the funds
3 made available under this heading for: (1) activities eligi-
4 ble under sections 133(b)(1) and 133(b)(4) of title 23,
5 United States Code, and to provide necessary charging in-
6 frastructure along corridor-ready or corridor-pending al-
7 ternative fuel corridors designated pursuant to section 151
8 of title 23, United States Code; (2) a bridge replacement
9 and rehabilitation program; and (3) the national scenic by-
10 ways program under section 162 of title 23, United States
11 Code, shall be administered as if apportioned under chap-
12 ter 1 of such title and shall remain available through Sep-
13 tember 30, 2024: *Provided further*, That the funds made
14 available under this heading for activities eligible under
15 sections 133(b)(1) and 133(b)(4) of title 23, United States
16 Code, and to provide necessary charging infrastructure
17 along corridor-ready or corridor-pending alternative fuel
18 corridors designated pursuant to section 151 of title 23,
19 United States Code, shall be apportioned to the States in
20 the same ratio as the obligation limitation for fiscal year
21 2021 is distributed among the States in section 120(a)(5)
22 of this Act: *Provided further*, That, except as provided in
23 the following proviso, the funds made available under this
24 heading for activities eligible under the Puerto Rico High-
25 way Program and activities eligible under the Territorial

1 Highway Program shall be administered as if allocated
2 under sections 165(b) and 165(c), respectively, of title 23,
3 United States Code, and shall remain available through
4 September 30, 2024: *Provided further*, That the funds
5 made available under this heading for activities eligible
6 under the Puerto Rico Highway Program shall not be sub-
7 ject to the requirements of sections 165(b)(2)(A) or
8 165(b)(2)(B) of such title: *Provided further*, That the
9 funds made available under this heading for the nationally
10 significant Federal lands and tribal projects program
11 under section 1123 of the FAST Act shall remain avail-
12 able through September 30, 2024: *Provided further*, That
13 for the purposes of funds made available under this head-
14 ing for a bridge replacement and rehabilitation program,
15 (1) the term “State” means any of the 50 States or the
16 District of Columbia, and (2) the term “qualifying State”
17 means any State in which the percentage of total deck
18 area of bridges classified as in poor condition in such State
19 is at least 5 percent or in which the percentage of total
20 bridges classified as in poor condition in such State is at
21 least 5 percent: *Provided further*, That, of the funds made
22 available under this heading for a bridge replacement and
23 rehabilitation program, the Secretary shall reserve
24 \$6,000,000 for each State that does not meet the defini-
25 tion of a qualifying State: *Provided further*, That, after

1 making the reservations under the preceding proviso, the
2 Secretary shall distribute the remaining funds made avail-
3 able under this heading for a bridge replacement and reha-
4 bilitation program to each qualifying State by the propor-
5 tion that the percentage of total deck area of bridges clas-
6 sified as in poor condition in such qualifying State bears
7 to the sum of the percentages of total deck area of bridges
8 classified as in poor condition in all qualifying States: *Pro-*
9 *vided further*, That for the bridge replacement and reha-
10 bilitation program:

11 (1) no qualifying State shall receive more than
12 \$60,000,000;

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

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

20 *Provided further*, That the funds made available under this
21 heading for a bridge replacement and rehabilitation pro-
22 gram shall be used for highway bridge replacement or re-
23 habilitation projects on public roads: *Provided further*,
24 That for purposes of this heading for the bridge replace-
25 ment and rehabilitation program, the Secretary shall cal-

1 culate the percentages of total deck area of bridges (in-
2 cluding the percentages of total deck area classified as in
3 poor condition) based on the National Bridge Inventory
4 as of December 31, 2018: *Provided further*, That for the
5 purposes of funds made available under this heading for
6 construction of the Appalachian Development Highway
7 System, the term “Appalachian State” means a State that
8 contains 1 or more counties (including any political sub-
9 division located within the area) in the Appalachian region
10 as defined in section 14102(a) of title 40, United States
11 Code: *Provided further*, That funds made available under
12 this heading for construction of the Appalachian Develop-
13 ment Highway System shall remain available until ex-
14 pended: *Provided further*, That a project carried out with
15 funds made available under this heading for construction
16 of the Appalachian Development Highway System shall be
17 carried out in the same manner as a project under section
18 14501 of title 40, United States Code: *Provided further*,
19 That subject to the following proviso, funds made available
20 under this heading for construction of the Appalachian
21 Development Highway System shall be apportioned to Ap-
22 palachian States according to the percentages derived
23 from the 2012 Appalachian Development Highway System
24 Cost-to-Complete Estimate, adopted in Appalachian Re-
25 gional Commission Resolution Number 736, and con-

1 firmed as each Appalachian State's relative share of the
2 estimated remaining need to complete the Appalachian
3 Development Highway System, adjusted to exclude those
4 corridors that such States have no current plans to com-
5 plete, as reported in the 2013 Appalachian Development
6 Highway System Completion Report, unless those states
7 have modified and assigned a higher priority for comple-
8 tion of an Appalachian Development Highway System cor-
9 ridor, as reported in the 2020 Appalachian Development
10 Highway System Future Outlook: *Provided further*, That
11 the Secretary shall adjust apportionments made under the
12 preceding proviso so that no Appalachian State shall be
13 apportioned an amount in excess of 30 percent of the
14 amount made available for construction of the Appa-
15 lachian Development Highway System under this heading:
16 *Provided further*, That the Secretary shall consult with the
17 Appalachian Regional Commission in making adjustments
18 under the preceding two provisos: *Provided further*, That
19 the Federal share of the costs for which an expenditure
20 is made for construction of the Appalachian Development
21 Highway System under this heading shall be up to 100
22 percent.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. (a) For fiscal year 2021, the Secretary of
4 Transportation shall—

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

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

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

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

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

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

25 (3) determine the proportion that—

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

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

17 (4) distribute the obligation limitation for Fed-
18 eral-aid highways, less the aggregate amounts not
19 distributed under paragraphs (1) and (2), for each
20 of the programs (other than programs to which
21 paragraph (1) applies) that are allocated by the Sec-
22 retary under the Fixing America's Surface Trans-
23 portation Act and title 23, United States Code, or
24 apportioned by the Secretary under sections 202 or
25 204 of that title, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

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

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

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

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 portioned under title 23, United States Code, to
2 all States for such fiscal year.

3 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

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

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

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

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

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

18 (6) sections 1103 through 1108 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (105 Stat. 2027);

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

23 (8) section 105 of title 23, United States Code
24 (as in effect for fiscal years 1998 through 2004, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

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

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

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

20 (12) section 119 of title 23, United States Code
21 (but, for each of fiscal years 2013 through 2021,
22 only in an amount equal to \$639,000,000).

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

1 (1) revise a distribution of the obligation limita-
2 tion made available under subsection (a) if an
3 amount distributed cannot be obligated during that
4 fiscal year; and

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

13 (d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO**
14 **TRANSPORTATION RESEARCH PROGRAMS.—**

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

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

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

23 (2) **EXCEPTION.—**Obligation authority made
24 available under paragraph (1) shall—

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

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

7 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
8 FUNDS.—

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

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

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

1 (2) **RATIO.**—Funds shall be distributed under
2 paragraph (1) in the same proportion as the dis-
3 tribution of obligation authority under subsection
4 (a)(5).

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

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

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

1 Senate Committees on Appropriations on any waivers
2 granted under the Buy America requirements.

3 SEC. 123. None of the funds provided in this Act may
4 be used to make a grant for a project under section 117
5 of title 23, United States Code, unless the Secretary, at
6 least 60 days before making a grant under that section,
7 provides written notification to the House and Senate
8 Committees on Appropriations of the proposed grant, in-
9 cluding an evaluation and justification for the project and
10 the amount of the proposed grant award: *Provided*, That
11 the written notification required in the previous proviso
12 shall be made no later than 180 days after enactment of
13 this Act.

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

1 availability of funds to be obligated under this section,
2 such funds and associated obligation limitation shall re-
3 main available for obligation for a period of 3 fiscal years
4 after the fiscal year in which the Secretary is notified. The
5 Federal share of the cost of a project carried out with
6 funds made available under this section shall be the same
7 as associated with the earmark.

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

10 (1) congressionally directed spending, as de-
11 fined in rule XLIV of the Standing Rules of the
12 Senate, identified in a prior law, report, or joint ex-
13 planatory statement, and administered by the Fed-
14 eral Highway Administration; or

15 (2) a congressional earmark, as defined in rule
16 XXI of the Rules of the House of Representatives,
17 identified in a prior law, report, or joint explanatory
18 statement, and administered by the Federal High-
19 way Administration.

20 (c) The authority under subsection (a) may be exer-
21 cised only for those projects or activities that have obli-
22 gated less than 10 percent of the amount made available
23 for obligation as of October 1 of the current fiscal year,
24 and shall be applied to projects within the same general
25 geographic area within 100 miles for which the funding

1 was designated, except that a State or territory may apply
2 such authority to unexpended balances of funds from
3 projects or activities the State or territory certifies have
4 been closed and for which payments have been made under
5 a final voucher.

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

10 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

11 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in the implemen-
16 tation, execution and administration of motor carrier safe-
17 ty operations and programs pursuant to section 31110 of
18 title 49, United States Code, as amended by the Fixing
19 America's Surface Transportation Act (Public Law 114-
20 94), \$300,896,127, to be derived from the Highway Trust
21 Fund (other than the Mass Transit Account), together
22 with advances and reimbursements received by the Fed-
23 eral Motor Carrier Safety Administration, the sum of
24 which shall remain available until expended, unless other-
25 wise specified: *Provided*, That funds available for imple-

1 mentation, execution, or administration of motor carrier
2 safety operations and programs authorized under title 49,
3 United States Code, shall not exceed total obligations of
4 \$300,896,127 for fiscal year 2021, of which \$9,073,000,
5 to remain available for obligation until September 30,
6 2023, is for the research and technology program, and of
7 which not less than \$73,388,127, to remain available for
8 obligation until September 30, 2023, is for development,
9 modernization, enhancement of information technology
10 and information management systems and for the con-
11 tinuing operation and maintenance of such systems.

12 MOTOR CARRIER SAFETY GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 (INCLUDING TRANSFERS OF FUNDS)

17 For payment of obligations incurred in carrying out
18 sections 31102, 31103, 31104, and 31313 of title 49,
19 United States Code, as amended by the Fixing America's
20 Surface Transportation Act (Public Law 114–94),
21 \$391,135,561, to be derived from the Highway Trust
22 Fund (other than the Mass Transit Account) and to re-
23 main available until expended: *Provided*, That funds avail-
24 able for the implementation or execution of motor carrier
25 safety programs shall not exceed total obligations of

1 \$391,135,561 in fiscal year 2021 for “Motor Carrier Safe-
2 ty Grants”: *Provided further*, That of the sums appro-
3 priated under this heading:

4 (1) \$308,700,000 shall be available for the
5 motor carrier safety assistance program;

6 (2) \$33,200,000 shall be available for the com-
7 mercial driver’s license program implementation pro-
8 gram;

9 (3) \$45,900,000 shall be available for the high
10 priority activities program, of which \$1,000,000 is to
11 be made available from prior year unobligated con-
12 tract authority provided for Motor Carrier Safety
13 Grants in the Transportation Equity Act for the
14 21st Century (Public Law 105–178), SAFETEA–
15 LU (Public Law 109– 59), or other appropriations
16 or authorization Acts; and

17 (4) \$3,335,561 shall be made available for com-
18 mercial motor vehicle operators grants, of which
19 \$2,335,561 is to be made available from prior year
20 unobligated contract authority provided for Motor
21 Carrier Safety Grants in the Transportation Equity
22 Act for the 21st Century (Public Law 105–178),
23 SAFETEA–LU (Public Law 109–59), or other ap-
24 propriations or authorization Acts.

1 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
2 CARRIER SAFETY ADMINISTRATION

3 SEC. 130. The Federal Motor Carrier Safety Admin-
4 istration shall send notice of 49 CFR section 385.308 vio-
5 lations by certified mail, registered mail, or another man-
6 ner of delivery, which records the receipt of the notice by
7 the persons responsible for the violations.

8 SEC. 131. None of the funds appropriated or other-
9 wise made available to the Department of Transportation
10 by this Act or any other Act may be obligated or expended
11 to implement, administer, or enforce the requirements of
12 section 31137 of title 49, United States Code, or any regu-
13 lation issued by the Secretary pursuant to such section,
14 with respect to the use of electronic logging devices by op-
15 erators of commercial motor vehicles, as defined in section
16 31132(1) of such title, transporting livestock as defined
17 in section 602 of the Emergency Livestock Feed Assist-
18 ance Act of 1988 (7 U.S.C. 1471) or insects.

19 SEC. 132. The Federal Motor Carrier Safety Admin-
20 istration shall update annual inspection regulations under
21 Appendix G to subchapter B of chapter III of title 49,
22 Code of Federal Regulations, as recommended by GAO-
23 19-264.

1 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
2 OPERATIONS AND RESEARCH

3 For expenses necessary to discharge the functions of
4 the Secretary, with respect to traffic and highway safety
5 authorized under chapter 301 and part C of subtitle VI
6 of title 49, United States Code, \$194,167,000, of which
7 \$40,000,000 shall remain available through September
8 30, 2022.

9 OPERATIONS AND RESEARCH
10 (LIQUIDATION OF CONTRACT AUTHORIZATION)
11 (LIMITATION ON OBLIGATIONS)
12 (HIGHWAY TRUST FUND)

13 For payment of obligations incurred in carrying out
14 the provisions of 23 U.S.C. 403, including behavioral re-
15 search on Automated Driving Systems and Advanced
16 Driver Assistance Systems and improving consumer re-
17 sponses to safety recalls, section 4011 of the Fixing Amer-
18 ica's Surface Transportation Act (Public Law 114-94),
19 and chapter 303 of title 49, United States Code,
20 \$155,300,000, to be derived from the Highway Trust
21 Fund (other than the Mass Transit Account) and to re-
22 main available until expended: *Provided*, That none of the
23 funds in this Act shall be available for the planning or
24 execution of programs the total obligations for which, in
25 fiscal year 2021, are in excess of \$155,300,000: *Provided*

1 *further*, That of the sums appropriated under this head-
2 ing—

3 (1) \$149,800,000 shall be for programs author-
4 ized under 23 U.S.C. 403, including behavioral re-
5 search on Automated Driving Systems and Ad-
6 vanced Driver Assistance Systems and improving
7 consumer responses to safety recalls, and section
8 4011 of the Fixing America's Surface Transpor-
9 tation Act (Public Law 114–94); and

10 (2) \$5,500,000 shall be for the National Driver
11 Register authorized under chapter 303 of title 49,
12 United States Code:

13 *Provided further*, That within the \$155,300,000 obligation
14 limitation for operations and research, \$20,000,000 shall
15 remain available until September 30, 2022, and shall be
16 in addition to the amount of any limitation imposed on
17 obligations for future years: *Provided further*, That
18 amounts for behavioral research on Automated Driving
19 Systems and Advanced Driver Assistance Systems and im-
20 proving consumer responses to safety recalls are in addi-
21 tion to any other funds provided for those purposes for
22 fiscal year 2021 in this Act.

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 provisions of 23 U.S.C. 402, 404, and 405, and section
7 4001(a)(6) of the Fixing America’s Surface Transpor-
8 tation Act (Public Law 114–94), to remain available until
9 expended, \$623,017,000, to be derived from the Highway
10 Trust Fund (other than the Mass Transit Account): *Pro-*
11 *vided*, That none of the funds in this Act shall be available
12 for the planning or execution of programs for which the
13 total obligations in fiscal year 2021 are in excess of
14 \$623,017,000 for programs authorized under 23 U.S.C.
15 402, 404, and 405, and section 4001(a)(6) of the Fixing
16 America’s Surface Transportation Act: *Provided further*,
17 That of the sums appropriated under this heading—

18 (1) \$279,800,000 shall be for “Highway Safety
19 Programs” under 23 U.S.C. 402;

20 (2) \$285,900,000 shall be for “National Pri-
21 ority Safety Programs” under 23 U.S.C. 405;

22 (3) \$30,500,000 shall be for the “High Visi-
23 bility Enforcement Program” under 23 U.S.C. 404;
24 and

1 (4) \$26,817,000 shall be for “Administrative
2 Expenses” under section 4001(a)(6) of the Fixing
3 America’s Surface Transportation Act:

4 *Provided further*, That none of these funds shall be used
5 for construction, rehabilitation, or remodeling costs, or for
6 office furnishings and fixtures for State, local or private
7 buildings or structures: *Provided further*, That not to ex-
8 ceed \$500,000 of the funds made available for “National
9 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
10 paired Driving Countermeasures” (as described in sub-
11 section (d) of that section) shall be available for technical
12 assistance to the States: *Provided further*, That with re-
13 spect to the “Transfers” provision under 23 U.S.C.
14 405(a)(8), any amounts transferred to increase the
15 amounts made available under section 402 shall include
16 the obligation authority for such amounts: *Provided fur-*
17 *ther*, That the Administrator shall notify the House and
18 Senate Committees on Appropriations of any exercise of
19 the authority granted under the previous proviso or under
20 23 U.S.C. 405(a)(8) within 5 days.

21 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

22 TRAFFIC SAFETY ADMINISTRATION

23 SEC. 140. An additional \$130,000 shall be made
24 available to the National Highway Traffic Safety Adminis-
25 tration, out of the amount limited for section 402 of title

1 23, United States Code, to pay for travel and related ex-
2 penses for State management reviews and to pay for core
3 competency development training and related expenses for
4 highway safety staff.

5 SEC. 141. The limitations on obligations for the pro-
6 grams of the National Highway Traffic Safety Adminis-
7 tration set in this Act shall not apply to obligations for
8 which obligation authority was made available in previous
9 public laws but only to the extent that the obligation au-
10 thority has not lapsed or been used.

11 SEC. 142. None of the funds in this Act or any other
12 Act shall be used to enforce the requirements of 23 U.S.C.
13 405(a)(9).

14 FEDERAL RAILROAD ADMINISTRATION

15 SAFETY AND OPERATIONS

16 For necessary expenses of the Federal Railroad Ad-
17 ministration, not otherwise provided for, \$233,675,000, of
18 which \$20,000,000 shall remain available until expended.

19 RAILROAD RESEARCH AND DEVELOPMENT

20 For necessary expenses for railroad research and de-
21 velopment, \$41,000,000, to remain available until ex-
22 pended.

1 RAILROAD REHABILITATION AND IMPROVEMENT
2 FINANCING PROGRAM

3 The Secretary is authorized to issue direct loans and
4 loan guarantees pursuant to sections 501 through 504 of
5 the Railroad Revitalization and Regulatory Reform Act of
6 1976 (Public Law 94–210), as amended, such authority
7 shall exist as long as any such direct loan or loan guar-
8 antee is outstanding.

9 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD
10 REPAIR

11 For necessary expenses related to Federal-State
12 Partnership for State of Good Repair Grants as author-
13 ized by section 24911 of title 49, United States Code,
14 \$225,000,000, to remain available until expended: *Pro-*
15 *vided*, That the Secretary shall not limit eligible projects
16 from consideration for funding for planning, engineering,
17 environmental, construction, and design elements of the
18 same project in the same application: *Provided further*,
19 That the Secretary may withhold up to 1 percent of the
20 amount provided under this heading for the costs of award
21 and project management oversight of grants carried out
22 under section 24911 of title 49, United States Code.

1 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
2 IMPROVEMENTS

3 For necessary expenses related to Consolidated Rail
4 Infrastructure and Safety Improvements Grants, as au-
5 thorized by section 22907 of title 49, United States Code,
6 \$340,000,000, to remain available until expended: *Pro-*
7 *vided*, That section 22905(f) of title 49, United States
8 Code, shall not apply to projects for the implementation
9 of positive train control systems otherwise eligible under
10 section 22907(e)(1) of title 49, United States Code: *Pro-*
11 *vided further*, That amounts available under this heading
12 for projects selected for commuter rail passenger transpor-
13 tation may be transferred by the Secretary, after selection,
14 to the appropriate agencies to be administered in accord-
15 ance with chapter 53 of title 49, United States Code: *Pro-*
16 *vided further*, That the Secretary shall not limit eligible
17 projects from consideration for funding for planning, engi-
18 neering, environmental, construction, and design elements
19 of the same project in the same application: *Provided fur-*
20 *ther*, That unobligated balances remaining after 4 years
21 from the date of enactment may be used for any eligible
22 project under section 22907(e) of title 49, United States
23 Code: *Provided further*, That the Secretary may withhold
24 up to 1 percent of the amount provided under this heading
25 for the costs of award and project management oversight

1 of grants carried out under section 22907 of title 49,
2 United States Code: *Provided further*, That for amounts
3 available under this heading eligible recipients under sec-
4 tion 22907(b) of title 49, United States Code, shall in-
5 clude any holding company of a Class II railroad or Class
6 III railroad (as those terms are defined in section 20102
7 of title 49, United States Code):

8 RESTORATION AND ENHANCEMENT

9 For necessary expenses related to Restoration and
10 Enhancement Grants, as authorized by section 24408 of
11 title 49, United States Code, \$2,708,000, to remain avail-
12 able until expended: *Provided*, That the Secretary may
13 withhold up to 1 percent of the funds provided under this
14 heading to fund the costs of award and project manage-
15 ment and oversight.

16 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
17 RAILROAD PASSENGER CORPORATION

18 To enable the Secretary of Transportation to make
19 grants to the National Railroad Passenger Corporation for
20 activities associated with the Northeast Corridor as au-
21 thorized by section 11101(a) of the Fixing America's Sur-
22 face Transportation Act (division A of Public Law 114-
23 94), \$680,000,000, to remain available until expended:
24 *Provided*, That the Secretary may retain up to one-half
25 of 1 percent of the funds provided under both this heading

1 and the “National Network Grants to the National Rail-
2 road Passenger Corporation” heading to fund the costs
3 of project management and oversight of activities author-
4 ized by section 11101(c) of division A of Public Law 114–
5 94: *Provided further*, That in addition to the project man-
6 agement oversight funds authorized under section
7 11101(c) of division A of Public Law 114–94, the Sec-
8 retary may retain up to an additional \$5,000,000 of the
9 funds provided under this heading to fund expenses associ-
10 ated with the Northeast Corridor Commission established
11 under section 24905 of title 49, United States Code: *Pro-*
12 *vided further*, That of the amounts made available under
13 this heading and the “National Network Grants to the Na-
14 tional Railroad Passenger Corporation” heading, not less
15 than \$50,000,000 shall be made available to bring Am-
16 trak-served facilities and stations into compliance with the
17 Americans with Disabilities Act: *Provided further*, That of
18 the amounts made available under this heading and the
19 “National Network Grants to the National Railroad Pas-
20 senger Corporation” heading, \$100,000,000 shall be made
21 available to fund the replacement of the single-level pas-
22 senger cars used on Northeast Corridor, State Supported
23 Corridor, and Long Distance routes.

1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make
4 grants to the National Railroad Passenger Corporation for
5 activities associated with the National Network as author-
6 ized by section 11101(b) of the Fixing America's Surface
7 Transportation Act (division A of Public Law 114-94),
8 \$1,320,000,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary may retain up to an additional
10 \$2,000,000 of the funds provided under this heading to
11 fund expenses associated with the State-Supported Route
12 Committee established under section 24712 of title 49,
13 United States Code: *Provided further*, That at least
14 \$50,000,000 of the amount provided under this heading
15 shall be available for the development, installation and op-
16 eration of railroad safety technology, including the imple-
17 mentation of a positive train control system, on State-sup-
18 ported routes as defined under section 24102(13) of title
19 49, United States Code, on which positive train control
20 systems are not required by law or regulation: *Provided*
21 *further*, That none of the funds provided under this head-
22 ing shall be used by Amtrak to give notice under sub-
23 section (a) or (b) of section 24706 of title 49, United
24 States Code, with respect to long-distance routes (as de-
25 fined in section 24102 of title 49, United States Code)

1 on which Amtrak is the sole operator on a host railroad's
2 line and a positive train control system is not required by
3 law or regulation, or, except in an emergency or during
4 maintenance or construction outages impacting such
5 routes, to otherwise discontinue, reduce the frequency of,
6 suspend, or substantially alter the route of rail service on
7 any portion of such route operated in fiscal year 2018,
8 including implementation of service permitted by section
9 24305(a)(3)(A) of title 49, United States Code, in lieu of
10 rail service.

11 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

12 ADMINISTRATION

13 SEC. 150. None of the funds provided to the National
14 Railroad Passenger Corporation may be used to fund any
15 overtime costs in excess of \$35,000 for any individual em-
16 ployee: *Provided*, That the President of Amtrak may waive
17 the cap set in the previous proviso for specific employees
18 when the President of Amtrak determines such a cap
19 poses a risk to the safety and operational efficiency of the
20 system: *Provided further*, That the President of Amtrak
21 shall report to the House and Senate Committees on Ap-
22 propriations within 60 days of enactment of this Act, a
23 summary of all overtime payments incurred by the Cor-
24 poration for 2020 and the three prior calendar years: *Pro-*
25 *vided further*, That such summary shall include the total

1 number of employees that received waivers and the total
2 overtime payments the Corporation paid to those employ-
3 ees receiving waivers for each month for 2020 and for the
4 three prior calendar years.

5 SEC. 151. None of the funds provided to the National
6 Railroad Passenger Corporation under the headings
7 “Northeast Corridor Grants to the National Railroad Pas-
8 senger Corporation” and “National Network Grants to the
9 National Railroad Passenger Corporation” may be used
10 to reduce the total number of Amtrak Police Department
11 uniformed officers patrolling on board passenger trains or
12 at stations, facilities or rights-of-way below the staffing
13 level on May 1, 2019.

14 SEC. 152. It is the sense of Congress that—

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

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

1 FEDERAL TRANSIT ADMINISTRATION

2 ADMINISTRATIVE EXPENSES

3 For necessary administrative expenses of the Federal
4 Transit Administration's programs authorized by chapter
5 53 of title 49, United States Code, \$121,052,000: *Pro-*
6 *vided*, That upon submission to the Congress of the fiscal
7 year 2022 President's budget, the Secretary of Transpor-
8 tation shall transmit to Congress the annual report on
9 Capital Investment Grants, including proposed allocations
10 for fiscal year 2022.

11 TRANSIT FORMULA GRANTS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in the Federal
16 Public Transportation Assistance Program in this ac-
17 count, and for payment of obligations incurred in carrying
18 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
19 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
20 5340, as amended by the Fixing America's Surface Trans-
21 portation Act, section 20005(b) of Public Law 112-141,
22 and section 3006(b) of the Fixing America's Surface
23 Transportation Act, \$10,800,000,000, to be derived from
24 the Mass Transit Account of the Highway Trust Fund
25 and to remain available until expended: *Provided*, That

1 funds available for the implementation or execution of pro-
2 grams authorized under 49 U.S.C. 5305, 5307, 5310,
3 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339,
4 and 5340, as amended by the Fixing America's Surface
5 Transportation Act, section 20005(b) of Public Law 112–
6 141, and section 3006(b) of the Fixing America's Surface
7 Transportation Act, shall not exceed total obligations of
8 \$10,150,348,462 in fiscal year 2021: *Provided further*,
9 That the Federal share of the cost of activities carried
10 out under 49 U.S.C. section 5312 shall not exceed 80 per-
11 cent, except that if there is substantial public interest or
12 benefit, the Secretary may approve a greater Federal
13 share: *Provided further*, That in addition to the amounts
14 appropriated for purposes of 49 U.S.C. 5338(e), not less
15 than 2 percent of the funds appropriated or available for
16 the purposes of 49 U.S.C. 5338(f) shall be available for
17 the purposes of 49 U.S.C. 5338(e).

18 TRANSIT INFRASTRUCTURE GRANTS

19 For an additional amount for buses and bus facilities
20 grants under section 5339 of title 49, United States Code,
21 low or no emission grants under section 5339(c) of such
22 title, formula grants to rural areas under section 5311 of
23 such title, high density state apportionments under section
24 5340(d) of such title, state of good repair grants under
25 section 5337 of such title, ferry boats grants under section

1 5307(h) of such title, bus testing facilities under section
2 5318 of such title, and for grants to areas of persistent
3 poverty, \$701,713,000, to remain available until ex-
4 pended: *Provided*, That of the sums provided under this
5 heading—

6 (1) \$446,000,000 shall be available for the
7 buses and bus facilities grants as authorized under
8 section 5339 of such title, of which \$223,000,000
9 shall be available for the buses and bus facilities for-
10 mula grants as authorized under section 5339(a) of
11 such title, and \$223,000,000 shall be available for
12 buses and bus facilities competitive grants as au-
13 thorized under section 5339(b) of such title;

14 (2) \$80,000,000 shall be available for the low
15 or no emission grants as authorized under section
16 5339(c) of such title: *Provided*, That the minimum
17 grant award shall be not less than \$750,000;

18 (3) \$45,000,000 shall be available for formula
19 grants for rural areas as authorized under section
20 5311 of such title;

21 (4) \$45,000,000 shall be available for the high
22 density state apportionments as authorized under
23 section 5340(d) of such title;

1 (5) \$45,000,000 shall be available for state of
2 good repair grants as authorized under section 5337
3 of such title;

4 (6) \$19,000,000 shall be available for ferry
5 boat grants as authorized under section 5307(h) of
6 such title;

7 (7) \$1,713,000 shall be available for the oper-
8 ation and maintenance of the bus testing facilities
9 selected under section 5318 of such title; and

10 (8) \$20,000,000 shall be available for competi-
11 tive grants to eligible entities to assist areas of per-
12 sistent poverty: *Provided*, That areas of persistent
13 poverty means any county that has consistently had
14 greater than or equal to 20 percent or more of the
15 population living in poverty over the 30 years pre-
16 ceding the date of enactment of this Act, as meas-
17 ured by the 1990 and 2000 decennial census and the
18 most recent Small Area Income and Poverty Esti-
19 mates, or any census tract with a poverty rate of at
20 least 20 percent as measured by the 2014–2018 5-
21 year data series available from the American Com-
22 munity Survey of the Census Bureau: *Provided fur-*
23 *ther*, That grants shall be for planning, engineering,
24 or development of technical or financing plans for
25 projects eligible under chapter 53 of title 49, United

1 States Code: *Provided further*, That eligible entities
2 are those defined as eligible recipients or subrecipi-
3 ents under sections 5307, 5310 or 5311 of title 49,
4 United States Code, and are in areas of persistent
5 poverty: *Provided further*, That the Federal Transit
6 Administration should complete outreach to such
7 counties and the departments of transportation with-
8 in applicable States via personal contact, webinars,
9 web materials and other appropriate methods deter-
10 mined by the Administrator of the Federal Transit
11 Administration: *Provided further*, That State depart-
12 ments of transportation may apply on behalf of eligi-
13 ble entities within their States: *Provided further*,
14 That the Federal Transit Administration should en-
15 courage grantees to work with non- profits or other
16 entities of their choosing in order to develop plan-
17 ning, technical, engineering, or financing plans:
18 *Provided further*, That the Federal Transit Administration
19 should encourage grantees to partner with non-profits that
20 can assist with making projects low or no emissions: *Pro-*
21 *vided further*, That projects funded under paragraph (7)
22 of this heading shall be for not less than 90 percent of
23 the net total project cost: *Provided further*, That amounts
24 made available by this heading shall be derived from the
25 general fund: *Provided further*, That the amounts made

1 available under this heading shall not be subject to any
2 limitation on obligations for transit programs set forth in
3 any Act.

4 TECHNICAL ASSISTANCE AND TRAINING

5 For necessary expenses to carry out 49 U.S.C. 5314,
6 \$5,000,000, of which up to \$1,500,000 shall be for a coop-
7 erative agreement through which the Federal Transit Ad-
8 ministration assists small-urban, rural and tribal public
9 transit recipients and planning organizations with applied
10 innovation and capacity-building: *Provided*, That the as-
11 sistance provided under this heading does not duplicate
12 the activities of 49 U.S.C. 5311(b) or 49 U.S.C. 5312.

13 CAPITAL INVESTMENT GRANTS

14 For necessary expenses to carry out fixed guideway
15 capital investment grants under section 5309 of title 49,
16 United States Code, and section 3005(b) of the Fixing
17 America's Surface Transportation Act (Public Law 114-
18 94), \$1,888,690,000, to remain available until September
19 30, 2024: *Provided*, That of the amounts made available
20 under this heading, \$1,120,000,000 shall be available for
21 projects authorized under section 5309(d) of title 49,
22 United States Code, \$400,000,000 shall be available for
23 projects authorized under section 5309(e) of title 49,
24 United States Code, \$199,790,000 shall be available for
25 projects authorized under section 5309(h) of title 49,

1 United States Code, and \$150,000,000 shall be available
2 for projects authorized under section 3005(b) of the Fix-
3 ing America's Surface Transportation Act: *Provided fur-*
4 *ther*, That the Secretary shall continue to administer the
5 capital investment grants program in accordance with the
6 procedural and substantive requirements of section 5309
7 of title 49, United States Code, and of section 3005(b)
8 of the Fixing America's Surface Transportation Act: *Pro-*
9 *vided further*, That projects that receive a grant agreement
10 under the Expedited Project Delivery for Capital Invest-
11 ment Grants Pilot Program under section 3005(b) of the
12 Fixing America's Surface Transportation Act shall be
13 deemed eligible for funding provided for projects under
14 section 5309 of title 49, United States Code, without fur-
15 ther evaluation or rating under such section: *Provided fur-*
16 *ther*, That such funding shall not exceed the Federal share
17 under section 3005(b).

18 GRANTS TO THE WASHINGTON METROPOLITAN AREA

19 TRANSIT AUTHORITY

20 For grants to the Washington Metropolitan Area
21 Transit Authority as authorized under section 601 of divi-
22 sion B of Public Law 110-432, \$150,000,000, to remain
23 available until expended: *Provided*, That the Secretary of
24 Transportation shall approve grants for capital and pre-
25 ventive maintenance expenditures for the Washington

1 Metropolitan Area Transit Authority only after receiving
2 and reviewing a request for each specific project: *Provided*
3 *further*, That the Secretary shall determine that the Wash-
4 ington Metropolitan Area Transit Authority has placed the
5 highest priority on those investments that will improve the
6 safety of the system before approving such grants: *Pro-*
7 *vided further*, That the Secretary, in order to ensure safety
8 throughout the rail system, may waive the requirements
9 of section 601(e)(1) of division B of Public Law 110–432.

10 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

11 ADMINISTRATION

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

17 SEC. 161. Notwithstanding any other provision of
18 law, funds appropriated or limited by this Act under the
19 heading “Fixed Guideway Capital Investment” of the Fed-
20 eral Transit Administration for projects specified in this
21 Act or identified in the explanatory statement accom-
22 panying this Act not obligated by September 30, 2024,
23 and other recoveries, shall be directed to projects eligible
24 to use the funds for the purposes for which they were
25 originally provided.

1 SEC. 162. Notwithstanding any other provision of
2 law, any funds appropriated before October 1, 2020, under
3 any section of chapter 53 of title 49, United States Code,
4 that remain available for expenditure, may be transferred
5 to and administered under the most recent appropriation
6 heading for any such section.

7 SEC. 163. No funds in this or any other Act shall
8 be used to adjust apportionments or withhold funds from
9 apportionments pursuant to 26 U.S.C. 9503(e)(4).

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

19 SEC. 165. None of the funds made available in this
20 or any other Act shall be used to impede or hinder project
21 advancement or approval for any project seeking a Federal
22 contribution from the capital investment grant program
23 of greater than 40 percent of project costs as authorized
24 under 49 U.S.C. 5309.

1 SEC. 166. None of the funds made available under
2 this Act may be used for the implementation or further-
3 ance of new policies detailed in the “Dear Colleague” let-
4 ter distributed by the Federal Transit Administration to
5 capital investment grant program project sponsors on
6 June 29, 2018.

7 SEC. 167. Any unexpended balances from amounts
8 previously appropriated for low or no emission vehicle
9 component assessment under 49 U.S.C. 5312(h) under the
10 headings “Transit Formula Grants” and “Transit Infra-
11 structure Grants” in fiscal years 2016 through 2020 may
12 be used by the facilities selected for such vehicle compo-
13 nent assessment for capital projects in order to build new
14 infrastructure and enhance existing facilities in order to
15 expand bus and component testing capability.

16 SAINT LAWRENCE SEAWAY DEVELOPMENT
17 CORPORATION

18 The Saint Lawrence Seaway Development Corpora-
19 tion is hereby authorized to make such expenditures, with-
20 in the limits of funds and borrowing authority available
21 to the Corporation, and in accord with law, and to make
22 such contracts and commitments without regard to fiscal
23 year limitations, as provided by section 104 of the Govern-
24 ment Corporation Control Act, as amended, as may be

1 necessary in carrying out the programs set forth in the
2 Corporation's budget for the current fiscal year.

3 OPERATIONS AND MAINTENANCE
4 (HARBOR MAINTENANCE TRUST FUND)

5 For necessary expenses to conduct the operations,
6 maintenance, and capital asset renewal activities on those
7 portions of the Saint Lawrence Seaway owned, operated,
8 and maintained by the Saint Lawrence Seaway Develop-
9 ment Corporation, \$30,700,000 to be derived from the
10 Harbor Maintenance Trust Fund, pursuant to Public Law
11 99-662: *Provided*, That of the amounts made available
12 under this heading, not less than \$10,500,000 shall be
13 used on Seaway Infrastructure activities.

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, \$314,000,000, to remain avail-
19 able until expended, of which \$10,000,000 shall be derived
20 from unobligated balances from prior year appropriations
21 available under this heading.

22 CABLE SECURITY FLEET

23 For the Cable Security Fleet program, as authorized
24 by chapter 532 of title 46, United States Code,
25 \$10,000,000.

1 OPERATIONS AND TRAINING
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of operations and training ac-
4 tivities authorized by law, \$152,589,000: *Provided*, That
5 of the sums appropriated under this heading—

6 (1) \$76,444,000 shall remain available until
7 September 30, 2022 for the operations of the United
8 States Merchant Marine Academy;

9 (2) \$8,997,000 shall remain available until ex-
10 pended for facilities maintenance and repair, and
11 equipment, at the United States Merchant Marine
12 Academy;

13 (3) \$3,000,000 shall remain available until Sep-
14 tember 30, 2022 for the Maritime Environment and
15 Technology Assistance program authorized under
16 section 50307 of title 46, United States Code; and

17 (4) \$8,295,000, shall remain available until ex-
18 pended for the Short Sea Transportation Program
19 (America’s Marine Highways) to make grants for
20 the purposes authorized under sections 55601(b)(1)
21 and (3) of title 46, United States Code:

22 *Provided further*, That not later than 120 days after enact-
23 ment of this Act, the Administrator of the Maritime Ad-
24 ministration shall transmit to the House and Senate Com-
25 mittees on Appropriations the annual report on sexual as-

1 sault and sexual harassment at the United States Mer-
2 chant Marine Academy as required pursuant to section
3 3507 of Public Law 110–417: *Provided further*, That
4 available balances under this heading for the Short Sea
5 Transportation Program (America’s Marine Highways)
6 from prior year recoveries shall be available to carry out
7 activities authorized under sections 55601(b)(1) and (3)
8 of title 46, United States Code: *Provided further*, That any
9 unobligated balances and obligated balances not yet ex-
10 pended from previous appropriations under this heading
11 for programs and activities supporting State Maritime
12 Academies shall be transferred to and merged with the
13 appropriations for “Maritime Administration—State Mar-
14 itime Academy Operations” and shall be made available
15 for the same purposes as the appropriations for “Maritime
16 Administration—State Maritime Academy Operations”.

17 STATE MARITIME ACADEMY OPERATIONS

18 For necessary expenses of operations, support, and
19 training activities for State Maritime Academies,
20 \$432,700,000: *Provided*, That of the sums appropriated
21 under this heading—

22 (1) \$30,500,000, to remain available until ex-
23 pended, shall be for maintenance, repair, life exten-
24 sion, insurance, and capacity improvement of Na-
25 tional Defense Reserve Fleet training ships, and for

1 support of training ship operations at the State
2 Maritime Academies, of which \$8,500,000, to re-
3 main available until expended, shall be for expenses
4 related to training mariners; and for costs associated
5 with training vessel sharing pursuant to 46 U.S.C.
6 51504(g)(3) for costs associated with mobilizing, op-
7 erating and demobilizing the vessel, including travel
8 costs for students, faculty and crew, the costs of the
9 general agent, crew costs, fuel, insurance, oper-
10 ational fees, and vessel hire costs, as determined by
11 the Secretary;

12 (2) \$390,000,000, to remain available until ex-
13 pended, shall be for the National Security Multi-Mis-
14 sion Vessel Program, including funds for construc-
15 tion, planning, administration, and design of school
16 ships;

17 (3) \$2,400,000 to remain available through
18 September 30, 2022, shall be for the Student Incen-
19 tive Program;

20 (4) \$3,800,000 shall remain available until ex-
21 pended, shall be for training ship fuel assistance;
22 and

23 (5) \$6,000,000, to remain available until Sep-
24 tember 30, 2022, shall be for direct payments for
25 State Maritime Academies.

1 ASSISTANCE TO SMALL SHIPYARDS

2 To make grants to qualified shipyards as authorized
3 under section 54101 of title 46, United States Code, as
4 amended by Public Law 113–281, \$20,000,000, to remain
5 available until expended.

6 SHIP DISPOSAL

7 For necessary expenses related to the disposal of ob-
8 solete vessels in the National Defense Reserve Fleet of the
9 Maritime Administration, \$4,200,000, to remain available
10 until expended.

11 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

12 ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 For administrative expenses to carry out the guaran-
15 teed loan program, \$3,000,000, which shall be transferred
16 to and merged with the appropriations for“ Operations
17 and Training”, Maritime Administration.

18 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

19 To make grants to improve port facilities as author-
20 ized under section 50302(c) of title 46, United States
21 Code, \$200,000,000 to remain available until expended:
22 *Provided*, That of the 25 percent reserved for small
23 projects under section 50302(c)(7)(B) of such title, the
24 Secretary shall prioritize ports that handled less than
25 8,000,000 short tons as determined using United States

1 Army Corps of Engineers data or data provided by an
2 independent audit the findings of which are acceptable to
3 the Secretary.

4 ADMINISTRATIVE PROVISIONS—MARITIME

5 ADMINISTRATION

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

19 PIPELINE AND HAZARDOUS MATERIALS SAFETY

20 ADMINISTRATION

21 OPERATIONAL EXPENSES

22 For necessary operational expenses of the Pipeline
23 and Hazardous Materials Safety Administration,
24 \$26,715,000, of which \$2,500,000 shall remain available
25 until September 30, 2023:

1 HAZARDOUS MATERIALS SAFETY

2 For expenses necessary to discharge the hazardous
3 materials safety functions of the Pipeline and Hazardous
4 Materials Safety Administration, \$63,000,000, of which
5 \$11,000,000 shall remain available until September 30,
6 2023: *Provided*, That up to \$800,000 in fees collected
7 under 49 U.S.C. 5108(g) shall be deposited in the general
8 fund of the Treasury as offsetting receipts: *Provided fur-*
9 *ther*, That there may be credited to this appropriation, to
10 be available until expended, funds received from States,
11 counties, municipalities, other public authorities, and pri-
12 vate sources for expenses incurred for training, for reports
13 publication and dissemination, and for travel expenses in-
14 curred in performance of hazardous materials exemptions
15 and approvals functions: *Provided further*, That not more
16 than \$1,000,000 shall be available to develop a hazardous
17 materials response training curriculum for emergency re-
18 sponders, including response activities for the transpor-
19 tation of crude oil, ethanol and other flammable liquids
20 by rail, consistent with National Fire Protection Associa-
21 tion standards, and to make such training available
22 through an electronic format.

1 PIPELINE SAFETY
2 (PIPELINE SAFETY FUND)
3 (OIL SPILL LIABILITY TRUST FUND)

4 For expenses necessary to carry out a pipeline safety
5 program, as authorized by 49 U.S.C. 60107, and to dis-
6 charge the pipeline program responsibilities of the Oil Pol-
7 lution Act of 1990, \$168,000,000, to remain available
8 until September 30, 2023, of which \$23,000,000 shall be
9 derived from the Oil Spill Liability Trust Fund; of which
10 \$137,000,000 shall be derived from the Pipeline Safety
11 Fund; and of which \$8,000,000 shall be derived from fees
12 collected under 49 U.S.C. 60302 and deposited in the Un-
13 derground Natural Gas Storage Facility Safety Account
14 for the purpose of carrying out 49 U.S.C. 60141: *Pro-*
15 *vided*, That not less than \$1,058,000 of the funds pro-
16 vided under this heading shall be for the One-Call State
17 grant program: *Provided further*, That any amounts pro-
18 vided under this heading in this Act or in prior Acts for
19 research contracts, grants, cooperative agreements or re-
20 search other transactions agreements (“OTAs”) shall re-
21 quire written notification to the House and Senate Com-
22 mittees on Appropriations not less than 3 full business
23 days before such research contracts, grants, cooperative
24 agreements, or research OTAs are announced by the De-
25 partment of Transportation.

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 For expenses necessary to carry out the Emergency
4 Preparedness Grants program, not more than
5 \$28,318,000 shall remain available until September 30,
6 2023, from amounts made available by 49 U.S.C. 5116(h),
7 and 5128(b) and (c): *Provided*, That notwithstanding 49
8 U.S.C. 5116(h)(4), not more than 4 percent of the
9 amounts made available from this account shall be avail-
10 able to pay administrative costs: *Provided further*, That
11 notwithstanding 49 U.S.C. 5128(b) and (c) and the cur-
12 rent year obligation limitation, prior year recoveries recog-
13 nized in the current year shall be available to develop a
14 hazardous materials response training curriculum for
15 emergency responders, including response activities for the
16 transportation of crude oil, ethanol, and other flammable
17 liquids by rail, consistent with National Fire Protection
18 Association standards, and to make such training avail-
19 able through an electronic format: *Provided further*, That
20 the prior year recoveries made available under this head-
21 ing shall also be available to carry out 49 U.S.C.
22 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e).

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$98,150,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department of Trans-
12 portation.

13 GENERAL PROVISIONS—DEPARTMENT OF
14 TRANSPORTATION

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

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

1 eration, and deployment of unmanned aircraft systems
2 that advance the Department's, or its operating adminis-
3 trations' missions.

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

9 SEC. 181. Appropriations contained in this Act for
10 the Department of Transportation shall be available for
11 services as authorized by 5 U.S.C. 3109, but at rates for
12 individuals not to exceed the per diem rate equivalent to
13 the rate for an Executive Level IV.

14 SEC. 182. (a) No recipient of funds made available
15 in this Act shall disseminate personal information (as de-
16 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
17 ment of motor vehicles in connection with a motor vehicle
18 record as defined in 18 U.S.C. 2725(1), except as provided
19 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
20 2721.

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

24 SEC. 183. None of the funds in this Act shall be avail-
25 able for salaries and expenses of more than 125 political

1 and Presidential appointees in the Department of Trans-
2 portation: *Provided*, That none of the personnel covered
3 by this provision may be assigned on temporary detail out-
4 side the Department of Transportation.

5 SEC. 184. Funds received by the Federal Highway
6 Administration and Federal Railroad Administration from
7 States, counties, municipalities, other public authorities,
8 and private sources for expenses incurred for training may
9 be credited respectively to the Federal Highway Adminis-
10 tration's "Federal-Aid Highways" account and to the Fed-
11 eral Railroad Administration's "Safety and Operations"
12 account, except for State rail safety inspectors partici-
13 pating in training pursuant to 49 U.S.C. 20105.

14 SEC. 185. (a) None of the funds provided in this Act
15 to the Department of Transportation may be used to make
16 a loan, loan guarantee, line of credit, or discretionary
17 grant unless the Secretary of Transportation notifies the
18 House and Senate Committees on Appropriations not less
19 than 3 full business days before any project competitively
20 selected to receive any discretionary grant award, letter
21 of intent, loan commitment, loan guarantee commitment,
22 line of credit commitment, or full funding grant agreement
23 is announced by the Department or its modal administra-
24 tions: *Provided*, That the Secretary gives concurrent noti-
25 fication to the House and Senate Committees on Appro-

1 priations for any “quick release” of funds from the emer-
2 gency relief program: *Provided further*, That no notifica-
3 tion shall involve funds that are not available for obliga-
4 tion.

5 (b) In addition to the notification required in sub-
6 section (a), none of the funds made available in this Act
7 to the Department of Transportation may be used to make
8 a loan, loan guarantee, line of credit, cooperative agree-
9 ment or discretionary grant unless the Secretary of Trans-
10 portation provides the House and Senate Committees on
11 Appropriations a comprehensive list of all such loans, loan
12 guarantees, lines of credit, cooperative agreement or dis-
13 cretionary grants that will be announced not less the 3
14 full business days before such announcement: *Provided*,
15 That the Department shall provide the list required in this
16 subsection prior to the notification required in subsection
17 (a): *Provided further*, That the requirement to provide a
18 list in this subsection does not apply to any “quick re-
19 lease” of funds from the emergency relief program: *Pro-*
20 *vided further*, That no list shall involve funds that are not
21 available for obligation.

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

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

6 SEC. 187. Notwithstanding any other provision of
7 law, if any funds provided in or limited by this Act are
8 subject to a reprogramming action that requires notice to
9 be provided to the House and Senate Committees on Ap-
10 propriations, transmission of said reprogramming notice
11 shall be provided solely to the House and Senate Commit-
12 tees on Appropriations, and said reprogramming action
13 shall be approved or denied solely by the House and Sen-
14 ate Committees on Appropriations: *Provided*, That the
15 Secretary of Transportation may provide notice to other
16 congressional committees of the action of the House and
17 Senate Committees on Appropriations on such reprogram-
18 ming but not sooner than 30 days following the date on
19 which the reprogramming action has been approved or de-
20 nied by the House and Senate Committees on Appropria-
21 tions.

22 SEC. 188. Funds appropriated in this Act to the
23 modal administrations may be obligated for the Office of
24 the Secretary for the costs related to assessments or reim-
25 bursable agreements only when such amounts are for the

1 costs of goods and services that are purchased to provide
2 a direct benefit to the applicable modal administration or
3 administrations.

4 SEC. 189. The Secretary of Transportation is author-
5 ized to carry out a program that establishes uniform
6 standards for developing and supporting agency transit
7 pass and transit benefits authorized under section 7905
8 of title 5, United States Code, including distribution of
9 transit benefits by various paper and electronic media.

10 SEC. 190. The Department of Transportation may
11 use funds provided by this Act, or any other Act, to assist
12 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
13 geographic, economic, or any other hiring preference not
14 otherwise authorized by law, or to amend a rule, regula-
15 tion, policy or other measure that forbids a recipient of
16 a Federal Highway Administration or Federal Transit Ad-
17 ministration grant from imposing such hiring preference
18 on a contract or construction project with which the De-
19 partment of Transportation is assisting, only if the grant
20 recipient certifies the following:

21 (1) that except with respect to apprentices or
22 trainees, a pool of readily available but unemployed
23 individuals possessing the knowledge, skill, and abil-
24 ity to perform the work that the contract requires
25 resides in the jurisdiction;

1 (2) that the grant recipient will include appro-
2 priate provisions in its bid document ensuring that
3 the contractor does not displace any of its existing
4 employees in order to satisfy such hiring preference;
5 and

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

12 SEC. 191. The Secretary of Transportation shall co-
13 ordinate with the Secretary of Homeland Security to en-
14 sure that best practices for Industrial Control Systems
15 Procurement are up-to-date and shall ensure that systems
16 procured with funds provided under this title were pro-
17 cured using such practices.

18 This title may be cited as the “Department of Trans-
19 portation Appropriations Act, 2021”.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE OFFICES

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$17,292,000, to remain available until September 30,
13 2022: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$576,689,000, to remain available
22 until September 30, 2022: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$74,462,000 shall be available for the Office
25 of the Chief Financial Officer;

1 (2) \$107,254,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$20,050,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$207,693,000 shall be available for the Of-
6 fice of Administration;

7 (4) \$38,933,000 shall be available for the Office
8 of the Chief Human Capital Officer;

9 (5) \$59,652,000 shall be available for the Office
10 of Field Policy and Management;

11 (6) \$21,013,000 shall be available for the Office
12 of the Chief Procurement Officer;

13 (7) \$4,239,000 shall be available for the Office
14 of Departmental Equal Employment Opportunity;
15 and

16 (8) \$63,443,000 shall be available for the Office
17 of the Chief Information Officer:

18 *Provided further*, That funds provided under this heading
19 may be used for necessary administrative and non-admin-
20 istrative expenses of the Department of Housing and
21 Urban Development (referred to in this title as “the De-
22 partment”), not otherwise provided for, including pur-
23 chase of uniforms, or allowances therefor, as authorized
24 by 5 U.S.C. 5901–5902; hire of passenger motor vehicles;
25 and services as authorized by 5 U.S.C. 3109: *Provided fur-*

1 *ther*, That notwithstanding any other provision of law,
2 funds appropriated under this heading may be used for
3 advertising and promotional activities that directly sup-
4 port program activities funded in this title: *Provided fur-*
5 *ther*, That the Secretary shall provide the House and Sen-
6 ate Committees on Appropriations quarterly written noti-
7 fication regarding the status of pending congressional re-
8 ports: *Provided further*, That the Secretary shall provide
9 in electronic form all signed reports required by Congress:
10 *Provided further*, That not more than 10 percent of the
11 funds made available under this heading for the Office of
12 the Chief Financial Officer for the financial trans-
13 formation initiative may be obligated until the Secretary
14 submits to the House and Senate Committees on Appro-
15 priations, for approval, a plan for expenditure that in-
16 cludes the financial and internal control capabilities to be
17 delivered and the mission benefits to be realized, key mile-
18 stones to be met, and the relationship between the pro-
19 posed use of funds made available under this heading and
20 the projected total cost and scope of the initiative.

21 PROGRAM OFFICES

22 For necessary salaries and expenses for Program Of-
23 fices, \$904,173,000, to remain available until September
24 30, 2022: *Provided*, That of the sums appropriated under
25 this heading—

1 (1) \$243,056,000 shall be available for the Of-
2 fice of Public and Indian Housing;

3 (2) \$131,107,000 shall be available for the Of-
4 fice of Community Planning and Development;

5 (3) \$404,194,000 shall be available for the Of-
6 fice of Housing, of which not less than \$13,200,000
7 shall be for the Office of Recapitalization;

8 (4) \$36,250,000 shall be available for the Office
9 of Policy Development and Research;

10 (5) \$79,763,000 shall be available for the Office
11 of Fair Housing and Equal Opportunity; and

12 (6) \$9,803,000 shall be available for the Office
13 of Lead Hazard Control and Healthy Homes.

14 WORKING CAPITAL FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For the working capital fund for the Department of
17 Housing and Urban Development (referred to in this para-
18 graph as the “Fund”), pursuant, in part, to section 7(f)
19 of the Department of Housing and Urban Development
20 Act (42 U.S.C. 3535(f)), amounts transferred, including
21 reimbursements pursuant to section 7(f), to the Fund
22 under this heading shall be available only for Federal
23 shared services used by offices and agencies of the Depart-
24 ment, and for any such portion of any office or agency’s
25 printing, space renovation, furniture, or supply services

1 the Secretary has determined shall be provided through
2 the Fund, and the operational expenses of the Fund: *Pro-*
3 *vided*, That amounts within the Fund shall not be avail-
4 able to provide services not specifically authorized under
5 this heading: *Provided further*, That upon a determination
6 by the Secretary that any other service (or portion thereof)
7 authorized under this heading shall be provided through
8 the Fund, amounts made available in this title for salaries
9 and expenses under the headings “Executive Offices”,
10 “Administrative Support Offices”, “Program Offices”,
11 and “Government National Mortgage Association”, for
12 such services shall be transferred to the Fund, to remain
13 available until expended: *Provided further*, That the Sec-
14 retary shall notify the House and Senate Committees on
15 Appropriations of its plans for executing such transfers
16 at least 15 days in advance of such transfers.

17 PUBLIC AND INDIAN HOUSING

18 TENANT-BASED RENTAL ASSISTANCE

19 (INCLUDING TRANSFER OF FUNDS)

20 For activities and assistance for the provision of ten-
21 ant-based rental assistance authorized under the United
22 States Housing Act of 1937, as amended (42 U.S.C. 1437
23 et seq.) (“the Act” herein), not otherwise provided for,
24 \$21,516,000,000, to remain available until expended, shall
25 be available on October 1, 2020 (in addition to the

1 \$4,000,000,000 previously appropriated under this head-
2 ing that shall be available on October 1, 2020), and
3 \$4,000,000,000, to remain available until expended, shall
4 be available on October 1, 2021: *Provided*, That the
5 amounts made available under this heading are provided
6 as follows:

7 (1) \$22,891,000,000 shall be available for re-
8 newals of expiring section 8 tenant-based annual
9 contributions contracts (including renewals of en-
10 hanced vouchers under any provision of law author-
11 izing such assistance under section 8(t) of the Act)
12 and including renewal of other special purpose incre-
13 mental vouchers: *Provided*, That notwithstanding
14 any other provision of law, from amounts provided
15 under this paragraph and any carryover, the Sec-
16 retary for the calendar year 2021 funding cycle shall
17 provide renewal funding for each public housing
18 agency based on validated voucher management sys-
19 tem (VMS) leasing and cost data for the prior cal-
20 endar year and by applying an inflation factor as es-
21 tablished by the Secretary, by notice published in
22 the Federal Register, and by making any necessary
23 adjustments for the costs associated with the first-
24 time renewal of vouchers under this paragraph in-
25 cluding tenant protection and Choice Neighborhoods

1 vouchers: *Provided further*, That none of the funds
2 provided under this paragraph may be used to fund
3 a total number of unit months under lease which ex-
4 ceeds a public housing agency's authorized level of
5 units under contract, except for public housing agen-
6 cies participating in the Moving to Work (MTW)
7 demonstration, which are instead governed in ac-
8 cordance with the requirements of the MTW dem-
9 onstration program or their MTW agreements, if
10 any: *Provided further*, That the Secretary shall, to
11 the extent necessary to stay within the amount spec-
12 ified under this paragraph (except as otherwise
13 modified under this paragraph), prorate each public
14 housing agency's allocation otherwise established
15 pursuant to this paragraph: *Provided further*, That
16 except as provided in the following provisos, the en-
17 tire amount specified under this paragraph (except
18 as otherwise modified under this paragraph) shall be
19 obligated to the public housing agencies based on the
20 allocation and pro rata method described above, and
21 the Secretary shall notify public housing agencies of
22 their annual budget by the latter of 60 days after
23 enactment of this Act or March 1, 2021: *Provided*
24 *further*, That the Secretary may extend the notifica-
25 tion period with the prior written approval of the

1 House and Senate Committees on Appropriations:
2 *Provided further*, That public housing agencies par-
3 ticipating in the MTW demonstration shall be fund-
4 ed in accordance with the requirements of the MTW
5 demonstration program or their MTW agreements,
6 if any, and shall be subject to the same pro rata ad-
7 justments under the previous provisos: *Provided fur-*
8 *ther*, That the Secretary may offset public housing
9 agencies' calendar year 2021 allocations based on
10 the excess amounts of public housing agencies' net
11 restricted assets accounts, including HUD-held pro-
12 grammatic reserves (in accordance with VMS data
13 in calendar year 2020 that is verifiable and com-
14 plete), as determined by the Secretary: *Provided fur-*
15 *ther*, That public housing agencies participating in
16 the MTW demonstration shall also be subject to the
17 offset, as determined by the Secretary, excluding
18 amounts subject to the single fund budget authority
19 provisions of their MTW agreements, from the agen-
20 cies' calendar year 2021 MTW funding allocation:
21 *Provided further*, That the Secretary shall use any
22 offset referred to in the previous two provisos
23 throughout the calendar year to prevent the termi-
24 nation of rental assistance for families as the result
25 of insufficient funding, as determined by the Sec-

1 retary, and to avoid or reduce the proration of re-
2 newal funding allocations: *Provided further*, That up
3 to \$110,000,000 shall be available only: (1) for ad-
4 justments in the allocations for public housing agen-
5 cies, after application for an adjustment by a public
6 housing agency that experienced a significant in-
7 crease, as determined by the Secretary, in renewal
8 costs of vouchers (including Mainstream vouchers)
9 resulting from unforeseen circumstances or from
10 portability under section 8(r) of the Act; (2) for
11 vouchers that were not in use during the previous
12 12-month period in order to be available to meet a
13 commitment pursuant to section 8(o)(13) of the Act,
14 or an adjustment for a funding obligation not yet ex-
15 pended in the previous calendar year for a MTW-eli-
16 gible activity to develop affordable housing for an
17 agency added to the MTW demonstration under the
18 expansion authority provided in section 239 of the
19 Transportation, Housing and Urban Development,
20 and Related Agencies Appropriations Act, 2016 (Di-
21 vision L of Public Law 114–113); (3) for adjust-
22 ments for costs associated with HUD–Veterans Af-
23 fairs Supportive Housing (HUD–VASH) vouchers;
24 (4) for public housing agencies that despite taking
25 reasonable cost savings measures, as determined by

1 the Secretary, would otherwise be required to termi-
2 nate rental assistance for families, including Main-
3 stream families, as a result of insufficient funding;
4 (5) for adjustments in the allocations for public
5 housing agencies that (i) are leasing a lower-than-
6 average percentage of their authorized vouchers, (ii)
7 have low amounts of budget authority in their net
8 restricted assets accounts and HUD-held pro-
9 grammatic reserves, relative to other agencies, and
10 (iii) are not participating in the Moving to Work
11 demonstration, to enable such agencies to lease more
12 vouchers; and (6) for public housing agencies that
13 have experienced increased costs or loss of units in
14 an area for which the President declared a disaster
15 under title IV of the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C.
17 5170 et seq.): *Provided further*, That the Secretary
18 shall allocate amounts under the previous proviso
19 based on need, as determined by the Secretary;

20 (2) \$100,000,000 shall be for section 8 rental
21 assistance for relocation and replacement of housing
22 units that are demolished or disposed of pursuant to
23 section 18 of the Act, conversion of section 23
24 projects to assistance under section 8, the family
25 unification program under section 8(x) of the Act,

1 relocation of witnesses (including victims of violent
2 crimes) in connection with efforts to combat crime
3 in public and assisted housing pursuant to a request
4 from a law enforcement or prosecution agency, en-
5 hanced vouchers under any provision of law author-
6 izing such assistance under section 8(t) of the Act,
7 Choice Neighborhood vouchers, mandatory and vol-
8 untary conversions, and tenant protection assistance
9 including replacement and relocation assistance or
10 for project-based assistance to prevent the displace-
11 ment of unassisted elderly tenants currently residing
12 in section 202 properties financed between 1959 and
13 1974 that are refinanced pursuant to Public Law
14 106–569, as amended, or under the authority as
15 provided under this Act: *Provided*, That when a pub-
16 lic housing development is submitted for demolition
17 or disposition under section 18 of the Act, the Sec-
18 retary may provide section 8 rental assistance when
19 the units pose an imminent health and safety risk to
20 residents: *Provided further*, That the Secretary may
21 provide section 8 rental assistance from amounts
22 made available under this paragraph for units as-
23 sisted under a project-based subsidy contract funded
24 under the “Project-Based Rental Assistance” head-
25 ing under this title where the owner has received a

1 Notice of Default and the units pose an imminent
2 health and safety risk to residents: *Provided further*,
3 That to the extent that the Secretary determines
4 that such units are not feasible for continued rental
5 assistance payments or transfer of the subsidy con-
6 tract associated with such units to another project
7 or projects and owner or owners, any remaining
8 amounts associated with such units under such con-
9 tract shall be recaptured and such recaptured
10 amounts, in an amount equal to the cost of rental
11 assistance provided pursuant to the previous proviso,
12 up to the total amounts recaptured, shall be trans-
13 ferred to and merged with amounts under this para-
14 graph: *Provided further*, That of the amounts made
15 available under this paragraph, up to \$5,000,000
16 may be available to provide tenant protection assist-
17 ance, not otherwise provided under this paragraph,
18 to residents residing in low vacancy areas and who
19 may have to pay rents greater than 30 percent of
20 household income, as the result of: (A) the maturity
21 of a HUD-insured, HUD-held or section 202 loan
22 that requires the permission of the Secretary prior
23 to loan prepayment; (B) the expiration of a rental
24 assistance contract for which the tenants are not eli-
25 gible for enhanced voucher or tenant protection as-

1 sistance under existing law; or (C) the expiration of
2 affordability restrictions accompanying a mortgage
3 or preservation program administered by the Sec-
4 retary: *Provided further*, That such tenant protection
5 assistance made available under the previous proviso
6 may be provided under the authority of section 8(t)
7 or section 8(o)(13) of the United States Housing
8 Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*,
9 That the Secretary shall issue guidance to imple-
10 ment the previous provisos, including, but not lim-
11 ited to, requirements for defining eligible at-risk
12 households within 60 days of the enactment of this
13 Act: *Provided further*, That any tenant protection
14 voucher made available from amounts under this
15 paragraph shall not be reissued by any public hous-
16 ing agency, except the replacement vouchers as de-
17 fined by the Secretary by notice, when the initial
18 family that received any such voucher no longer re-
19 ceives such voucher, and the authority for any public
20 housing agency to issue any such voucher shall cease
21 to exist: *Provided further*, That the Secretary may
22 only provide replacement vouchers for units that
23 were occupied within the previous 24 months that
24 cease to be available as assisted housing, subject
25 only to the availability of funds;

1 (3) \$2,160,000,000 shall be for administrative
2 and other expenses of public housing agencies in ad-
3 ministering the section 8 tenant-based rental assist-
4 ance program, of which up to \$30,000,000 shall be
5 available to the Secretary to allocate to public hous-
6 ing agencies that need additional funds to admin-
7 ister their section 8 programs, including fees associ-
8 ated with section 8 tenant protection rental assist-
9 ance, the administration of disaster related vouchers,
10 HUD-VASH vouchers, and other special purpose in-
11 cremental vouchers: *Provided*, That no less than
12 \$2,130,000,000 of the amount provided in this para-
13 graph shall be allocated to public housing agencies
14 for the calendar year 2021 funding cycle based on
15 section 8(q) of the Act (and related Appropriation
16 Act provisions) as in effect immediately before the
17 enactment of the Quality Housing and Work Re-
18 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
19 *vided further*, That if the amounts made available
20 under this paragraph are insufficient to pay the
21 amounts determined under the previous proviso, the
22 Secretary may decrease the amounts allocated to
23 agencies by a uniform percentage applicable to all
24 agencies receiving funding under this paragraph or
25 may, to the extent necessary to provide full payment

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

19 (4) \$300,000,000 for the renewal of tenant-
20 based assistance contracts under section 811 of the
21 Cranston-Gonzalez National Affordable Housing Act
22 (42 U.S.C. 8013), including necessary administra-
23 tive expenses: *Provided*, That administrative and
24 other expenses of public housing agencies in admin-
25 istering the special purpose vouchers in this para-

1 graph shall be funded under the same terms and be
2 subject to the same pro rata reduction as the per-
3 cent decrease for administrative and other expenses
4 to public housing agencies under paragraph (3) of
5 this heading: *Provided further*, That upon turnover,
6 section 811 special purpose vouchers funded under
7 this heading in this or prior Acts, or under any
8 other heading in prior Acts, shall be provided to
9 non-elderly persons with disabilities;

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

1 1996 and modeled after the HUD–VASH program:
2 *Provided further*, That the Secretary shall be author-
3 ized to waive, or specify alternative requirements for
4 any provision of any statute or regulation that the
5 Secretary administers in connection with the use of
6 funds made available under this paragraph (except
7 for requirements related to fair housing, non-
8 discrimination, labor standards, and the environ-
9 ment), upon a finding by the Secretary that any
10 such waivers or alternative requirements are nec-
11 essary for the effective delivery and administration
12 of such assistance: *Provided further*, That grant re-
13 cipients shall report to the Secretary on utilization
14 of such rental assistance and other program data, as
15 prescribed by the Secretary: *Provided further*, That
16 the Secretary may reallocate, as determined by the
17 Secretary, amounts returned or recaptured from
18 awards under prior Acts;

19 (6) \$40,000,000 for incremental rental voucher
20 assistance for use through a supported housing pro-
21 gram administered in conjunction with the Depart-
22 ment of Veterans Affairs as authorized under section
23 8(o)(19) of the United States Housing Act of 1937:
24 *Provided*, That the Secretary of Housing and Urban
25 Development shall make such funding available, not-

1 withstanding section 203 (competition provision) of
2 this title, to public housing agencies that partner
3 with eligible VA Medical Centers or other entities as
4 designated by the Secretary of the Department of
5 Veterans Affairs, based on geographical need for
6 such assistance as identified by the Secretary of the
7 Department of Veterans Affairs, public housing
8 agency administrative performance, and other fac-
9 tors as specified by the Secretary of Housing and
10 Urban Development in consultation with the Sec-
11 retary of the Department of Veterans Affairs: *Pro-*
12 *vided further*, That the Secretary of Housing and
13 Urban Development may waive, or specify alter-
14 native requirements for (in consultation with the
15 Secretary of the Department of Veterans Affairs),
16 any provision of any statute or regulation that the
17 Secretary of Housing and Urban Development ad-
18 ministers in connection with the use of funds made
19 available under this paragraph (except for require-
20 ments related to fair housing, nondiscrimination,
21 labor standards, and the environment), upon a find-
22 ing by the Secretary that any such waivers or alter-
23 native requirements are necessary for the effective
24 delivery and administration of such voucher assist-
25 ance: *Provided further*, That assistance made avail-

1 able under this paragraph shall continue to remain
2 available for homeless veterans upon turn-over;

3 (7) \$25,000,000 shall be made available for the
4 family unification program as authorized under sec-
5 tion 8(x) of the Act: *Provided*, That the amounts
6 made available under this paragraph are provided as
7 follows:

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

13 (B) \$20,000,000 shall be for new incre-
14 mental voucher assistance to assist eligible
15 youth as defined by such section 8(x)(2)(B):
16 *Provided*, That assistance made available under
17 this subparagraph shall continue to remain
18 available for such eligible youth upon turnover:
19 *Provided further*, That of the total amount
20 made available under this subparagraph, up to
21 \$10,000,000 shall be available on a noncompeti-
22 tive basis to public housing agencies that part-
23 ner with public child welfare agencies to iden-
24 tify such eligible youth, that request such as-
25 sistance to timely assist such eligible youth, and

1 that meet any other criteria as specified by the
2 Secretary: *Provided further*, That the Secretary
3 shall review utilization of the assistance made
4 available under the previous proviso, at an in-
5 terval to be determined by the Secretary, and
6 unutilized voucher assistance that is no longer
7 needed shall be recaptured by the Secretary and
8 reallocated pursuant to the previous proviso:

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

21 (8) the Secretary shall separately track all spe-
22 cial purpose vouchers funded under this heading.

1 HOUSING CERTIFICATE FUND

2 (INCLUDING RESCISSIONS)

3 Unobligated balances, including recaptures and car-
4 ryover, remaining from funds appropriated to the Depart-
5 ment of Housing and Urban Development under this
6 heading, the heading “ Annual Contributions for Assisted
7 Housing” and the heading “Project-Based Rental Assist-
8 ance”, for fiscal year 2021 and prior years may be used
9 for renewal of or amendments to section 8 project-based
10 contracts and for performance-based contract administra-
11 tors, notwithstanding the purposes for which such funds
12 were appropriated: *Provided*, That any obligated balances
13 of contract authority from fiscal year 1974 and prior that
14 have been terminated shall be rescinded: *Provided further*,
15 That amounts heretofore recaptured, or recaptured during
16 the current fiscal year, from section 8 project-based con-
17 tracts from source years fiscal year 1975 through fiscal
18 year 1987 are hereby rescinded, and an amount of addi-
19 tional new budget authority, equivalent to the amount re-
20 scinded is hereby appropriated, to remain available until
21 expended, for the purposes set forth under this heading,
22 in addition to amounts otherwise available.

23 PUBLIC HOUSING FUND

24 For the operation and management of public housing,
25 as authorized by section 9(e) of the United States Housing

1 Act of 1937 (42 U.S.C. 1437g(e)) (the“Act”), and to
2 carry out capital and management activities for public
3 housing agencies, as authorized under section 9(d) of the
4 Act (42 U.S.C. 1437g(d)), \$7,440,000,000, to remain
5 available until September 30, 2024: *Provided*, That the
6 amounts made available under this heading are provided
7 as follows:

8 (1) \$4,492,000,000 shall be available to the
9 Secretary to allocate pursuant to the Operating
10 Fund formula at part 990 of title 24, Code of Fed-
11 eral Regulations, for 2021 payments;

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

23 (3) \$2,765,000,000 shall be available to the
24 Secretary to allocate pursuant to the Capital Fund
25 formula at section 905.400 of title 24, Code of Fed-

1 eral Regulations: *Provided*, That for funds provided
2 under this paragraph, the limitation in section
3 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
4 *ther*, That the Secretary may waive the limitation in
5 the previous proviso to allow public housing agencies
6 to fund activities authorized under section
7 9(e)(1)(C) of the Act: *Provided further*, That the
8 Secretary shall notify public housing agencies re-
9 questing waivers under the previous proviso if the
10 request is approved or denied within 14 days of sub-
11 mitting the request: *Provided further*, That from the
12 funds made available under this paragraph, the Sec-
13 retary shall provide bonus awards in fiscal year
14 2021 to public housing agencies that are designated
15 high performers: *Provided further*, That the Depart-
16 ment shall notify public housing agencies of their
17 formula allocation within 60 days of enactment of
18 this Act;

19 (4) \$75,000,000 shall be available for the Sec-
20 retary to make grants, notwithstanding section 203
21 of this title, to public housing agencies for emer-
22 gency capital needs, including safety and security
23 measures necessary to address crime and drug-re-
24 lated activity, as well as needs resulting from unfore-
25 seen or unpreventable emergencies and natural dis-

1 asters excluding Presidentially declared emergencies
2 and natural disasters under the Robert T. Stafford
3 Disaster Relief and Emergency Act (42 U.S.C. 5121
4 et seq.) occurring in fiscal year 2021, of which
5 \$45,000,000 shall be available for public housing
6 agencies under administrative and judicial receiver-
7 ships or under the control of a Federal monitor:
8 *Provided*, That of the amount made available under
9 this paragraph, not less than \$10,000,000 shall be
10 for safety and security measures: *Provided further*,
11 That in addition to the amount in the previous pro-
12 viso for such safety and security measures, any
13 amounts that remain available, after all applications
14 received on or before September 30, 2022, for emer-
15 gency capital needs have been processed, shall be al-
16 located to public housing agencies for such safety
17 and security measures;

18 (5) \$25,000,000 shall be for competitive grants
19 to public housing agencies to evaluate and reduce
20 lead-based paint hazards in public housing by car-
21 rying out the activities of risk assessments, abate-
22 ment, and interim controls (as those terms are de-
23 fined in section 1004 of the Residential Lead-Based
24 Paint Hazard Reduction Act of 1992 (42 U.S.C.
25 4851b)): *Provided*, That for purposes of environ-

1 mental review, a grant under this paragraph shall be
2 considered funds for projects or activities under title
3 I of the United States Housing Act of 1937 (42
4 U.S.C. 1437 et seq.) for purposes of section 26 of
5 such Act (42 U.S.C. 1437x) and shall be subject to
6 the regulations implementing such section;

7 (6) \$20,000,000 shall be for competitive grants
8 to public housing agencies for activities authorized
9 under the Healthy Homes Initiative, pursuant to
10 sections 501 and 502 of the Housing and Urban De-
11 velopment Act of 1970, which shall include research,
12 studies, testing, and demonstration efforts, including
13 education and outreach concerning mold, radon, car-
14 bon monoxide poisoning, and other housing-related
15 diseases and hazards;

16 (7) \$15,000,000 shall be to support the costs of
17 administrative and judicial receiverships and for
18 competitive grants to PHAs in receivership, des-
19 ignated troubled or substandard, or otherwise at
20 risk, as determined by the Secretary, for costs asso-
21 ciated with public housing asset improvement, in ad-
22 dition to other amounts for that purpose provided
23 under any heading under this title; and

1 (8) \$23,000,000 shall be to support ongoing
2 public housing financial and physical assessment ac-
3 tivities:

4 *Provided further*, That notwithstanding any other provi-
5 sion of law or regulation, during fiscal year 2021, the Sec-
6 retary of Housing and Urban Development may not dele-
7 gate to any Department official other than the Deputy
8 Secretary and the Assistant Secretary for Public and In-
9 dian Housing any authority under paragraph (2) of sec-
10 tion 9(j) of the Act regarding the extension of the time
11 periods under such section: *Provided further*, That for pur-
12 poses of such section 9(j), the term “obligate” means, with
13 respect to amounts, that the amounts are subject to a
14 binding agreement that will result in outlays, immediately
15 or in the future.

16 CHOICE NEIGHBORHOODS INITIATIVE

17 For competitive grants under the Choice Neighbor-
18 hoods Initiative (subject to section 24 of the United States
19 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
20 specified under this heading), for transformation, rehabili-
21 tation, and replacement housing needs of both public and
22 HUD-assisted housing and to transform neighborhoods of
23 poverty into functioning, sustainable, mixed income neigh-
24 borhoods with appropriate services, schools, public assets,
25 transportation, and access to jobs, \$100,000,000, to re-

1 main available until September 30, 2023: *Provided*, That
2 grant funds may be used for resident and community serv-
3 ices, community development, and affordable housing
4 needs in the community, and for conversion of vacant or
5 foreclosed properties to affordable housing: *Provided fur-*
6 *ther*, That the use of funds made available under this
7 heading shall not be deemed to be public housing notwith-
8 standing section 3(b)(1) of such Act: *Provided further*,
9 That grantees shall commit to an additional period of af-
10 fordability determined by the Secretary of not fewer than
11 20 years: *Provided further*, That grantees shall provide a
12 match in State, local, other Federal, or private funds: *Pro-*
13 *vided further*, That grantees may include local govern-
14 ments, tribal entities, public housing authorities, and non-
15 profits: *Provided further*, That for-profit developers may
16 apply jointly with a public entity: *Provided further*, That
17 for purposes of environmental review, a grantee shall be
18 treated as a public housing agency under section 26 of
19 the United States Housing Act of 1937 (42 U.S.C.
20 1437x), and grants under this heading shall be subject
21 to the regulations issued by the Secretary to implement
22 such section: *Provided further*, That of the amount pro-
23 vided, not less than \$50,000,000 shall be awarded to pub-
24 lic housing agencies: *Provided further*, That such grantees
25 shall create partnerships with other local organizations, in-

1 cluding assisted housing owners, service agencies, and
2 resident organizations: *Provided further*, That the Sec-
3 retary shall consult with the Secretaries of Education,
4 Labor, Transportation, Health and Human Services, Agri-
5 culture, and Commerce; the Attorney General; and the Ad-
6 ministrator of the Environmental Protection Agency to co-
7 ordinate and leverage other appropriate Federal resources:
8 *Provided further*, That no more than \$5,000,000 of funds
9 made available under this heading may be provided as
10 grants to undertake comprehensive local planning with
11 input from residents and the community: *Provided further*,
12 That unobligated balances, including recaptures, remain-
13 ing from funds appropriated under the heading “Revital-
14 ization of Severely Distressed Public Housing (HOPE
15 VI)” in fiscal year 2011 and prior fiscal years may be used
16 for purposes under this heading, notwithstanding the pur-
17 poses for which such amounts were appropriated: *Provided*
18 *further*, That the Secretary shall issue the Notice of Fund-
19 ing Availability for funds made available under this head-
20 ing no later than 90 days after enactment of this Act: *Pro-*
21 *vided further*, That the Secretary shall make grant awards
22 no later than one year from the date of enactment of this
23 Act in such amounts that the Secretary determines: *Pro-*
24 *vided further*, That notwithstanding section 24(o) of the
25 United States Housing Act of 1937 (42 U.S.C. 1437v(o)),

1 the Secretary may, until September 30, 2023, obligate any
2 available unobligated balances made available under this
3 heading in this or any prior Act.

4 SELF-SUFFICIENCY PROGRAMS

5 For activities and assistance related to Self-Suffi-
6 ciency Programs, to remain available until September 30,
7 2024, \$155,000,000: *Provided*, That the amounts made
8 available under this heading are provided as follows:

9 (1) \$105,000,000 shall be for the Family Self-
10 Sufficiency program to support family self-suffi-
11 ciency coordinators under section 23 of the United
12 States Housing Act of 1937 (42 U.S.C. 1437u), to
13 promote the development of local strategies to co-
14 ordinate the use of assistance under sections 8 and
15 9 of such Act with public and private resources, and
16 enable eligible families to achieve economic inde-
17 pendence and self-sufficiency: *Provided*, That the
18 Secretary may, by Federal Register notice, waive or
19 specify alternative requirements under subsections
20 (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such
21 Act in order to facilitate the operation of a unified
22 self-sufficiency program for individuals receiving as-
23 sistance under different provisions of such Act, as
24 determined by the Secretary: *Provided further*, That
25 owners or sponsors of a multifamily property receiv-

1 ing project-based rental assistance under section 8
2 of such Act may voluntarily make a Family Self-Suf-
3 ficiency program available to the assisted tenants of
4 such property in accordance with procedures estab-
5 lished by the Secretary: *Provided further*, That such
6 procedures established pursuant to the previous pro-
7 viso shall permit participating tenants to accrue es-
8 crow funds in accordance with section 23(d)(2) of
9 such Act and shall allow owners to use funding from
10 residual receipt accounts to hire coordinators for
11 their own Family Self-Sufficiency program;

12 (2) \$35,000,000 shall be for the Resident Op-
13 portunity and Self-Sufficiency program to provide
14 for supportive services, service coordinators, and
15 congregate services as authorized by section 34 of
16 the United States Housing Act of 1937 (42 U.S.C.
17 1437z-6) and the Native American Housing Assist-
18 ance and Self-Determination Act of 1996 (25 U.S.C.
19 4101 et seq.); and

20 (3) \$15,000,000 shall be for a Jobs-Plus initia-
21 tive, modeled after the Jobs-Plus demonstration:
22 *Provided*, That funding provided under this para-
23 graph shall be available for competitive grants to
24 partnerships between public housing authorities,
25 local workforce investment boards established under

1 section 107 of the Workforce Innovation and Oppor-
2 tunity Act of 2014 (29 U.S.C. 3122), and other
3 agencies and organizations that provide support to
4 help public housing residents obtain employment and
5 increase earnings: *Provided further*, That applicants
6 must demonstrate the ability to provide services to
7 residents, partner with workforce investment boards,
8 and leverage service dollars: *Provided further*, That
9 the Secretary may allow public housing agencies to
10 request exemptions from rent and income limitation
11 requirements under sections 3 and 6 of the United
12 States Housing Act of 1937 (42 U.S.C. 1437a,
13 1437d), as necessary to implement the Jobs-Plus
14 program, on such terms and conditions as the Sec-
15 retary may approve upon a finding by the Secretary
16 that any such waivers or alternative requirements
17 are necessary for the effective implementation of the
18 Jobs-Plus initiative as a voluntary program for resi-
19 dents: *Provided further*, That the Secretary shall
20 publish by notice in the Federal Register any waiv-
21 ers or alternative requirements pursuant to the pre-
22 ceding proviso no later than 10 days before the ef-
23 fective date of such notice.

1 NATIVE AMERICAN PROGRAMS

2 For activities and assistance authorized under title
3 I of the Native American Housing Assistance and Self-
4 Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111
5 et seq.), title I of the Housing and Community Develop-
6 ment Act of 1974 with respect to Indian tribes (42 U.S.C.
7 5306(a)(1)), and related training and technical assistance,
8 \$825,000,000, to remain available until September 30,
9 2025: *Provided*, That the amounts made available under
10 this heading are provided as follows:

11 (1) \$647,000,000 shall be available for the Na-
12 tive American Housing Block Grants program, as
13 authorized under title I of NAHASDA: *Provided*,
14 That, notwithstanding NAHASDA, to determine the
15 amount of the allocation under title I of such Act for
16 each Indian tribe, the Secretary shall apply the for-
17 mula under section 302 of NAHASDA with the need
18 component based on single-race census data and
19 with the need component based on multi-race census
20 data, and the amount of the allocation for each In-
21 dian tribe shall be the greater of the two resulting
22 allocation amounts: *Provided further*, That the Sec-
23 retary will notify grantees of their formula allocation
24 within 60 days of the date of enactment of this Act;

1 (2) \$100,000,000 shall be available for competi-
2 tive grants under the Native American Housing
3 Block Grants program, as authorized under title I of
4 NAHASDA: *Provided*, That the Secretary shall obli-
5 gate this additional amount for competitive grants to
6 eligible recipients authorized under NAHASDA that
7 apply for funds: *Provided further*, That in awarding
8 this additional amount, the Secretary shall consider
9 need and administrative capacity, and shall give pri-
10 ority to projects that will spur construction and re-
11 habilitation of housing: *Provided further*, That a
12 grant funded pursuant to this paragraph shall be
13 not greater than \$10,000,000;

14 (3) \$1,000,000 shall be available for the cost of
15 guaranteed notes and other obligations, as author-
16 ized by title VI of NAHASDA: *Provided*, That such
17 costs, including the costs of modifying such notes
18 and other obligations, shall be as defined in section
19 502 of the Congressional Budget Act of 1974, as
20 amended: *Provided further*, That for fiscal year 2021
21 funds made available in this Act for the cost of
22 guaranteed notes and other obligations and any un-
23 obligated balances, including recaptures and carry-
24 over, remaining from amounts appropriated for this
25 purpose under this heading or under the heading

1 “Native American Housing Block Grants” in prior
2 Acts are available to subsidize the total principal
3 amount of any notes and other obligations, any part
4 of which is to be guaranteed, not to exceed
5 \$45,649,452;

6 (4) \$70,000,000 shall be available for grants to
7 Indian tribes for carrying out the Indian Community
8 Development Block Grant program under title I of
9 the Housing and Community Development Act of
10 1974, notwithstanding section 106(a)(1) of such
11 Act, of which, notwithstanding any other provision
12 of law (including section 203 of this Act), up to
13 \$4,000,000 may be used for emergencies that con-
14 stitute imminent threats to health and safety: *Pro-*
15 *vided*, That not to exceed 20 percent of any grant
16 made with funds appropriated under this paragraph
17 shall be expended for planning and management de-
18 velopment and administration; and

19 (5) \$7,000,000 shall be available for providing
20 training and technical assistance to Indian tribes,
21 Indian housing authorities, and tribally designated
22 housing entities, to support the inspection of Indian
23 housing units, contract expertise, and for training
24 and technical assistance related to funding provided
25 under this heading and other headings under this

1 Act for the needs of Native American families and
2 Indian country: *Provided*, That of the funds made
3 available under this paragraph, not less than
4 \$2,000,000 shall be available for national organiza-
5 tions: *Provided further*, That amounts made avail-
6 able under this paragraph may be used, contracted,
7 or competed as determined by the Secretary: *Pro-*
8 *vided further*, That notwithstanding the provisions of
9 the Federal Grant and Cooperative Agreements Act
10 of 1977 (31 U.S.C. 6301–6308), the amounts made
11 available under this paragraph may be used by the
12 Secretary to enter into cooperative agreements with
13 public and private organizations, agencies, institu-
14 tions, and other technical assistance providers to
15 support the administration of negotiated rulemaking
16 under section 106 of NAHASDA (25 U.S.C. 4116),
17 the administration of the allocation formula under
18 section 302 of NAHASDA (25 U.S.C. 4152), and
19 the administration of performance tracking and re-
20 porting under section 407 of NAHASDA (25 U.S.C.
21 4167).

22 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

23 ACCOUNT

24 For the cost of guaranteed loans, as authorized by
25 section 184 of the Housing and Community Development

1 Act of 1992 (12 U.S.C. 1715z–13a), \$1,500,000, to re-
2 main available until expended: *Provided*, That such costs,
3 including the costs of modifying such loans, shall be as
4 defined in section 502 of the Congressional Budget Act
5 of 1974: *Provided further*, That an additional \$500,000,
6 to remain available until expended, shall be available for
7 administrative contract expenses including management
8 processes to carry out the loan guarantee program: *Pro-*
9 *vided further*, That funds made available in this and prior
10 Acts for the cost of guaranteed loans, as authorized by
11 section 184 of the Housing and Community Development
12 Act of 1992 (12 U.S.C. 1715z–13a), that are unobligated
13 are available to subsidize total loan principal, any part of
14 which is to be guaranteed, up to \$1,000,000,000.

15 NATIVE HAWAIIAN HOUSING BLOCK GRANT

16 For the Native Hawaiian Housing Block Grant pro-
17 gram, as authorized under title VIII of the Native Amer-
18 ican Housing Assistance and Self-Determination Act of
19 1996 (25 U.S.C. 4111 et seq.), \$2,000,000, to remain
20 available until September 30, 2025: *Provided*, That not-
21 withstanding section 812(b) of such Act, the Department
22 of Hawaiian Home Lands may not invest grant amounts
23 provided under this heading in investment securities and
24 other obligations: *Provided further*, That amounts made
25 available under this heading in this and prior fiscal years

1 may be used to provide rental assistance to eligible Native
2 Hawaiian families both on and off the Hawaiian Home
3 Lands, notwithstanding any other provision of law.

4 COMMUNITY PLANNING AND DEVELOPMENT

5 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

6 For carrying out the Housing Opportunities for Per-
7 sons with AIDS program, as authorized by the AIDS
8 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
9 \$410,000,000, to remain available until September 30,
10 2022, except that amounts allocated pursuant to section
11 854(c)(5) of such Act shall remain available until Sep-
12 tember 30, 2023: *Provided*, That the Secretary shall renew
13 or replace all expiring contracts for permanent supportive
14 housing that initially were funded under section 854(c)(5)
15 of such Act from funds made available under this heading
16 in fiscal year 2010 and prior fiscal years that meet all
17 program requirements before awarding funds for new con-
18 tracts under such section: *Provided further*, That the proc-
19 ess for submitting amendments and approving replace-
20 ment contracts shall be established by the Secretary in a
21 notice: *Provided further*, That the Department shall notify
22 grantees of their formula allocation within 60 days of en-
23 actment of this Act.

1 COMMUNITY DEVELOPMENT FUND

2 For carrying out the community development block
3 grant program under title I of the Housing and Commu-
4 nity Development Act of 1974, as amended (42 U.S.C.
5 5301 et seq.) (“the Act” herein), \$3,455,000,000, to re-
6 main available until September 30, 2023: *Provided*, That
7 unless explicitly provided for under this heading, not to
8 exceed 20 percent of any grant made with funds appro-
9 priated under this heading shall be expended for planning
10 and management development and administration: *Pro-*
11 *vided further*, That a metropolitan city, urban county, unit
12 of general local government, or insular area that directly
13 or indirectly receives funds under this heading may not
14 sell, trade, or otherwise transfer all or any portion of such
15 funds to another such entity in exchange for any other
16 funds, credits or non-Federal considerations, but must use
17 such funds for activities eligible under title I of the Act:
18 *Provided further*, That notwithstanding section 105(e)(1)
19 of the Act, no funds provided under this heading may be
20 provided to a for-profit entity for an economic develop-
21 ment project under section 105(a)(17) unless such project
22 has been evaluated and selected in accordance with guide-
23 lines required under subsection (e)(2): *Provided further*,
24 That of the total amount provided under this heading,
25 \$30,000,000 shall be for activities authorized under sec-

1 tion 8071 of the SUPPORT for Patients and Commu-
2 nities Act (Public Law 115–271): *Provided further*, That
3 the funds allocated pursuant to the previous proviso shall
4 not adversely affect the amount of any formula assistance
5 received by a State under this heading: *Provided further*,
6 That the Secretary shall allocate the funds for such activi-
7 ties based on the notice establishing the funding formula
8 published in 84 FR 16027 (April 17, 2019) except that
9 the formula shall use age- adjusted rates of drug overdose
10 deaths for 2018 based on data from the Centers for Dis-
11 ease Control and Prevention: *Provided further*, That the
12 Department shall notify grantees of their formula alloca-
13 tion within 60 days of enactment of this Act.

14 COMMUNITY DEVELOPMENT LOAN GUARANTEES

15 PROGRAM ACCOUNT

16 Subject to section 502 of the Congressional Budget
17 Act of 1974, during fiscal year 2021, commitments to
18 guarantee loans under section 108 of the Housing and
19 Community Development Act of 1974 (42 U.S.C. 5308),
20 any part of which is guaranteed, shall not exceed a total
21 principal amount of \$300,000,000, notwithstanding any
22 aggregate limitation on outstanding obligations guaran-
23 teed in subsection (k) of such section 108: *Provided*, That
24 the Secretary shall collect fees from borrowers, notwith-
25 standing subsection (m) of such section 108, to result in

1 a credit subsidy cost of zero for guaranteeing such loans,
2 and any such fees shall be collected in accordance with
3 section 502(7) of the Congressional Budget Act of 1974:
4 *Provided further*, That such commitment authority funded
5 by fees may be used to guarantee, or make commitments
6 to guarantee, notes or other obligations issued by any
7 State on behalf of non-entitlement communities in the
8 State in accordance with the requirements of such section
9 108: *Provided further*, That any State receiving such a
10 guarantee or commitment under the previous proviso shall
11 distribute all funds subject to such guarantee to the units
12 of general local government in nonentitlement areas that
13 received the commitment.

14 HOME INVESTMENT PARTNERSHIPS PROGRAM

15 For the HOME Investment Partnerships program, as
16 authorized under title II of the Cranston-Gonzalez Na-
17 tional Affordable Housing Act, as amended,
18 \$1,375,000,000, to remain available until September 30,
19 2024: *Provided*, That notwithstanding the amount made
20 available under this heading, the threshold reduction re-
21 quirements in sections 216(10) and 217(b)(4) of such Act
22 shall not apply to allocations of such amount: *Provided*
23 *further*, That the Department shall notify grantees of their
24 formula allocation within 60 days of enactment of this Act:
25 *Provided further*, That section 218(g) of such Act (42

1 U.S.C. 12748(g)) shall not apply with respect to the right
2 of a jurisdiction to draw funds from its HOME Investment
3 Trust Fund that otherwise expired or would expire in
4 2016, 2017, 2018, 2019, 2020, 2021, 2022, or 2023
5 under that section: *Provided further*, That section 231(b)
6 of such Act (42 U.S.C. 12771(b)) shall not apply to any
7 uninvested funds that otherwise were deducted or would
8 be deducted from the line of credit in the participating
9 jurisdiction's HOME Investment Trust Fund in 2018,
10 2019, 2020, 2021, 2022, or 2023 under that section.

11 SELF-HELP AND ASSISTED HOMEOWNERSHIP

12 OPPORTUNITY PROGRAM

13 For the Self-Help and Assisted Homeownership Op-
14 portunity Program, as authorized under section 11 of the
15 Housing Opportunity Program Extension Act of 1996, as
16 amended, \$60,000,000, to remain available until Sep-
17 tember 30, 2023: *Provided*, That of the total amount pro-
18 vided under this heading, \$10,000,000 shall be made
19 available to the Self-Help Homeownership Opportunity
20 Program as authorized under section 11 of the Housing
21 Opportunity Program Extension Act of 1996, as amended:
22 *Provided further*, That of the total amount provided under
23 this heading, \$41,000,000 shall be made available for the
24 second, third, and fourth capacity building activities au-
25 thorized under section 4(a) of the HUD Demonstration

1 Act of 1993 (42 U.S.C. 9816 note), of which not less than
2 \$5,000,000 shall be made available for rural capacity
3 building activities: *Provided further*, That of the total
4 amount provided under this heading, \$5,000,000 shall be
5 made available for capacity building by national rural
6 housing organizations with experience assessing national
7 rural conditions and providing financing, training, tech-
8 nical assistance, information, and research to local non-
9 profits, local governments, and Indian Tribes serving high
10 need rural communities: *Provided further*, That of the
11 total amount provided under this heading, \$4,000,000,
12 shall be made available for a program to rehabilitate and
13 modify the homes of disabled or low- income veterans, as
14 authorized under section 1079 of Public Law 113–291:
15 *Provided further*, That the issuance of a Notice of Funding
16 Availability for the funds provided under the previous pro-
17 viso shall be completed within 120 days of enactment of
18 this Act and such funds shall be awarded within 180 days
19 of such issuance.

20 HOMELESS ASSISTANCE GRANTS

21 For the Emergency Solutions Grants program as au-
22 thorized under subtitle B of title IV of the McKinney-
23 Vento Homeless Assistance Act, as amended; the Con-
24 tinuum of Care program as authorized under subtitle C
25 of title IV of such Act; and the Rural Housing Stability

1 Assistance program as authorized under subtitle D of title
2 IV of such Act \$2,951,000,000, to remain available until
3 September 30, 2023: *Provided*, That \$290,000,000 of the
4 funds appropriated under this heading shall be available
5 for such Emergency Solutions Grants program: *Provided*
6 *further*, That not less than \$2,524,000,000 of the funds
7 appropriated under this heading shall be available for such
8 Continuum of Care and Rural Housing Stability Assist-
9 ance programs: *Provided further*, That of the amounts
10 made available under this heading, up to \$50,000,000
11 shall be made available for grants for rapid re-housing
12 projects and supportive service projects providing coordi-
13 nated entry, and for eligible activities the Secretary deter-
14 mines to be critical in order to assist survivors of domestic
15 violence, dating violence, sexual assault, or stalking, except
16 that the Secretary may make additional grants for such
17 projects and purposes from amounts made available for
18 such Continuum of Care program: *Provided further*, That
19 such projects shall be eligible for renewal under the Con-
20 tinuum of Care program subject to the same terms and
21 conditions as other renewal applicants: *Provided further*,
22 That up to \$7,000,000 of the funds appropriated under
23 this heading shall be available for the national homeless
24 data analysis project: *Provided further*, That for all match
25 requirements applicable to funds made available under

1 this heading for this fiscal year and prior fiscal years, a
2 grantee may use (or could have used) as a source of match
3 funds other funds administered by the Secretary and other
4 Federal agencies unless there is (or was) a specific statu-
5 tory prohibition on any such use of any such funds: *Pro-*
6 *vided further*, That none of the funds provided under this
7 heading shall be available to provide funding for new
8 projects, except for projects created through reallocation,
9 unless the Secretary determines that the continuum of
10 care has demonstrated that projects are evaluated and
11 ranked based on the degree to which they improve the con-
12 tinuum of care's system performance: *Provided further*,
13 That the Secretary shall prioritize funding under the Con-
14 tinuum of Care program to continuums of care that have
15 demonstrated a capacity to reallocate funding from lower
16 performing projects to higher performing projects: *Pro-*
17 *vided further*, That the Secretary shall provide incentives
18 to create projects that coordinate with housing providers
19 and healthcare organizations to provide permanent sup-
20 portive housing and rapid rehousing services: *Provided*
21 *further*, That any unobligated amounts remaining from
22 funds appropriated under this heading in fiscal year 2012
23 and prior years for project-based rental assistance for re-
24 habilitation projects with 10-year grant terms may be used
25 for purposes under this heading, notwithstanding the pur-

1 poses for which such funds were appropriated: *Provided*
2 *further*, That the Department shall notify grantees of their
3 formula allocation from amounts allocated (which may
4 represent initial or final amounts allocated) for the Emer-
5 gency Solutions Grant program within 60 days of enact-
6 ment of this Act: *Provided further*, That up to
7 \$80,000,000 of the funds appropriated under this heading
8 shall be to implement projects to demonstrate how a com-
9 prehensive approach to serving homeless youth, age 24
10 and under, in up to 25 communities with a priority for
11 communities with substantial rural populations in up to
12 eight locations, can dramatically reduce youth homeless-
13 ness: *Provided further*, That of the amount made available
14 under the previous proviso, up to \$10,000,000 shall be
15 available to provide technical assistance on improving sys-
16 tem responses to youth homelessness, and collection, anal-
17 ysis, use, and reporting of data and performance measures
18 under the comprehensive approaches to serve homeless
19 youth, in addition to and in coordination with other tech-
20 nical assistance funds provided under this title: *Provided*
21 *further*, That the Secretary may use up to 10 percent of
22 the amount made available under the previous proviso to
23 build the capacity of current technical assistance providers
24 or to train new technical assistance providers with
25 verifiable prior experience with systems and programs for

1 youth experiencing homelessness: *Provided further*, That
2 amounts made available for the Continuum of Care pro-
3 gram under this heading in this and prior Acts may be
4 used to competitively or non-competitively renew or re-
5 place grants for youth homeless demonstration projects
6 under the Continuum of Care program, notwithstanding
7 any conflict with the requirements of the Continuum of
8 Care program: *Provided further*, That youth aged 24 and
9 under seeking assistance under this heading shall not be
10 required to provide third party documentation to establish
11 their eligibility under 42 U.S.C. 11302(a) or (b) to receive
12 services: *Provided further*, That unaccompanied youth
13 aged 24 and under or families headed by youth aged 24
14 and under who are living in unsafe situations may be
15 served by youth-serving providers funded under this head-
16 ing: *Provided further*, That persons eligible under section
17 103(a)(5) of the McKinney-Vento Homeless Assistance
18 Act may be served by any project funded under this head-
19 ing to provide both transitional housing and rapid re-hous-
20 ing: *Provided further*, That when awarding funds under
21 the Continuum of Care program, the Secretary shall not
22 deviate from the FY 2018 Notice of Funding Availability
23 with respect to the tier 2 funding process, the Continuum
24 of Care application scoring, and for new projects, the
25 project quality threshold requirements, except as otherwise

1 provided under this Act or as necessary to award all avail-
2 able funds or consider the most recent data from each
3 Continuum of Care: *Provided further*, That unobligated
4 balances, including recaptures and carryover, remaining
5 from funds transferred to or appropriated under this
6 heading in fiscal year 2019 or prior years, except for rent-
7 al assistance amounts that were recaptured and made
8 available until expended, shall be available for the current
9 purposes authorized under this heading in addition to the
10 purposes for which such funds originally were appro-
11 priated.

12 HOUSING PROGRAMS

13 PROJECT-BASED RENTAL ASSISTANCE

14 For activities and assistance for the provision of
15 project-based subsidy contracts under the United States
16 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
17 Act”), not otherwise provided for, \$13,003,000,000, to re-
18 main available until expended, shall be available on Octo-
19 ber 1, 2020 (in addition to the \$400,000,000 previously
20 appropriated under this heading that became available Oc-
21 tober 1, 2020), and \$400,000,000, to remain available
22 until expended, shall be available on October 1, 2021: *Pro-*
23 *vided*, That the amounts made available under this head-
24 ing shall be available for expiring or terminating section
25 8 project-based subsidy contracts (including section 8

1 moderate rehabilitation contracts), for amendments to sec-
2 tion 8 project-based subsidy contracts (including section
3 8 moderate rehabilitation contracts), for contracts entered
4 into pursuant to section 441 of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11401), for renewal
6 of section 8 contracts for units in projects that are subject
7 to approved plans of action under the Emergency Low In-
8 come Housing Preservation Act of 1987 or the Low-In-
9 come Housing Preservation and Resident Homeownership
10 Act of 1990, and for administrative and other expenses
11 associated with project-based activities and assistance
12 funded under this heading: *Provided further*, That of the
13 total amounts provided under this heading, not to exceed
14 \$350,000,000 shall be available for performance-based
15 contract administrators for section 8 project-based assist-
16 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
17 That the Secretary may also use such amounts in the pre-
18 vious proviso for performance-based contract administra-
19 tors for the administration of: interest reduction payments
20 pursuant to section 236(a) of the National Housing Act
21 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
22 suant to section 101 of the Housing and Urban Develop-
23 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
24 rental assistance payments (12 U.S.C. 1715z-1(f)(2));
25 project rental assistance contracts for the elderly under

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

1 the provisions of section 202 governing the terms and con-
2 ditions of project rental assistance, except that the initial
3 contract term for such assistance shall not exceed 5 years
4 in duration: *Provided further*, That upon request of the
5 Secretary, project funds that are held in residual receipts
6 accounts for any project subject to a section 202 project
7 rental assistance contract, and that upon termination of
8 such contract are in excess of an amount to be determined
9 by the Secretary, shall be remitted to the Department and
10 deposited in this account, to remain available until Sep-
11 tember 30, 2024: *Provided further*, That amounts depos-
12 ited in this account pursuant to the previous proviso shall
13 be available, in addition to the amounts otherwise provided
14 by this heading, for the purposes authorized under this
15 heading: *Provided further*, That unobligated balances, in-
16 cluding recaptures and carryover, remaining from funds
17 transferred to or appropriated under this heading shall be
18 available for the current purposes authorized under this
19 heading in addition to the purposes for which such funds
20 originally were appropriated: *Provided further*, That of the
21 total amount provided under this heading, up to
22 \$14,000,000 may be used by the Secretary to continue
23 demonstration programs to test housing with services
24 models for the elderly that demonstrate the potential to
25 delay or avoid the need for nursing home care.

1 HOUSING FOR PERSONS WITH DISABILITIES

2 For capital advances, including amendments to cap-
3 ital advance contracts, for supportive housing for persons
4 with disabilities, as authorized by section 811 of the Cran-
5 ston-Gonzalez National Affordable Housing Act (42
6 U.S.C. 8013), as amended, for project rental assistance
7 for supportive housing for persons with disabilities under
8 section 811(d)(2) of such Act, for project assistance con-
9 tracts pursuant to section 202(h) of the Housing Act of
10 1959 (Public Law 86–372; 73 Stat. 667), including
11 amendments to contracts for such assistance and renewal
12 of expiring contracts for such assistance for up to a 1-
13 year term, for project rental assistance to State housing
14 finance agencies and other appropriate entities as author-
15 ized under section 811(b)(3) of the Cranston-Gonzalez
16 National Housing Act, and for supportive services associ-
17 ated with the housing for persons with disabilities as au-
18 thorized by section 811(b)(1) of such Act, \$237,000,000,
19 to remain available until September 30, 2024: *Provided*,
20 That amounts made available under this heading shall be
21 available for Real Estate Assessment Center inspections
22 and inspection-related activities associated with section
23 811 projects: *Provided further*, That, upon the request of
24 the Secretary, project funds that are held in residual re-
25 ceipts accounts for any project subject to a section 811

1 project rental assistance contract, and that upon termi-
2 nation of such contract are in excess of an amount to be
3 determined by the Secretary, shall be remitted to the De-
4 partment and deposited in this account, to remain avail-
5 able until September 30, 2024: *Provided further*, That
6 amounts deposited in this account pursuant to the pre-
7 vious proviso shall be available in addition to the amounts
8 otherwise provided by this heading for the purposes au-
9 thorized under this heading: *Provided further*, That unobli-
10 gated balances, including recaptures and carryover, re-
11 maining from funds transferred to or appropriated under
12 this heading shall be used for the current purposes author-
13 ized under this heading in addition to the purposes for
14 which such funds originally were appropriated.

15 HOUSING COUNSELING ASSISTANCE

16 For contracts, grants, and other assistance excluding
17 loans, as authorized under section 106 of the Housing and
18 Urban Development Act of 1968, as amended,
19 \$53,000,000, to remain available until September 30,
20 2022, including up to \$4,500,000 for administrative con-
21 tract services: *Provided*, That funds shall be used for pro-
22 viding counseling and advice to tenants and homeowners,
23 both current and prospective, with respect to property
24 maintenance, financial management or literacy, and such
25 other matters as may be appropriate to assist them in im-

1 proving their housing conditions, meeting their financial
2 needs, and fulfilling the responsibilities of tenancy or
3 homeownership; for program administration; and for hous-
4 ing counselor training: *Provided further*, That for purposes
5 of providing such grants from amounts provided under
6 this heading, the Secretary may enter into multiyear
7 agreements, as appropriate, subject to the availability of
8 annual appropriations.

9 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

10 FUND

11 For necessary expenses as authorized by the National
12 Manufactured Housing Construction and Safety Stand-
13 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
14 \$14,000,000, to remain available until expended, of which
15 \$14,000,000 is to be derived from the Manufactured
16 Housing Fees Trust Fund: *Provided*, That not to exceed
17 the total amount appropriated under this heading shall be
18 available from the general fund of the Treasury to the ex-
19 tent necessary to incur obligations and make expenditures
20 pending the receipt of collections to the Fund pursuant
21 to section 620 of such Act: *Provided further*, That the
22 amount made available under this heading from the gen-
23 eral fund shall be reduced as such collections are received
24 during fiscal year 2021 so as to result in a final fiscal
25 year 2021 appropriation from the general fund estimated

1 at \$0, and fees pursuant to such section 620 shall be
2 modified as necessary to ensure such a final fiscal year
3 2021 appropriation: *Provided further*, That the Secretary
4 shall issue a final rule to complete rulemaking initiated
5 by the proposed rule entitled “Manufactured Housing Pro-
6 gram: Minimum Payments to the States” published in the
7 Federal Register on December 16, 2016 (81 Fed. Reg.
8 91083): *Provided further*, That for the dispute resolution
9 and installation programs, the Secretary may assess and
10 collect fees from any program participant: *Provided fur-*
11 *ther*, That such collections shall be deposited into the Man-
12 ufactured Housing Fees Trust Fund, and the Secretary,
13 as provided herein, may use such collections, as well as
14 fees collected under section 620, for necessary expenses
15 of such Act: *Provided further*, That, notwithstanding the
16 requirements of section 620 of such Act, the Secretary
17 may carry out responsibilities of the Secretary under such
18 Act through the use of approved service providers that are
19 paid directly by the recipients of their services.

20 FEDERAL HOUSING ADMINISTRATION

21 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

22 New commitments to guarantee single family loans
23 insured under the Mutual Mortgage Insurance Fund shall
24 not exceed \$400,000,000,000, to remain available until
25 September 30, 2022: *Provided*, That during fiscal year

1 2021, obligations to make direct loans to carry out the
2 purposes of section 204(g) of the National Housing Act,
3 as amended, shall not exceed \$1,000,000: *Provided fur-*
4 *ther*, That the foregoing amount in the previous proviso
5 shall be for loans to nonprofit and governmental entities
6 in connection with sales of single family real properties
7 owned by the Secretary and formerly insured under the
8 Mutual Mortgage Insurance Fund: *Provided further*, That
9 for administrative contract expenses of the Federal Hous-
10 ing Administration, \$130,000,000, to remain available
11 until September 30, 2022: *Provided further*, That to the
12 extent guaranteed loan commitments exceed
13 \$200,000,000,000 on or before April 1, 2021, an addi-
14 tional \$1,400 for administrative contract expenses shall be
15 available for each \$1,000,000 in additional guaranteed
16 loan commitments (including a pro rata amount for any
17 amount below \$1,000,000), but in no case shall funds
18 made available by this proviso exceed \$30,000,000: *Pro-*
19 *vided further*, That notwithstanding the limitation in the
20 first sentence of section 255(g) of the National Housing
21 Act (12 U.S.C. 1715z–20(g)), during fiscal year 2021 the
22 Secretary may insure and enter into new commitments to
23 insure mortgages under section 255 of the National Hous-
24 ing Act only to the extent that the net credit subsidy cost
25 for such insurance does not exceed zero.

1 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

2 New commitments to guarantee loans insured under
3 the General and Special Risk Insurance Funds, as author-
4 ized by sections 238 and 519 of the National Housing Act
5 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
6 \$30,000,000,000 in total loan principal, any part of which
7 is to be guaranteed, to remain available until September
8 30, 2022: *Provided*, That during fiscal year 2021, gross
9 obligations for the principal amount of direct loans, as au-
10 thorized by sections 204(g), 207(l), 238, and 519(a) of
11 the National Housing Act, shall not exceed \$1,000,000,
12 which shall be for loans to nonprofit and governmental en-
13 tities in connection with the sale of single family real prop-
14 erties owned by the Secretary and formerly insured under
15 such Act.

16 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

17 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

18 GUARANTEE PROGRAM ACCOUNT

19 New commitments to issue guarantees to carry out
20 the purposes of section 306 of the National Housing Act,
21 as amended (12 U.S.C. 1721(g)), shall not exceed
22 \$550,000,000,000, to remain available until September
23 30, 2022: *Provided*, That \$33,500,000, to remain avail-
24 able until September 30, 2022, shall be for necessary sala-
25 ries and expenses of the Office of Government National

1 Mortgage Association: *Provided further*, That receipts
2 from Commitment and Multiclass fees collected pursuant
3 to title III of the National Housing Act, as amended, shall
4 be credited as offsetting collections to this account.

5 POLICY DEVELOPMENT AND RESEARCH

6 RESEARCH AND TECHNOLOGY

7 (INCLUDING TRANSFER OF FUNDS)

8 For contracts, grants, and necessary expenses of pro-
9 grams of research and studies relating to housing and
10 urban problems, not otherwise provided for, as authorized
11 by title V of the Housing and Urban Development Act
12 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
13 out the functions of the Secretary of Housing and Urban
14 Development under section 1(a)(1)(i) of Reorganization
15 Plan No. 2 of 1968, and for technical assistance,
16 \$98,000,000, to remain available until September 30,
17 2022: *Provided*, That with respect to amounts made avail-
18 able under this heading, notwithstanding section 203 of
19 this title, the Secretary may enter into cooperative agree-
20 ments with philanthropic entities, other Federal agencies,
21 State or local governments and their agencies, Indian
22 tribes, tribally designated housing entities, or colleges or
23 universities for research projects: *Provided further*, That
24 with respect to the previous proviso, such partners to the
25 cooperative agreements must contribute at least a 50 per-

1 cent match toward the cost of the project: *Provided fur-*
2 *ther*, That for non-competitive agreements entered into in
3 accordance with the previous two provisos, the Secretary
4 of Housing and Urban Development shall comply with sec-
5 tion 2(b) of the Federal Funding Accountability and
6 Transparency Act of 2006 (Public Law 109–282, 31
7 U.S.C. note) in lieu of compliance with section
8 102(a)(4)(C) with respect to documentation of award deci-
9 sions: *Provided further*, That up to \$2,000,000 of the
10 amounts provided under the heading “Lead Hazard Re-
11 duction” for the purposes of conducting research and
12 studies may be transferred to this heading for use accord-
13 ing to the previous three provisos for non-competitive
14 agreements: *Provided further*, That prior to obligation of
15 technical assistance funding, the Secretary shall submit a
16 plan to the House and Senate Committees on Appropria-
17 tions on how it will allocate funding for this activity at
18 least 30 days prior to obligation: *Provided further*, That
19 none of the funds provided under this heading may be
20 available for the doctoral dissertation research grant pro-
21 gram.

22 FAIR HOUSING AND EQUAL OPPORTUNITY

23 FAIR HOUSING ACTIVITIES

24 For contracts, grants, and other assistance, not oth-
25 erwise provided for, as authorized by title VIII of the Civil

1 Rights Act of 1968, as amended by the Fair Housing
2 Amendments Act of 1988, and section 561 of the Housing
3 and Community Development Act of 1987, as amended,
4 \$70,300,000, to remain available until September 30,
5 2022: *Provided*, That grants made available from amounts
6 provided under this heading shall be awarded within 180
7 days of enactment of this Act: *Provided further*, That not-
8 withstanding 31 U.S.C. 3302, the Secretary may assess
9 and collect fees to cover the costs of the Fair Housing
10 Training Academy, and may use such funds to develop on-
11 line courses and provide such training: *Provided further*,
12 That no funds made available under this heading shall be
13 used to lobby the executive or legislative branches of the
14 Federal Government in connection with a specific con-
15 tract, grant, or loan: *Provided further*, That of the funds
16 made available under this heading, \$350,000 shall be
17 available to the Secretary of Housing and Urban Develop-
18 ment for the creation and promotion of translated mate-
19 rials and other programs that support the assistance of
20 persons with limited English proficiency in utilizing the
21 services provided by the Department of Housing and
22 Urban Development.

1 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
2 HOMES
3 LEAD HAZARD REDUCTION

4 For the Lead Hazard Reduction Program, as author-
5 ized by section 1011 of the Residential Lead-Based Paint
6 Hazard Reduction Act of 1992, \$360,000,000, to remain
7 available until September 30, 2023, of which \$50,000,000
8 shall be for the Healthy Homes Initiative, pursuant to sec-
9 tions 501 and 502 of the Housing and Urban Develop-
10 ment Act of 1970, which shall include research, studies,
11 testing, and demonstration efforts, including education
12 and outreach concerning lead-based paint poisoning and
13 other housing-related diseases and hazards: *Provided*,
14 That for purposes of environmental review, pursuant to
15 the National Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.) and other provisions of law that further the
17 purposes of such Act, a grant under the Healthy Homes
18 Initiative, or the Lead Technical Studies program under
19 this heading or under prior appropriations Acts for such
20 purposes under this heading, shall be considered to be
21 funds for a special project for purposes of section 305(c)
22 of the Multifamily Housing Property Disposition Reform
23 Act of 1994: *Provided further*, That not less than
24 \$95,000,000 of the amounts made available under this
25 heading for the award of grants pursuant to section 1011

1 of the Residential Lead-Based Paint Hazard Reduction
2 Act of 1992 shall be provided to areas with the highest
3 lead-based paint abatement needs: *Provided further*, That
4 with respect to obligated amounts appropriated under this
5 heading in title II of division G of the Consolidated Appro-
6 priations Act, 2019 (Public Law 116–6) for the implemen-
7 tation of projects to demonstrate how intensive, extended,
8 multi-year interventions can dramatically reduce the pres-
9 ence of lead-based paint hazards in communities: (1) such
10 projects may serve more than four contiguous census
11 tracts; (2) such projects shall allow for enrollment of fami-
12 lies and homes within the community beyond where the
13 initially targeted census tracts were located, provided that
14 such projects meet the highest lead-based paint abatement
15 needs, as determined by the Secretary; and (3) such
16 projects may exceed five years in duration, notwith-
17 standing any inconsistent requirements:

18 *Provided further*, That of the amount made available
19 for the Healthy Homes Initiative, \$5,000,000 shall be for
20 the implementation of projects in up to 5 communities
21 that are served by both the Healthy Homes Initiative and
22 the Department of Energy weatherization programs to
23 demonstrate whether the coordination of Healthy Homes
24 remediation activities with weatherization activities
25 achieves cost savings and better outcomes in improving the

1 safety and quality of homes: *Provided further*, That each
2 applicant for a grant or cooperative agreement under this
3 heading shall certify adequate capacity that is acceptable
4 to the Secretary to carry out the proposed use of funds
5 pursuant to a notice of funding availability: *Provided fur-*
6 *ther*, That of the amounts made available under this head-
7 ing, \$10,000,000 shall be for a program established by
8 the Secretary to make grants to experienced non-profit or-
9 ganizations, States, local governments, or public housing
10 agencies for safety and functional home modification re-
11 pairs to meet the needs of low-income elderly homeowners
12 to enable them to remain in their primary residence: *Pro-*
13 *vided further*, That of the total amount made available
14 under the previous proviso, no less than \$5,000,000 shall
15 be available to meet such needs in communities with sub-
16 stantial rural populations: *Provided further*, That amounts
17 made available under this heading, except for amounts in
18 the previous two provisos, in this or prior appropriations
19 Acts, still remaining available, may be used for any pur-
20 pose under this heading notwithstanding the purpose for
21 which such amounts were appropriated if a program com-
22 petition is undersubscribed and there are other program
23 competitions under this heading that are oversubscribed.

1 INFORMATION TECHNOLOGY FUND

2 For the development, modernization, and enhance-
3 ment of, modifications to, and infrastructure for Depart-
4 ment-wide and program-specific information technology
5 systems, for the continuing operation and maintenance of
6 both Department-wide and program-specific information
7 systems, and for program-related maintenance activities,
8 \$300,000,000, of which \$260,000,000 shall remain avail-
9 able until September 30, 2022, and of which \$40,000,000
10 shall remain available until September 30, 2024: *Provided*,
11 That any amounts transferred to this Fund under this Act
12 shall remain available until expended: *Provided further*,
13 That any amounts transferred to this Fund from amounts
14 appropriated by previously enacted appropriations Acts
15 may be used for the purposes specified under this Fund,
16 in addition to any other information technology purposes
17 for which such amounts were appropriated: *Provided fur-*
18 *ther*, That not more than 10 percent of the funds made
19 available under this heading for development, moderniza-
20 tion, and enhancement may be obligated until the Sec-
21 retary submits to the House and Senate Committees on
22 Appropriations, for approval, a plan for expenditure
23 that—(A) identifies for each modernization project: (i) the
24 functional and performance capabilities to be delivered
25 and the mission benefits to be realized, (ii) the estimated

1 life-cycle cost, and (iii) key milestones to be met; and (B)
2 demonstrates that each modernization project is: (i) com-
3 pliant with the Department's enterprise architecture, (ii)
4 being managed in accordance with applicable life-cycle
5 management policies and guidance, (iii) subject to the De-
6 partment's capital planning and investment control re-
7 quirements, and (iv) supported by an adequately staffed
8 project office.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary salaries and expenses of the Office of
11 Inspector General in carrying out the Inspector General
12 Act of 1978, as amended, \$138,200,000: *Provided*, That
13 the Inspector General shall have independent authority
14 over all personnel issues within this office: *Provided fur-*
15 *ther*, That for this fiscal year and each fiscal year there-
16 after, the Office of Inspector General shall procure and
17 rely upon the services of an independent external audi-
18 tor(s) to audit the financial statements of the Department
19 of Housing and Urban Development, including the consoli-
20 dated financial statement and the financial statements of
21 the Federal Housing Administration and the Government
22 National Mortgage Association.

1 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
2 URBAN DEVELOPMENT

3 (INCLUDING TRANSFER OF FUNDS)

4 (INCLUDING RESCISSIONS)

5 SEC. 201. Fifty percent of the amounts of budget au-
6 thority, or in lieu thereof 50 percent of the cash amounts
7 associated with such budget authority, that are recaptured
8 from projects described in section 1012(a) of the Stewart
9 B. McKinney Homeless Assistance Amendments Act of
10 1988 (42 U.S.C. 1437f note) shall be rescinded or in the
11 case of cash, shall be remitted to the Treasury, and such
12 amounts of budget authority or cash recaptured and not
13 rescinded or remitted to the Treasury shall be used by
14 State housing finance agencies or local governments or
15 local housing agencies with projects approved by the Sec-
16 retary of Housing and Urban Development for which set-
17 tlement occurred after January 1, 1992, in accordance
18 with such section. Notwithstanding the previous sentence,
19 the Secretary may award up to 15 percent of the budget
20 authority or cash recaptured and not rescinded or remitted
21 to the Treasury to provide project owners with incentives
22 to refinance their project at a lower interest rate.

23 SEC. 202. None of the amounts made available under
24 this Act may be used during fiscal year 2021 to investigate
25 or prosecute under the Fair Housing Act any otherwise

1 lawful activity engaged in by one or more persons, includ-
2 ing the filing or maintaining of a nonfrivolous legal action,
3 that is engaged in solely for the purpose of achieving or
4 preventing action by a Government official or entity, or
5 a court of competent jurisdiction.

6 SEC. 203. Except as explicitly provided in law, any
7 grant, cooperative agreement or other assistance made
8 pursuant to title II of this Act shall be made on a competi-
9 tive basis and in accordance with section 102 of the De-
10 partment of Housing and Urban Development Reform Act
11 of 1989 (42 U.S.C. 3545).

12 SEC. 204. Funds of the Department of Housing and
13 Urban Development subject to the Government Corpora-
14 tion Control Act or section 402 of the Housing Act of
15 1950 shall be available, without regard to the limitations
16 on administrative expenses, for legal services on a contract
17 or fee basis, and for utilizing and making payment for
18 services and facilities of the Federal National Mortgage
19 Association, Government National Mortgage Association,
20 Federal Home Loan Mortgage Corporation, Federal Fi-
21 nancing Bank, Federal Reserve banks or any member
22 thereof, Federal Home Loan banks, and any insured bank
23 within the meaning of the Federal Deposit Insurance Cor-
24 poration Act, as amended (12 U.S.C. 1811–1).

1 SEC. 205. Unless otherwise provided for in this Act
2 or through a reprogramming of funds, no part of any ap-
3 propriation for the Department of Housing and Urban
4 Development shall be available for any program, project
5 or activity in excess of amounts set forth in the budget
6 estimates submitted to Congress.

7 SEC. 206. Corporations and agencies of the Depart-
8 ment of Housing and Urban Development which are sub-
9 ject to the Government Corporation Control Act are here-
10 by authorized to make such expenditures, within the limits
11 of funds and borrowing authority available to each such
12 corporation or agency and in accordance with law, and to
13 make such contracts and commitments without regard to
14 fiscal year limitations as provided by section 104 of such
15 Act as may be necessary in carrying out the programs set
16 forth in the budget for 2021 for such corporation or agen-
17 cy except as hereinafter provided: *Provided*, That collec-
18 tions of these corporations and agencies may be used for
19 new loan or mortgage purchase commitments only to the
20 extent expressly provided for in this Act (unless such loans
21 are in support of other forms of assistance provided for
22 in this or prior appropriations Acts), except that this pro-
23 viso shall not apply to the mortgage insurance or guaranty
24 operations of these corporations, or where loans or mort-

1 gage purchases are necessary to protect the financial in-
2 terest of the United States Government.

3 SEC. 207. The Secretary of Housing and Urban De-
4 velopment shall provide quarterly reports to the House
5 and Senate Committees on Appropriations regarding all
6 uncommitted, unobligated, recaptured, and excess funds
7 in each program and activity within the jurisdiction of the
8 Department and shall submit additional, updated budget
9 information to these Committees upon request.

10 SEC. 208. No funds provided under this title may be
11 used for an audit of the Government National Mortgage
12 Association that makes applicable requirements under the
13 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

14 SEC. 209. (a) Notwithstanding any other provision
15 of law, subject to the conditions listed under this section,
16 for fiscal years 2021 and 2022, the Secretary of Housing
17 and Urban Development may authorize the transfer of
18 some or all project-based assistance, debt held or insured
19 by the Secretary and statutorily required low- income and
20 very low-income use restrictions if any, associated with one
21 or more multifamily housing project or projects to another
22 multifamily housing project or projects.

23 (b) PHASED TRANSFERS.—Transfers of project-
24 based assistance under this section may be done in phases
25 to accommodate the financing and other requirements re-

1 lated to rehabilitating or constructing the project or
2 projects to which the assistance is transferred, to ensure
3 that such project or projects meet the standards under
4 subsection (c).

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

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

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

17 (B) For unoccupied units in the transfer-
18 ring project: The Secretary may authorize a re-
19 duction in the number of dwelling units in the
20 receiving project or projects to allow for a re-
21 configuration of bedroom sizes to meet current
22 market demands, as determined by the Sec-
23 retary and provided there is no increase in the
24 project-based assistance budget authority.

1 (2) The transferring project shall, as deter-
2 mined by the Secretary, be either physically obsolete
3 or economically nonviable, or be reasonably expected
4 to become economically nonviable when complying
5 with state or Federal requirements for community
6 integration and reduced concentration of individuals
7 with disabilities.

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

11 (4) The owner or mortgagor of the transferring
12 project shall notify and consult with the tenants re-
13 siding in the transferring project and provide a cer-
14 tification of approval by all appropriate local govern-
15 mental officials.

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

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

24 (7) If either the transferring project or the re-
25 ceiving project or projects meets the condition speci-

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

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

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

24 (d) For purposes of this section—

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

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

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

10 (B) housing that has project-based assist-
11 ance attached to the structure including
12 projects undergoing mark to market debt re-
13 structuring under the Multifamily Assisted
14 Housing Reform and Affordability Housing Act;

15 (C) housing that is assisted under section
16 202 of the Housing Act of 1959 (12 U.S.C.
17 1701q);

18 (D) housing that is assisted under section
19 202 of the Housing Act of 1959 (12 U.S.C.
20 1701q), as such section existed before the en-
21 actment of the Cranston-Gonzales National Af-
22 fordable Housing Act;

23 (E) housing that is assisted under section
24 811 of the Cranston-Gonzales National Afford-
25 able Housing Act (42 U.S.C. 8013); or

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

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

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

8 (B) assistance for housing constructed or
9 substantially rehabilitated pursuant to assist-
10 ance provided under section 8(b)(2) of such Act
11 (as such section existed immediately before Oc-
12 tober 1, 1983);

13 (C) rent supplement payments under sec-
14 tion 101 of the Housing and Urban Develop-
15 ment Act of 1965 (12 U.S.C. 1701s);

16 (D) interest reduction payments under sec-
17 tion 236 and/or additional assistance payments
18 under section 236(f)(2) of the National Hous-
19 ing Act (12 U.S.C. 1715z-1);

20 (E) assistance payments made under sec-
21 tion 202(e)(2) of the Housing Act of 1959 (12
22 U.S.C. 1701q(e)(2)); and

23 (F) assistance payments made under sec-
24 tion 811(d)(2) of the Cranston-Gonzalez Na-

1 tional Affordable Housing Act (42 U.S.C.
2 8013(d)(2));

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

8 (5) the term “transferring project” means the
9 multifamily housing project which is transferring
10 some or all of the project-based assistance, debt, and
11 the statutorily required low-income and very low-in-
12 come use restrictions to the receiving project or
13 projects; and

14 (6) the term “Secretary” means the Secretary
15 of Housing and Urban Development.

16 (e) RESEARCH REPORT.—The Secretary shall con-
17 duct an evaluation of the transfer authority under this sec-
18 tion, including the effect of such transfers on the oper-
19 ational efficiency, contract rents, physical and financial
20 conditions, and long-term preservation of the affected
21 properties.

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

1 (1) is enrolled as a student at an institution of
2 higher education (as defined under section 102 of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1002));

5 (2) is under 24 years of age;

6 (3) is not a veteran;

7 (4) is unmarried;

8 (5) does not have a dependent child;

9 (6) is not a person with disabilities, as such
10 term is defined in section 3(b)(3)(E) of the United
11 States Housing Act of 1937 (42 U.S.C.
12 1437a(b)(3)(E)) and was not receiving assistance
13 under such section 8 as of November 30, 2005;

14 (7) is not a youth who left foster care at age
15 14 or older and is at risk of becoming homeless; and

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

20 (b) For purposes of determining the eligibility of a
21 person to receive assistance under section 8 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
23 cial assistance (in excess of amounts received for tuition
24 and any other required fees and charges) that an indi-
25 vidual receives under the Higher Education Act of 1965

1 (20 U.S.C. 1001 et seq.), from private sources, or an insti-
2 tution of higher education (as defined under section 102
3 of the Higher Education Act of 1965 (20 U.S.C. 1002)),
4 shall be considered income to that individual, except for
5 a person over the age of 23 with dependent children.

6 SEC. 211. The funds made available for Native Alas-
7 kans under paragraph (1) under the heading “Native
8 American Programs” in title II of this Act shall be allo-
9 cated to the same Native Alaskan housing block grant re-
10 cipients that received funds in fiscal year 2005, and only
11 such recipients shall be eligible to apply for funds made
12 available under paragraph (3) of such heading.

13 SEC. 212. Notwithstanding any other provision of
14 law, in fiscal year 2021, in managing and disposing of any
15 multifamily property that is owned or has a mortgage held
16 by the Secretary of Housing and Urban Development, and
17 during the process of foreclosure on any property with a
18 contract for rental assistance payments under section 8
19 of the United States Housing Act of 1937 (42 U.S.C.
20 1437f) or other Federal programs, the Secretary shall
21 maintain any rental assistance payments under section 8
22 of the United States Housing Act of 1937 and other pro-
23 grams that are attached to any dwelling units in the prop-
24 erty. To the extent the Secretary determines, in consulta-
25 tion with the tenants and the local government, that such

1 a multifamily property owned or held by the Secretary is
2 not feasible for continued rental assistance payments
3 under such section 8 or other programs, based on consid-
4 eration of (1) the costs of rehabilitating and operating the
5 property and all available Federal, State, and local re-
6 sources, including rent adjustments under section 524 of
7 the Multifamily Assisted Housing Reform and Afford-
8 ability Act of 1997 (“MAHRAA”) (42 U.S.C. 1437f note)
9 and (2) environmental conditions that cannot be remedied
10 in a cost-effective fashion, the Secretary may, in consulta-
11 tion with the tenants of that property, contract for project-
12 based rental assistance payments with an owner or owners
13 of other existing housing properties, or provide other rent-
14 al assistance. The Secretary shall also take appropriate
15 steps to ensure that project-based contracts remain in ef-
16 fect prior to foreclosure, subject to the exercise of contrac-
17 tual abatement remedies to assist relocation of tenants for
18 imminent major threats to health and safety after written
19 notice to and informed consent of the affected tenants and
20 use of other available remedies, such as partial abatements
21 or receivership. After disposition of any multifamily prop-
22 erty described under this section, the contract and allow-
23 able rent levels on such properties shall be subject to the
24 requirements under section 524 of MAHRAA.

1 SEC. 213. Public housing agencies that own and oper-
2 ate 400 or fewer public housing units may elect to be ex-
3 empt from any asset management requirement imposed by
4 the Secretary of Housing and Urban Development in con-
5 nection with the operating fund rule: *Provided*, That an
6 agency seeking a discontinuance of a reduction of subsidy
7 under the operating fund formula shall not be exempt
8 from asset management requirements.

9 SEC. 214. With respect to the use of amounts pro-
10 vided in this Act and in future Acts for the operation, cap-
11 ital improvement, and management of public housing as
12 authorized by sections 9(d) and 9(e) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
14 Secretary shall not impose any requirement or guideline
15 relating to asset management that restricts or limits in
16 any way the use of capital funds for central office costs
17 pursuant to section 9(g)(1) or 9(g)(2) of the United States
18 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
19 *vided*, That a public housing agency may not use capital
20 funds authorized under section 9(d) for activities that are
21 eligible under section 9(e) for assistance with amounts
22 from the operating fund in excess of the amounts per-
23 mitted under section 9(g)(1) or 9(g)(2).

24 SEC. 215. No official or employee of the Department
25 of Housing and Urban Development shall be designated

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

13 SEC. 216. The Secretary of the Department of Hous-
14 ing and Urban Development shall, for fiscal year 2021,
15 notify the public through the Federal Register and other
16 means, as determined appropriate, of the issuance of a no-
17 tice of the availability of assistance or notice of funding
18 availability (NOFA) for any program or discretionary
19 fund administered by the Secretary that is to be competi-
20 tively awarded. Notwithstanding any other provision of
21 law, for fiscal year 2021, the Secretary may make the
22 NOFA available only on the Internet at the appropriate
23 Government web site or through other electronic media,
24 as determined by the Secretary.

1 SEC. 217. Payment of attorney fees in program-re-
2 lated litigation shall be paid from the individual program
3 office and Office of General Counsel salaries and expenses
4 appropriations. The annual budget submission for the pro-
5 gram offices and the Office of General Counsel shall in-
6 clude any such projected litigation costs for attorney fees
7 as a separate line item request.

8 SEC. 218. The Secretary is authorized to transfer up
9 to 10 percent or \$5,000,000, whichever is less, of funds
10 appropriated for any office under the headings “Adminis-
11 trative Support Offices” or “Program Offices” to any
12 other such office under such headings: *Provided*, That no
13 appropriation for any such office under such headings
14 shall be increased or decreased by more than 10 percent
15 or \$5,000,000, whichever is less, without prior written ap-
16 proval of the House and Senate Committees on Appropria-
17 tions: *Provided further*, That the Secretary shall provide
18 notification to such Committees 3 business days in ad-
19 vance of any such transfers under this section up to 10
20 percent or \$5,000,000, whichever is less.

21 SEC. 219. (a) Any entity receiving housing assistance
22 payments shall maintain decent, safe, and sanitary condi-
23 tions, as determined by the Secretary of Housing and
24 Urban Development (in this section referred to as the
25 “Secretary”), and comply with any standards under appli-

1 cable State or local laws, rules, ordinances, or regulations
2 relating to the physical condition of any property covered
3 under a housing assistance payment contract.

4 (b) The Secretary shall take action under subsection
5 (c) when a multifamily housing project with a section 8
6 contract or contract for similar project-based assistance—

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

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

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

21 (c)(1) Within 15 days of the issuance of the REAC
22 inspection, the Secretary must provide the owner with a
23 Notice of Default with a specified timetable, determined
24 by the Secretary, for correcting all deficiencies. The Sec-
25 retary must also provide a copy of the Notice of Default

1 to the tenants, the local government, any mortgagees, and
2 any contract administrator. If the owner's appeal results
3 in a UPCS score of 60 or above, the Secretary may with-
4 draw the Notice of Default.

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

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

12 (B) impose civil money penalties, which
13 shall be used solely for the purpose of sup-
14 porting safe and sanitary conditions at applica-
15 ble properties, as designated by the Secretary,
16 with priority given to the tenants of the prop-
17 erty affected by the penalty;

18 (C) abate the section 8 contract, including
19 partial abatement, as determined by the Sec-
20 retary, until all deficiencies have been corrected;

21 (D) pursue transfer of the project to an
22 owner, approved by the Secretary under estab-
23 lished procedures, which will be obligated to
24 promptly make all required repairs and to ac-

1 cept renewal of the assistance contract as long
2 as such renewal is offered;

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

6 (F) pursue exclusionary sanctions, includ-
7 ing suspensions or debarments from Federal
8 programs;

9 (G) seek judicial appointment of a receiver
10 to manage the property and cure all project de-
11 ficiencies or seek a judicial order of specific per-
12 formance requiring the owner to cure all project
13 deficiencies;

14 (H) work with the owner, lender, or other
15 related party to stabilize the property in an at-
16 tempt to preserve the property through compli-
17 ance, transfer of ownership, or an infusion of
18 capital provided by a third-party that requires
19 time to effectuate; or

20 (I) take any other regulatory or contrac-
21 tual remedies available as deemed necessary
22 and appropriate by the Secretary.

23 (d) The Secretary shall also take appropriate steps
24 to ensure that project-based contracts remain in effect,
25 subject to the exercise of contractual abatement remedies

1 to assist relocation of tenants for major threats to health
2 and safety after written notice to the affected tenants. To
3 the extent the Secretary determines, in consultation with
4 the tenants and the local government, that the property
5 is not feasible for continued rental assistance payments
6 under such section 8 or other programs, based on consid-
7 eration of—

8 (1) the costs of rehabilitating and operating the
9 property and all available Federal, State, and local
10 resources, including rent adjustments under section
11 524 of the Multifamily Assisted Housing Reform
12 and Affordability Act of 1997; and

13 (2) environmental conditions that cannot be
14 remedied in a cost-effective fashion, the Secretary
15 may contract for project-based rental assistance pay-
16 ments with an owner or owners of other existing
17 housing properties, or provide other rental assist-
18 ance.

19 (e) The Secretary shall report quarterly on all prop-
20 erties covered by this section that are assessed through
21 the Real Estate Assessment Center and have UPCS phys-
22 ical inspection scores of less than 60 or have received an
23 unsatisfactory management and occupancy review within
24 the past 36 months. The report shall include—

1 (1) the enforcement actions being taken to ad-
2 dress such conditions, including imposition of civil
3 money penalties and termination of subsidies, and
4 identify properties that have such conditions mul-
5 tiple times;

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

9 (3) any administrative or legislative rec-
10 ommendations to further improve the living condi-
11 tions at properties covered under a housing assist-
12 ance payment contract.

13 This report shall be due to the Senate and House Commit-
14 tees on Appropriations no later than 30 days after the
15 enactment of this Act, and on the first business day of
16 each Federal fiscal year quarter thereafter while this sec-
17 tion remains in effect.

18 SEC. 220. None of the funds made available by this
19 Act, or any other Act, for purposes authorized under sec-
20 tion 8 (only with respect to the tenant-based rental assist-
21 ance program) and section 9 of the United States Housing
22 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
23 any public housing agency for any amount of salary, in-
24 cluding bonuses, for the chief executive officer of which,
25 or any other official or employee of which, that exceeds

1 the annual rate of basic pay payable for a position at level
2 IV of the Executive Schedule at any time during any pub-
3 lic housing agency fiscal year 2021.

4 SEC. 221. None of the funds in this Act provided to
5 the Department of Housing and Urban Development may
6 be used to make a grant award unless the Secretary noti-
7 fies the House and Senate Committees on Appropriations
8 not less than 3 full business days before any project,
9 State, locality, housing authority, tribe, nonprofit organi-
10 zation, or other entity selected to receive a grant award
11 is announced by the Department or its offices.

12 SEC. 222. None of the funds made available by this
13 Act may be used to require or enforce the Physical Needs
14 Assessment (PNA).

15 SEC. 223. None of the funds made available in this
16 Act shall be used by the Federal Housing Administration,
17 the Government National Mortgage Administration, or the
18 Department of Housing and Urban Development to in-
19 sure, securitize, or establish a Federal guarantee of any
20 mortgage or mortgage backed security that refinances or
21 otherwise replaces a mortgage that has been subject to
22 eminent domain condemnation or seizure, by a State, mu-
23 nicipality, or any other political subdivision of a State.

24 SEC. 224. None of the funds made available by this
25 Act may be used to terminate the status of a unit of gen-

1 eral local government as a metropolitan city (as defined
2 in section 102 of the Housing and Community Develop-
3 ment Act of 1974 (42 U.S.C. 5302)) with respect to
4 grants under section 106 of such Act (42 U.S.C. 5306).

5 SEC. 225. Amounts made available under this Act
6 which are either appropriated, allocated, advanced on a
7 reimbursable basis, or transferred to the Office of Policy
8 Development and Research in the Department of Housing
9 and Urban Development and functions thereof, for re-
10 search, evaluation, or statistical purposes, and which are
11 unexpended at the time of completion of a contract, grant,
12 or cooperative agreement, may be deobligated and shall
13 immediately become available and may be reobligated in
14 that fiscal year or the subsequent fiscal year for the re-
15 search, evaluation, or statistical purposes for which the
16 amounts are made available to that Office subject to re-
17 programming requirements in section 405 of this Act.

18 SEC. 226. None of the funds provided in this Act or
19 any other Act may be used for awards, including perform-
20 ance, special act, or spot, for any employee of the Depart-
21 ment of Housing and Urban Development subject to ad-
22 ministrative discipline (including suspension from work),
23 in this fiscal year, but this prohibition shall not be effec-
24 tive prior to the effective date of any such administrative

1 discipline or after any final decision over-turning such dis-
2 cipline.

3 SEC. 227. With respect to grant amounts awarded
4 under the heading “Homeless Assistance Grants” for fis-
5 cal years 2015 through 2021 for the Continuum of Care
6 (CoC) program as authorized under subtitle C of title IV
7 of the McKinney-Vento Homeless Assistance Act, costs
8 paid by program income of grant recipients may count to-
9 ward meeting the recipient’s matching requirements, pro-
10 vided the costs are eligible CoC costs that supplement the
11 recipient’s CoC program.

12 SEC. 228. (a) From amounts made available under
13 this title under the heading “Homeless Assistance
14 Grants”, the Secretary may award 1–year transition
15 grants to recipients of funds for activities under subtitle
16 C of the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11381 et seq.) to transition from one Continuum
18 of Care program component to another.

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

23 SEC. 229. None of the funds made available by this
24 Act may be used by the Department of Housing and
25 Urban Development to direct a grantee to undertake spe-

1 cific changes to existing zoning laws as part of carrying
2 out the final rule entitled “Affirmatively Furthering Fair
3 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
4 notice entitled “Affirmatively Furthering Fair Housing
5 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
6 2014)).

7 SEC. 230. (a) Amounts recaptured from funds appro-
8 priated for this or any succeeding fiscal year under the
9 heading “Department of Housing and Urban Develop-
10 ment—Community Planning and Development—Home-
11 less Assistance Grants” shall become available until ex-
12 pended not later than the end of the fifth fiscal year after
13 the last fiscal year for which such funds are available and
14 shall be available, in addition to rental assistance amounts
15 that were recaptured and made available until expended
16 under such heading by any prior Act, and in addition to
17 such other funds as may be available for such purposes,
18 for the following purposes:

19 (1) For grants under the Continuum of Care
20 program under subtitle C of title IV of the McKin-
21 ney-Vento Homeless Assistance Act (42 U.S.C.
22 11381 et seq.);

23 (2) For grants under the Emergency Solutions
24 Grant program under subtitle B of title IV of such
25 Act (42 U.S.C. 11371 et seq.);

1 (3) Not less than 10 percent of the amounts
2 shall be used only for grants in rural areas under
3 the Continuum of Care program, to include activities
4 eligible under the Rural Housing Stability Assist-
5 ance program under section 491 of such Act (42
6 U.S.C. 11408) that are not otherwise eligible under
7 the Continuum of Care program; and

8 (4) Not less than 10 percent of the amounts
9 shall be for emergency solutions grants for disaster
10 areas as authorized by subsection (c).

11 (b) Prior to the use of any recaptured amounts re-
12 ferred to in subsection (a), including competing, awarding,
13 or obligating such amounts, the Secretary shall submit a
14 plan in accordance with subsection (a) that specifies the
15 planned use of any such amounts to the Committees on
16 Appropriations of the House of Representatives and the
17 Senate, and receive prior written approval of such plan,
18 except that use of amounts in the plan for the purposes
19 specified in subsection (a)(4) may begin once such plan
20 is submitted to such Committees.

21 (c)(1) The Secretary may make grants under the
22 Emergency Solutions Grants program under subtitle B of
23 title IV of the McKinney-Vento Homeless Assistance Act
24 (42 U.S.C. 11371 et seq.) to States or local governments
25 to address the needs of homeless individuals or families

1 or individuals or families at risk of homelessness in areas
2 affected by a major disaster declared pursuant to the Rob-
3 ert T. Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5121 et seq.) on or after the date of enact-
5 ment of this Act, whose needs are not otherwise served
6 or fully met by existing Federal disaster relief programs,
7 including the Transitional Sheltering Assistance program
8 under such Act (42 U.S.C. 5170b).

9 (2) For purposes of grants under paragraph
10 (1), the Secretary may suspend all consultation, citi-
11 zen participation, and matching requirements.

12 SEC. 231. The Promise Zone designations and Prom-
13 ise Zone Designation Agreements entered into pursuant
14 to such designations, made by the Secretary of Housing
15 and Urban Development in prior fiscal years, shall remain
16 in effect in accordance with the terms and conditions of
17 such agreements.

18 SEC. 232. None of the funds made available by this
19 Act may be used to establish and apply review criteria,
20 including rating factors or preference points, for participa-
21 tion in or coordination with EnVision Centers, in the eval-
22 uation, selection, and award of any funds made available
23 and requiring competitive selection under this Act, except
24 with respect to any such funds otherwise authorized for
25 EnVision Center purposes under this Act.

1 SEC. 233. None of the amounts made available in this
2 Act may be used to consider Family Self-Sufficiency per-
3 formance measures or performance scores in determining
4 funding awards for programs receiving Family Self-Suffi-
5 ciency program coordinator funding provided in this Act.

6 SEC. 234. Any public housing agency designated as
7 a Moving to Work agency pursuant to section 239 of
8 (Public Law 114–113) may, upon such designation, use
9 funds (except for special purpose funding, including spe-
10 cial purpose vouchers) previously allocated to any such
11 public housing agency under section 8 or 9 of the United
12 States Housing Act of 1937, including any reserve funds
13 held by the public housing agency or funds held by the
14 Department of Housing and Urban Development, pursu-
15 ant to the authority for use of section 8 or 9 funding pro-
16 vided under such section and section 204 of title II of the
17 Departments of Veterans Affairs and Housing and Urban
18 Development and Independent Agencies Appropriations
19 Act, 1996 (Public Law 104–134), notwithstanding the
20 purposes for which such funds were appropriated.

21 SEC. 235. None of the amounts made available by
22 this Act may be used to prohibit any public housing agen-
23 cy under receivership or the direction of a Federal monitor
24 from applying for, receiving, or using funds made available
25 under the heading “Public Housing Fund” for competitive

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

8 SEC. 236. The language under the heading “Rental
9 Assistance Demonstration” in the Department of Housing
10 and Urban Development Appropriations Act, 2012 (Public
11 Law 112–55), as most recently amended by Public Law
12 115–141 (42 U.S.C. 1437f note), is further amended—

13 (1) in the initial undesignated matter, by strik-
14 ing “and ‘Public Housing Operating Fund’” and in-
15 serting “, ‘Public Housing Operating Fund’, and
16 ‘Public Housing Fund’”;

17 (2) in the second proviso, by striking “2024”
18 and inserting “2025”;

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

21 (4) after the fourth proviso, by inserting the
22 following new provisos: “*Provided further*, That at
23 properties with assistance under section 9 of the Act
24 requesting to partially convert such assistance, and
25 where an event under section 18 of the Act occurs

1 that results in the eligibility for tenant protection
2 vouchers under section 8(o) of the Act, the Secretary
3 may convert the tenant protection voucher assistance
4 to assistance under a project-based subsidy contract
5 under section 8 of the Act, which shall be eligible for
6 renewal under section 524 of the Multifamily As-
7 sisted Housing Reform and Affordability Act of
8 1997, so long as the property meets any additional
9 requirements established by the Secretary to facili-
10 tate conversion: *Provided further*, That to facilitate
11 the conversion of assistance under the previous pro-
12 viso, the Secretary may transfer an amount equal to
13 the total amount that would have been allocated for
14 tenant protection voucher assistance for properties
15 that have requested such conversions from amounts
16 made available for tenant protection voucher assist-
17 ance under the heading ‘Tenant-Based Rental As-
18 sistance’ to the heading ‘Project-Based Rental As-
19 sistance’;”;

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

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

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

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

10 (7) by striking the twenty-first proviso, as reor-
11 dered above, and inserting the following four pro-
12 visos: “*Provided further*, That owners of properties
13 assisted under section 101 of the Housing and
14 Urban Development Act of 1965, section 236(f)(2)
15 of the National Housing Act, or section 8(e)(2) of
16 the United States Housing Act of 1937, for which
17 an event after October 1, 2006 has caused or results
18 in the termination of rental assistance or afford-
19 ability restrictions and the issuance of tenant protec-
20 tion vouchers under section 8(o) of the Act shall be
21 eligible, subject to requirements established by the
22 Secretary, for conversion of assistance available for
23 such vouchers or assistance contracts to assistance
24 under a long term project-based subsidy contract
25 under section 8 of the Act: *Provided further*, That

1 owners of properties with a project rental assistance
2 contract under section 202(c)(2) of the Housing Act
3 of 1959 shall be eligible, subject to requirements es-
4 tablished by the Secretary, including but not limited
5 to the subordination, restructuring, or both, of any
6 capital advance documentation, including any note,
7 mortgage, use agreement or other agreements, evi-
8 dencing or securing a capital advance previously pro-
9 vided by the Secretary under section 202(c)(1) of
10 the Housing Act of 1959 as necessary to facilitate
11 the conversion of assistance while maintaining the
12 affordability period and the designation of the prop-
13 erty as serving elderly persons, and tenant consulta-
14 tion procedures, for conversion of assistance avail-
15 able for such assistance contracts to assistance
16 under a long term project-based subsidy contract
17 under section 8 of the Act: *Provided further*, That
18 owners of properties with a senior preservation rent-
19 al assistance contract under section 811 of the
20 American Homeownership and Economic Oppor-
21 tunity Act of 2000 (12 U.S.C. 1701q note), shall be
22 eligible, subject to requirements established by the
23 Secretary as necessary to facilitate the conversion of
24 assistance while maintaining the affordability period
25 and the designation of the property as serving elder-

1 ly families, and tenant consultation procedures, for
2 conversion of assistance available for such assistance
3 contracts to assistance under a long term project-
4 based subsidy contract under section 8 of the Act:
5 *Provided further*, That long term project-based sub-
6 sidy contracts under section 8 of the Act which are
7 established under this Second Component shall have
8 a term of no less than 20 years, with rent adjust-
9 ments only by an operating cost factor established
10 by the Secretary, which shall be eligible for renewal
11 under section 524 of the Multifamily Assisted Hous-
12 ing Reform and Affordability Act of 1997 (42
13 U.S.C. 1437f note), or, subject to agreement of the
14 administering public housing agency, to assistance
15 under section 8(o)(13) of the Act, to which the limi-
16 tation under subsection (B) of section 8(o)(13) of
17 the Act shall not apply and for which the Secretary
18 may waive or alter the provisions of subparagraphs
19 (C) and (D) of section 8(o)(13) of the Act.”;

20 (8) after the twenty-fifth proviso, as reordered
21 above, by inserting the following new proviso: “*Pro-*
22 *vided further*, That the Secretary may waive or alter
23 the requirements of section 8(c)(1)(A) of the Act for
24 contracts provided to properties converting assist-
25 ance from section 202(c)(2) of the Housing Act of

1 1959 or section 811 of the American Homeowner-
2 ship and Economic Opportunity Act of 2000 as nec-
3 essary to ensure the ongoing provision and coordina-
4 tion of services or to avoid a reduction in project
5 subsidy:”; and

6 (9) in the thirty-first proviso, as reordered
7 above, by inserting “or section 202 senior preserva-
8 tion rental assistance contract” after “section 202
9 project rental assistance contract”.

10 SEC. 237. Except as otherwise provided in this Act,
11 none of the funds provided in this title, provided by pre-
12 vious appropriations Acts to the Department of Housing
13 and Urban Development that remain available for obliga-
14 tion or expenditure in fiscal year 2021, or provided from
15 any accounts in the Treasury derived by the collection of
16 fees and available to the Department of Housing and
17 Urban Development, shall be available for obligation or
18 expenditure through a reprogramming of funds in a man-
19 ner that is different from the budget justifications sub-
20 mitted to the House and Senate Committees on Appro-
21 priations, this Act, or the explanatory statement accom-
22 panying this Act, whichever is more detailed, that—

23 (1) for program and information technology
24 funds—

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

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

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

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

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

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

18 (2) For salaries and expenses funds—

19 (A) assigns personnel or hires to support
20 the creation of a new program, project, or activ-
21 ity;

22 (B) increases the personnel or other re-
23 sources for any program, project, or activity for
24 which funds have been denied or restricted by
25 the Congress;

1 (C) relocates or closes an office; or

2 (D) creates, reorganizes, or restructures an
3 office, division, branch, board or administration,
4 which shall include the transfer of any function
5 from one organizational unit to another organi-
6 zational unit;

7 unless prior written notification is provided to, and ap-
8 proval is received from, the House and Senate Committees
9 on Appropriations.

10 SEC. 238. Not later than 60 days after the date of
11 enactment of this Act, the Department of Housing and
12 Urban Development shall submit a report to the Commit-
13 tees on Appropriations of the Senate and of the House
14 of Representatives to establish the baseline for application
15 of reprogramming and transfer authorities for the current
16 fiscal year: *Provided*, That the report shall include—

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

22 (2) for program and information technology
23 funds, a delineation in the table for each appropria-
24 tion and its respective prior year enacted level by
25 program, project, and activity as detailed in this

1 Act, the explanatory statement accompanying this
2 Act, accompanying reports of the House and Senate
3 Committees on Appropriations, or the budget appen-
4 dix for the respective appropriation, whichever is
5 more detailed, and shall apply to all items for which
6 a dollar amount is specified and to all programs for
7 which new budget authority is provided;

8 (3) for salaries and expenses funds, an organi-
9 zational chart for each office that includes detail to
10 the branch level, and clearly identifies those organi-
11 zational units to which section 237 (2) shall be ap-
12 plied; and

13 (4) an identification of items of special congres-
14 sional interest.

15 This title may be cited as the “Department of Hous-
16 ing and Urban Development Appropriations Act, 2021”.

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

5 For necessary expenses of the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973,
7 as amended, \$9,200,000: *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. 307), in-
16 cluding services as authorized by 5 U.S.C. 3109; hire of
17 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, \$31,060,000: *Pro-*
20 *vided*, That not to exceed \$2,000 shall be available for offi-
21 cial reception and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978, as amended, \$24,488,000: *Provided*, That the In-
8 spector General shall have all necessary authority, in car-
9 rying out the duties specified in the Inspector General Act,
10 as amended (5 U.S.C. App. 3), to investigate allegations
11 of fraud, including false statements to the government (18
12 U.S.C. 1001), by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the Corporation: *Pro-*

1 *vided further*, That concurrent with the President's budget
2 request for fiscal year 2022, the Inspector General shall
3 submit to the House and Senate Committees on Appro-
4 priations a budget request for fiscal year 2022 in similar
5 format and substance to those submitted by executive
6 agencies of the Federal Government.

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Transpor-
10 tation Safety Board, including hire of passenger motor ve-
11 hicles and aircraft; services as authorized by 5 U.S.C.
12 3109, but at rates for individuals not to exceed the per
13 diem rate equivalent to the rate for a GS-15; uniforms,
14 or allowances therefor, as authorized by law (5 U.S.C.
15 5901-5902), \$119,000,000, of which not to exceed \$2,000
16 may be used for official reception and representation ex-
17 penses: *Provided*, That the amounts made available to the
18 National Transportation Safety Board in this Act include
19 amounts necessary to make lease payments on an obliga-
20 tion incurred in fiscal year 2001 for a capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
2 tion Act (42 U.S.C. 8101–8107), \$156,500,000, of which
3 \$5,000,000 shall be for a multi-family rental housing pro-
4 gram: *Provided*, That an additional \$2,000,000, to remain
5 available until September 30, 2024, shall be for the pro-
6 motion and development of shared equity housing models.

7 SURFACE TRANSPORTATION BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the Surface Transpor-
10 tation Board, including services authorized by 5 U.S.C.
11 3109, \$37,500,000: *Provided*, That notwithstanding any
12 other provision of law, not to exceed \$1,250,000 from fees
13 established by the Surface Transportation Board shall be
14 credited to this appropriation as offsetting collections and
15 used for necessary and authorized expenses under this
16 heading: *Provided further*, That the sum herein appro-
17 priated from the general fund shall be reduced on a dollar-
18 for-dollar basis as such offsetting collections are received
19 during fiscal year 2021, to result in a final appropriation
20 from the general fund estimated at no more than
21 \$36,250,000.

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

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

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

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

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

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

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

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

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

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

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

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in titles I or III of this Act,
20 provided by previous appropriations Acts to the agencies
21 or entities funded in titles I or III of this Act that remain
22 available for obligation or expenditure in fiscal year 2021,
23 or provided from any accounts in the Treasury derived by
24 the collection of fees and available to the agencies funded
25 by titles I or III of this Act, shall be available for obliga-

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

3 (1) creates a new program;

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

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

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

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

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

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

1 than 60 days after the date of enactment of this
2 Act, each agency funded by titles I or III of this Act
3 shall submit a report to the Committees on Appro-
4 priations of the Senate and of the House of Rep-
5 resentatives to establish the baseline for application
6 of reprogramming and transfer authorities for the
7 current fiscal year: *Provided further*, That the report
8 shall include—

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

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

1 which new budget (obligational) authority is
2 provided, as well as to discretionary grants and
3 discretionary grant allocations; and

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

6 SEC. 406. Except as otherwise specifically provided
7 by law, not to exceed 50 percent of unobligated balances
8 remaining available at the end of fiscal year 2021 from
9 appropriations made available for salaries and expenses
10 for fiscal year 2021 in this Act, shall remain available
11 through September 30, 2022, for each such account for
12 the purposes authorized: *Provided*, That a request shall
13 be submitted to the House and Senate Committees on Ap-
14 propriations for approval prior to the expenditure of such
15 funds: *Provided further*, That these requests shall be made
16 in compliance with reprogramming guidelines under sec-
17 tion 405 of this Act.

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

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

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

18 SEC. 409. No part of any appropriation contained in
19 this Act shall be available to pay the salary for any person
20 filling a position, other than a temporary position, for-
21 merly held by an employee who has left to enter the Armed
22 Forces of the United States and has satisfactorily com-
23 pleted his or her period of active military or naval service,
24 and has within 90 days after his or her release from such
25 service or from hospitalization continuing after discharge

1 for a period of not more than 1 year, made application
2 for restoration to his or her former position and has been
3 certified by the Office of Personnel Management as still
4 qualified to perform the duties of his or her former posi-
5 tion and has not been restored thereto.

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

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

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

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

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

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

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

1 SEC. 415. None of the funds appropriated or other-
2 wise made available under this Act may be used by the
3 Surface Transportation Board to charge or collect any fil-
4 ing fee for rate or practice complaints filed with the Board
5 in an amount in excess of the amount authorized for dis-
6 trict court civil suit filing fees under section 1914 of title
7 28, United States Code.

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

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

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

1 refers to the Inspector General and expressly limits the
2 Inspector General's right of access.

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

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

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

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

1 awards or incentive fees are consistent with 16.401(e)(2)
2 of the Federal Acquisition Regulations.

3 This Act may be cited as the “Transportation, Hous-
4 ing and Urban Development, and Related Agencies Appro-
5 priations Act, 2021”.