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[Report No. 114-____]

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2016

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

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

1 \$2,142,000 shall be available for the Office of Public Af-
2 fairs; not to exceed \$1,760,000 shall be available for the
3 Office of the Executive Secretariat; not to exceed
4 \$11,089,000 shall be available for the Office of Intel-
5 ligence, Security, and Emergency Response; and not to ex-
6 ceed \$16,485,000 shall be available for the Office of the
7 Chief Information Officer: *Provided*, That the Secretary
8 of Transportation is authorized to transfer funds appro-
9 priated for any office of the Office of the Secretary to any
10 other office of the Office of the Secretary: *Provided fur-*
11 *ther*, That no appropriation for any office shall be in-
12 creased or decreased by more than 5 percent by all such
13 transfers: *Provided further*, That notice of any change in
14 funding greater than 5 percent shall be submitted for ap-
15 proval to the House and Senate Committees on Appropria-
16 tions: *Provided further*, That not to exceed \$60,000 shall
17 be for allocation within the Department for official recep-
18 tion and representation expenses as the Secretary may de-
19 termine: *Provided further*, That notwithstanding any other
20 provision of law, excluding fees authorized in Public Law
21 107–71, there may be credited to this appropriation up
22 to \$2,500,000 in funds received in user fees: *Provided fur-*
23 *ther*, That none of the funds provided in this Act shall
24 be available for the position of Assistant Secretary for
25 Public Affairs.

1 RESEARCH AND TECHNOLOGY

2 For necessary expenses related to the Office of the
3 Assistant Secretary for Research and Technology,
4 \$13,000,000, of which \$8,218,000 shall remain available
5 until September 30, 2019: *Provided*, That there may be
6 credited to this appropriation, to be available until ex-
7 pended, funds received from States, counties, municipali-
8 ties, other public authorities, and private sources for ex-
9 penses incurred for training: *Provided further*, That any
10 reference in law, regulation, judicial proceedings, or else-
11 where to the Research and Innovative Technology Admin-
12 istration shall continue to be deemed to be a reference to
13 the Office of the Assistant Secretary for Research and
14 Technology of the Department of Transportation.

15 NATIONAL INFRASTRUCTURE INVESTMENTS

16 For capital investments in surface transportation in-
17 frastructure, \$450,000,000, to remain available through
18 September 30, 2020: *Provided*, That the Secretary of
19 Transportation shall distribute funds provided under this
20 heading as discretionary grants to be awarded to a State,
21 local government, transit agency, or a collaboration among
22 such entities on a competitive basis for projects that will
23 have a significant impact on the Nation, a metropolitan
24 area, or a region: *Provided further*, That projects eligible
25 for funding provided under this heading shall include, but

1 not be limited to, highway or bridge projects eligible under
2 title 23, United States Code; public transportation
3 projects eligible under chapter 53 of title 49, United
4 States Code; passenger and freight rail transportation
5 projects; and port infrastructure investments (including
6 inland port infrastructure and land ports of entry): *Pro-*
7 *vided further*, That the Secretary may use up to 20 per-
8 cent of the funds made available under this heading for
9 the purpose of paying the subsidy and administrative costs
10 of projects eligible for Federal credit assistance under
11 chapter 6 of title 23, United States Code, if the Secretary
12 finds that such use of the funds would advance the pur-
13 poses of this paragraph: *Provided further*, That in distrib-
14 uting funds provided under this heading, the Secretary
15 shall take such measures so as to ensure an equitable geo-
16 graphic distribution of funds, an appropriate balance in
17 addressing the needs of urban and rural areas, and the
18 investment in a variety of transportation modes: *Provided*
19 *further*, That a grant funded under this heading shall be
20 not less than \$5,000,000 and not greater than
21 \$100,000,000: *Provided further*, That not more than 20
22 percent of the funds made available under this heading
23 may be awarded to projects in a single State: *Provided*
24 *further*, That the Federal share of the costs for which an
25 expenditure is made under this heading shall be, at the

1 option of the recipient, up to 80 percent: *Provided further,*
2 That the Secretary shall give priority to projects that re-
3 quire a contribution of Federal funds in order to complete
4 an overall financing package: *Provided further,* That not
5 less than 20 percent of the funds provided under this
6 heading shall be for projects located in rural areas: *Pro-*
7 *vided further,* That for projects located in rural areas, the
8 minimum grant size shall be \$1,000,000 and the Secretary
9 may increase the Federal share of costs above 80 percent:
10 *Provided further,* That projects conducted using funds pro-
11 vided under this heading must comply with the require-
12 ments of subchapter IV of chapter 31 of title 40, United
13 States Code: *Provided further,* That the Secretary shall
14 conduct a new competition to select the grants and credit
15 assistance awarded under this heading: *Provided further,*
16 That the Secretary may retain up to \$20,000,000 of the
17 funds provided under this heading, and may transfer por-
18 tions of those funds to the Administrators of the Federal
19 Highway Administration, the Federal Transit Administra-
20 tion, the Federal Railroad Administration and the Mari-
21 time Administration, to fund the award and oversight of
22 grants and credit assistance made under the National In-
23 frastructure Investments program.

1 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
2 FINANCE BUREAU

3 For necessary expenses for the establishment and ad-
4 ministration of a new National Surface Transportation
5 and Innovative Finance Bureau (the Bureau) within the
6 Office of the Secretary of Transportation, \$3,000,000, to
7 remain available until expended: *Provided*, That the Sec-
8 retary of Transportation shall use such amount for the
9 necessary expenses to establish the Bureau and to fulfill
10 the responsibilities of the Bureau, as detailed in section
11 9001 of the Fixing America's Surface Transportation
12 (FAST) Act (Public Law 114-94) (49 U.S.C. 116).

13 FINANCIAL MANAGEMENT CAPITAL

14 For necessary expenses for upgrading and enhancing
15 the Department of Transportation's financial systems and
16 re-engineering business processes, \$4,000,000, to remain
17 available through September 30, 2018.

18 CYBER SECURITY INITIATIVES

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

1 infrastructure enhancements, and implementation of en-
2 hanced security controls on network devices, \$15,000,000,
3 to remain available through September 30, 2018.

4 OFFICE OF CIVIL RIGHTS

5 For necessary expenses of the Office of Civil Rights,
6 \$9,751,000.

7 TRANSPORTATION PLANNING, RESEARCH, AND
8 DEVELOPMENT

9 For necessary expenses for conducting transportation
10 planning, research, systems development, development ac-
11 tivities, and making grants, to remain available until ex-
12 pended, \$12,000,000: *Provided*, That of such amount,
13 \$3,000,000 shall be for necessary expenses of the Inter-
14 agency Infrastructure Permitting Improvement Center
15 (IIPIC): *Provided further*, That there may be transferred
16 to this appropriation, to remain available until expended,
17 amounts from other Federal agencies for expenses in-
18 curred under this heading for IIPIC activities not related
19 to transportation infrastructure: *Provided further*, That
20 the tools and analysis developed by the IIPIC shall be
21 available to other Federal agencies for the permitting and
22 review of major infrastructure projects not related to
23 transportation only to the extent that other Federal agen-
24 cies provide funding to the Department as provided for
25 under the previous proviso.

1 WORKING CAPITAL FUND

2 For necessary expenses for operating costs and cap-
3 ital outlays of the Working Capital Fund, not to exceed
4 \$190,389,000 shall be paid from appropriations made
5 available to the Department of Transportation: *Provided*,
6 That such services shall be provided on a competitive basis
7 to entities within the Department of Transportation: *Pro-*
8 *vided further*, That the above limitation on operating ex-
9 penses shall not apply to non-DOT entities: *Provided fur-*
10 *ther*, That no funds appropriated in this Act to an agency
11 of the Department shall be transferred to the Working
12 Capital Fund without majority approval of the Working
13 Capital Fund Steering Committee and approval of the
14 Secretary: *Provided further*, That no assessments may be
15 levied against any program, budget activity, subactivity or
16 project funded by this Act unless notice of such assess-
17 ments and the basis therefor are presented to the House
18 and Senate Committees on Appropriations and are ap-
19 proved by such Committees.

20 MINORITY BUSINESS RESOURCE CENTER PROGRAM

21 For the cost of guaranteed loans, \$339,000, as au-
22 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
23 cluding the cost of modifying such loans, shall be as de-
24 fined in section 502 of the Congressional Budget Act of
25 1974: *Provided further*, That these funds are available to

1 subsidize total loan principal, any part of which is to be
2 guaranteed, not to exceed \$18,367,000.

3 In addition, for administrative expenses to carry out
4 the guaranteed loan program, \$602,000.

5 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
6 OUTREACH

7 For necessary expenses for small and disadvantaged
8 business utilization and outreach activities, \$4,646,000, to
9 remain available until September 30, 2018: *Provided*,
10 That notwithstanding 49 U.S.C. 332, these funds may be
11 used for business opportunities related to any mode of
12 transportation.

13 PAYMENTS TO AIR CARRIERS

14 (AIRPORT AND AIRWAY TRUST FUND)

15 In addition to funds made available from any other
16 source to carry out the essential air service program under
17 49 U.S.C. 41731 through 41742, \$150,000,000, to be de-
18 rived from the Airport and Airway Trust Fund, to remain
19 available until expended: *Provided*, That in determining
20 between or among carriers competing to provide service
21 to a community, the Secretary may consider the relative
22 subsidy requirements of the carriers: *Provided further*,
23 That basic essential air service minimum requirements
24 shall not include the 15-passenger capacity requirement
25 under subsection 41732(b)(3) of title 49, United States

1 Code: *Provided further*, That none of the funds in this Act
2 or any other Act shall be used to enter into a new contract
3 with a community located less than 40 miles from the
4 nearest small hub airport before the Secretary has nego-
5 tiated with the community over a local cost share: *Pro-*
6 *vided further*, That amounts authorized to be distributed
7 for the essential air service program under subsection
8 41742(b) of title 49, United States Code, shall be made
9 available immediately from amounts otherwise provided to
10 the Administrator of the Federal Aviation Administration:
11 *Provided further*, That the Administrator may reimburse
12 such amounts from fees credited to the account estab-
13 lished under section 45303 of title 49, United States Code.

14

ADMINISTRATIVE PROVISIONS

15 SEC. 101. None of the funds made available in this
16 Act to the Department of Transportation may be obligated
17 for the Office of the Secretary of Transportation to ap-
18 prove assessments or reimbursable agreements pertaining
19 to funds appropriated to the modal administrations in this
20 Act, except for activities underway on the date of enact-
21 ment of this Act, unless such assessments or agreements
22 have completed the normal reprogramming process for
23 Congressional notification.

24 SEC. 102. Notwithstanding section 3324 of title 31,
25 United States Code, in addition to authority provided by

1 section 327 of title 49, United States Code, the Depart-
2 ment's Working Capital Fund is hereby authorized to pro-
3 vide payments in advance to vendors that are necessary
4 to carry out the Federal transit pass transportation fringe
5 benefit program under Executive Order 13150 and section
6 3049 of Public Law 109-59: *Provided*, That the Depart-
7 ment shall include adequate safeguards in the contract
8 with the vendors to ensure timely and high-quality per-
9 formance under the contract.

10 SEC. 103. The Secretary shall post on the Web site
11 of the Department of Transportation a schedule of all
12 meetings of the Credit Council, including the agenda for
13 each meeting, and require the Credit Council to record the
14 decisions and actions of each meeting.

15 FEDERAL AVIATION ADMINISTRATION

16 OPERATIONS

17 (AIRPORT AND AIRWAY TRUST FUND)

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

1 cles for replacement only, in addition to amounts made
2 available by Public Law 112–95, \$9,994,352,000 of which
3 \$9,049,000,000 shall be derived from the Airport and Air-
4 way Trust Fund, of which not to exceed \$7,539,785,000
5 shall be available for air traffic organization activities; not
6 to exceed \$1,291,982,000 shall be available for aviation
7 safety activities; not to exceed \$18,826,000 shall be avail-
8 able for commercial space transportation activities; not to
9 exceed \$771,342,000 shall be available for finance and
10 management activities; not to exceed \$60,155,000 shall be
11 available for NextGen and operations planning activities;
12 not to exceed \$107,161,000 shall be available for security
13 and hazardous materials safety; and not to exceed
14 \$205,101,000 shall be available for staff offices: *Provided*,
15 That not to exceed 2 percent of any budget activity, except
16 for aviation safety budget activity, may be transferred to
17 any budget activity under this heading: *Provided further*,
18 That no transfer may increase or decrease any appropria-
19 tion by more than 2 percent: *Provided further*, That any
20 transfer in excess of 2 percent shall be treated as a re-
21 programming of funds under section 405 of this Act and
22 shall not be available for obligation or expenditure except
23 in compliance with the procedures set forth in that section:
24 *Provided further*, That not later than March 31 of each
25 fiscal year hereafter, the Administrator of the Federal

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

1 aviation user fees not specifically authorized by law after
2 the date of the enactment of this Act: *Provided further*,
3 That there may be credited to this appropriation, as off-
4 setting collections, funds received from States, counties,
5 municipalities, foreign authorities, other public authori-
6 ties, and private sources for expenses incurred in the pro-
7 vision of agency services, including receipts for the mainte-
8 nance and operation of air navigation facilities, and for
9 issuance, renewal or modification of certificates, including
10 airman, aircraft, and repair station certificates, or for
11 tests related thereto, or for processing major repair or al-
12 teration forms: *Provided further*, That of the funds appro-
13 priated under this heading, not less than \$159,000,000
14 shall be for the contract tower program, including the con-
15 tract tower cost share program: *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.

19 FACILITIES AND EQUIPMENT

20 (AIRPORT AND AIRWAY TRUST FUND)

21 For necessary expenses, not otherwise provided for,
22 for acquisition, establishment, technical support services,
23 improvement by contract or purchase, and hire of national
24 airspace systems and experimental facilities and equip-
25 ment, as authorized under part A of subtitle VII of title

1 49, United States Code, including initial acquisition of
2 necessary sites by lease or grant; engineering and service
3 testing, including construction of test facilities and acqui-
4 sition of necessary sites by lease or grant; construction
5 and furnishing of quarters and related accommodations
6 for officers and employees of the Federal Aviation Admin-
7 istration stationed at remote localities where such accom-
8 modations are not available; and the purchase, lease, or
9 transfer of aircraft from funds available under this head-
10 ing, including aircraft for aviation regulation and certifi-
11 cation; to be derived from the Airport and Airway Trust
12 Fund, \$2,838,000,000, of which \$486,000,000 shall re-
13 main available until September 30, 2017, and
14 \$2,352,000,000 shall remain available until September 30,
15 2019: *Provided*, That there may be credited to this appro-
16 priation funds received from States, counties, municipali-
17 ties, other public authorities, and private sources, for ex-
18 penses incurred in the establishment, improvement, and
19 modernization of national airspace systems: *Provided fur-*
20 *ther*, That no later than March 31, the Secretary of Trans-
21 portation shall transmit to the Congress an investment
22 plan for the Federal Aviation Administration which in-
23 cludes funding for each budget line item for fiscal years
24 2018 through 2022, with total funding for each year of
25 the plan constrained to the funding targets for those years

1 as estimated and approved by the Office of Management
2 and Budget.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities and
9 acquisition of necessary sites by lease or grant,
10 \$167,500,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2019: *Provided*, That there may be credited to this appro-
13 priation as offsetting collections, funds received from
14 States, counties, municipalities, other public authorities,
15 and private sources, which shall be available for expenses
16 incurred for research, engineering, and development.

17 GRANTS-IN-AID FOR AIRPORTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (AIRPORT AND AIRWAY TRUST FUND)

21 For liquidation of obligations incurred for grants-in-
22 aid for airport planning and development, and noise com-
23 patibility planning and programs as authorized under sub-
24 chapter I of chapter 471 and subchapter I of chapter 475
25 of title 49, United States Code, and under other law au-

1 thorizing such obligations; for procurement, installation,
2 and commissioning of runway incursion prevention devices
3 and systems at airports of such title; for grants authorized
4 under section 41743 of title 49, United States Code; and
5 for inspection activities and administration of airport safe-
6 ty programs, including those related to airport operating
7 certificates under section 44706 of title 49, United States
8 Code, \$3,750,000,000, to be derived from the Airport and
9 Airway Trust Fund and to remain available until ex-
10 pended: *Provided*, That none of the funds under this head-
11 ing shall be available for the planning or execution of pro-
12 grams the obligations for which are in excess of
13 \$3,350,000,000 in fiscal year 2017, notwithstanding sec-
14 tion 47117(g) of title 49, United States Code: *Provided*
15 *further*, That none of the funds under this heading shall
16 be available for the replacement of baggage conveyor sys-
17 tems, reconfiguration of terminal baggage areas, or other
18 airport improvements that are necessary to install bulk ex-
19 plosive detection systems: *Provided further*, That notwith-
20 standing any other provision of law, of funds limited under
21 this heading, not more than \$107,691,000 shall be obli-
22 gated for administration, not less than \$15,000,000 shall
23 be available for the Airport Cooperative Research Pro-
24 gram, not less than \$31,375,000 shall be available for Air-
25 port Technology Research.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 110. None of the funds in this Act may be used
3 to compensate in excess of 600 technical staff-years under
4 the federally funded research and development center con-
5 tract between the Federal Aviation Administration and the
6 Center for Advanced Aviation Systems Development dur-
7 ing fiscal year 2016.

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

21 SEC. 112. The Administrator of the Federal Aviation
22 Administration may reimburse amounts made available to
23 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
24 49 U.S.C. 45303 and any amount remaining in such ac-
25 count at the close of that fiscal year may be made available

1 to satisfy section 41742(a)(1) for the subsequent fiscal
2 year.

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

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

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

18 SEC. 116. None of the funds in this Act may be obli-
19 gated or expended for retention bonuses for an employee
20 of the Federal Aviation Administration without the prior
21 written approval of the Assistant Secretary for Adminis-
22 tration of the Department of Transportation.

23 SEC. 117. Notwithstanding any other provision of
24 law, none of the funds made available under this Act or
25 any prior Act may be used to implement or to continue

1 to implement any limitation on the ability of any owner
2 or operator of a private aircraft to obtain, upon a request
3 to the Administrator of the Federal Aviation Administra-
4 tion, a blocking of that owner's or operator's aircraft reg-
5 istration number from any display of the Federal Aviation
6 Administration's Aircraft Situational Display to Industry
7 data that is made available to the public, except data made
8 available to a Government agency, for the noncommercial
9 flights of that owner or operator.

10 SEC. 118. None of the funds in this Act shall be avail-
11 able for salaries and expenses of more than nine political
12 and Presidential appointees in the Federal Aviation Ad-
13 ministration.

14 SEC. 119. None of the funds made available under
15 this Act may be used to increase fees pursuant to section
16 44721 of title 49, United States Code, until the FAA pro-
17 vides to the House and Senate Committees on Appropria-
18 tions a report that justifies all fees related to aeronautical
19 navigation products and explains how such fees are con-
20 sistent with Executive Order 13642.

21 SEC. 119A. None of the funds in this Act may be
22 used to close a regional operations center of the Federal
23 Aviation Administration or reduce its services unless the
24 Administrator notifies the House and Senate Committees

1 on Appropriations not less than 90 full business days in
2 advance.

3 SEC. 119B. None of the funds appropriated or lim-
4 ited by this Act may be used to change weight restrictions
5 or prior permission rules at Teterboro airport in
6 Teterboro, New Jersey.

7 FEDERAL HIGHWAY ADMINISTRATION

8 LIMITATION ON ADMINISTRATIVE EXPENSES

9 (HIGHWAY TRUST FUND)

10 (INCLUDING TRANSFER OF FUNDS)

11 Not to exceed \$432,547,000, together with advances
12 and reimbursements received by the Federal Highway Ad-
13 ministration, shall be obligated for necessary expenses for
14 administration and operation of the Federal Highway Ad-
15 ministration. In addition, not to exceed \$3,248,000 shall
16 be transferred to the Appalachian Regional Commission
17 in accordance with section 104(a) of title 23, United
18 States Code.

19 FEDERAL-AID HIGHWAYS

20 (LIMITATION ON OBLIGATIONS)

21 (HIGHWAY TRUST FUND)

22 Funds available for the implementation or execution
23 of Federal-aid highway and highway safety construction
24 programs authorized under titles 23 and 49, United States
25 Code, and the provisions of the Fixing America's Surface

1 Transportation Act shall not exceed total obligations of
2 \$43,266,100,000 for fiscal year 2017: *Provided*, That the
3 Secretary may collect and spend fees, as authorized by
4 title 23, United States Code, to cover the costs of services
5 of expert firms, including counsel, in the field of municipal
6 and project finance to assist in the underwriting and serv-
7 icing of Federal credit instruments and all or a portion
8 of the costs to the Federal Government of servicing such
9 credit instruments: *Provided further*, That such fees are
10 available until expended to pay for such costs: *Provided*
11 *further*, That such amounts are in addition to administra-
12 tive expenses that are also available for such purpose, and
13 are not subject to any obligation limitation or the limita-
14 tion on administrative expenses under section 608 of title
15 23, United States Code.

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (HIGHWAY TRUST FUND)

18 For the payment of obligations incurred in carrying
19 out Federal-aid highway and highway safety construction
20 programs authorized under title 23, United States Code,
21 \$44,005,100,000 derived from the Highway Trust Fund
22 (other than the Mass Transit Account), to remain avail-
23 able until expended.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. (a) For fiscal year 2017, 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 2017,
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 in this Act to the De-
4 partment of Transportation may be used to provide credit
5 assistance unless not less than 3 days before any applica-
6 tion approval to provide credit assistance under sections
7 603 and 604 of title 23, United States Code, the Secretary
8 of Transportation provides notification in writing to the
9 following committees: the House and Senate Committees
10 on Appropriations; the Committee on Environment and
11 Public Works and the Committee on Banking, Housing
12 and Urban Affairs of the Senate; and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives: *Provided*, That such notification shall in-
15 clude, but not be limited to, the name of the project spon-
16 sor; a description of the project; whether credit assistance
17 will be provided as a direct loan, loan guarantee, or line
18 of credit; and the amount of credit assistance.

19 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
20 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS
21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 For payment of obligations incurred in the implemen-
25 tation, execution and administration of motor carrier safe-

1 ty operations and programs pursuant to section 31110 of
2 title 49, United States Code, as amended by the Fixing
3 America’s Surface Transportation Act, \$277,200,000, to
4 be derived from the Highway Trust Fund (other than the
5 Mass Transit Account), together with advances and reim-
6 bursements received by the Federal Motor Carrier Safety
7 Administration, the sum of which shall remain available
8 until expended: *Provided*, That funds available for imple-
9 mentation, execution or administration of motor carrier
10 safety operations and programs authorized under title 49,
11 United States Code, shall not exceed total obligations of
12 \$277,200,000 for “Motor Carrier Safety Operations and
13 Programs” for fiscal year 2017, of which \$9,180,000, to
14 remain available for obligation until September 30, 2019,
15 is for the research and technology program.

16 MOTOR CARRIER SAFETY GRANTS
17 (LIQUIDATION OF CONTRACT AUTHORIZATION)
18 (LIMITATION ON OBLIGATIONS)
19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
21 sections 31102, 31103, 31104, and 31313 of title 49,
22 United States Code, as amended by the Fixing America’s
23 Surface Transportation Act, \$367,000,000, to be derived
24 from the Highway Trust Fund (other than the Mass Tran-
25 sit Account) and to remain available until expended: *Pro-*

1 *vided*, That funds available for the implementation or exe-
2 cution of motor carrier safety programs shall not exceed
3 total obligations of \$367,000,000 in fiscal year 2017 for
4 “Motor Carrier Safety Grants”; of which \$292,600,000
5 shall be available for the motor carrier safety assistance
6 program, \$31,200,000 shall be available for commercial
7 driver’s license program implementation program,
8 \$42,200,000 shall be available for the high priority activi-
9 ties program, and \$1,000,000 shall be available for the
10 Commercial Motor Vehicle Operators grant program.

11 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
12 CARRIER SAFETY ADMINISTRATION

13 SEC. 130. Funds appropriated or limited in this Act
14 shall be subject to the terms and conditions stipulated in
15 section 350 of Public Law 107–87 and section 6901 of
16 Public Law 110–28.

17 SEC. 131. The Federal Motor Carrier Safety Admin-
18 istration shall send notice of 49 CFR section 385.308 vio-
19 lations by certified mail, registered mail, or another man-
20 ner of delivery, which records the receipt of the notice by
21 the persons responsible for the violations.

22 SEC. 132. (a) IN GENERAL.—None of the funds ap-
23 propriated or otherwise made available by this Act or any
24 other Act may be used to implement, administer, or en-
25 force the requirement for two off-duty periods from 1:00

1 a.m. to 5:00 a.m. under subsection (c) of section 395.3
2 of title 49, Code of Federal Regulations, or the prohibition
3 on use of more than one restart during a consecutive 168-
4 hour period under subsection (d) of such section, and such
5 provisions shall have no force or effect.

6 (b) **RESTART RULE.**—The 34-hour restart rule in ef-
7 fect on December 26, 2011, shall be restored to full force
8 and effect, and funds appropriated or otherwise made
9 available by this Act or any other Act shall be available
10 to implement, administer, or enforce such rule.

11 (c) **DATE CHANGE.**—Section 133(a) of division K of
12 title I of the Consolidated Appropriations Act, 2015, Pub-
13 lic Law 113–235, is amended by striking “2015”, and in-
14 serting “2016”, and by striking “June 30, 2013”, and in-
15 serting “December 26, 2011”.

16 **SEC. 133.** None of the funds made available by this
17 Act or previous appropriations Acts under the heading
18 “Motor Carrier Safety Operations and Programs” shall be
19 used to pay for costs associated with design, development,
20 testing, or implementation of a wireless roadside inspec-
21 tion program until 180 days after the Secretary of Trans-
22 portation certifies to the House and Senate Committees
23 on Appropriations that such program does not conflict
24 with existing non-Federal electronic screening systems,
25 create capabilities already available, or require additional

1 statutory authority to incorporate generated inspection
2 data into safety determinations or databases, and has re-
3 strictions to specifically address privacy concerns of af-
4 fected motor carriers and operators.

5 **SEC. 134. FEDERAL AUTHORITY.**

6 (a) **IN GENERAL.**—Section 14501(c) of title 49,
7 United States Code, is amended—

8 (1) in paragraph (1), by striking “paragraphs
9 (2) and (3)” and inserting “paragraphs (3) and
10 (4)”;

11 (2) by redesignating paragraphs (2) through
12 (5) as paragraphs (3) through (6) respectively;

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

15 “(2) **ADDITIONAL LIMITATIONS.**—

16 “(A) A State, political subdivision of a
17 State, or political authority of 2 or more States
18 may not enact or enforce a law, regulation, or
19 other provision having the force and effect of
20 law prohibiting employees whose hours of serv-
21 ice are subject to regulation by the Secretary
22 under section 31502 from working to the full
23 extent permitted or at such times as permitted
24 under such section, or imposing any additional
25 obligations on motor carriers if such employees

1 work to the full extent or at such times as per-
2 mitted under such section, including any related
3 activities regulated under part 395 of title 49,
4 Code of Federal Regulations.

5 “(B) Nothing in this paragraph shall be
6 construed to limit the provisions of paragraph
7 (1).”.

8 (4) in paragraph (3) (as redesignated) by strik-
9 ing “Paragraph (1)-” and inserting “Paragraphs (1)
10 and (2)—”; and

11 (5) in paragraph (4)(A) (as redesignated) by
12 striking “Paragraph (1)” and inserting “Paragraphs
13 (1) and (2)”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall have the force and effect as if enacted
16 on the date of enactment of the Federal Aviation Adminis-
17 tration Authorization Act of 1994 (Pub. L. No. 103-305).

18 SEC. 135. None of the funds appropriated or other-
19 wise made available by this Act or any other Act may be
20 used to amend, revise or otherwise modify by rulemaking,
21 guidance, or interpretation the regulations in effect on De-
22 cember 4, 2015 relating to safety fitness determinations
23 for motor carriers until the Inspector General of the De-
24 partment of Transportation makes the certifications set
25 out in section 5223(a) of P.L. 114-94.

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, \$187,055,000, of which
7 \$20,000,000 shall remain available through September
8 30, 2018.

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, and chapter 303 of title
15 49, United States Code, \$145,900,000, to be derived from
16 the Highway Trust Fund (other than the Mass Transit
17 Account) and to remain available until expended: *Pro-*
18 *vided*, That none of the funds in this Act shall be available
19 for the planning or execution of programs the total obliga-
20 tions for which, in fiscal year 2017, are in excess of
21 \$145,900,000, of which \$140,700,000 shall be for pro-
22 grams authorized under 23 U.S.C. 403 and \$5,200,000
23 shall be for the National Driver Register authorized under
24 chapter 303 of title 49, United States Code: *Provided fur-*
25 *ther*, That within the \$145,900,000 obligation limitation

1 for operations and research, \$20,000,000 shall remain
2 available until September 30, 2018, and shall be in addi-
3 tion to the amount of any limitation imposed on obliga-
4 tions for future years.

5 HIGHWAY TRAFFIC SAFETY GRANTS
6 (LIQUIDATION OF CONTRACT AUTHORIZATION)
7 (LIMITATION ON OBLIGATIONS)
8 (HIGHWAY TRUST FUND)

9 For payment of obligations incurred in carrying out
10 provisions of 23 U.S.C. 402, 404, and 405, and section
11 4001(a)(6) of the Fixing America's Surface Transpor-
12 tation Act, to remain available until expended,
13 \$585,372,000, to be derived from the Highway Trust
14 Fund (other than the Mass Transit Account): *Provided*,
15 That none of the funds in this Act shall be available for
16 the planning or execution of programs the total obligations
17 for which, in fiscal year 2017, are in excess of
18 \$585,372,000 for programs authorized under 23 U.S.C.
19 402, 404, and 405, and section 4001(a)(6) of the Fixing
20 America's Surface Transportation Act, of which
21 \$252,300,000 shall be for "Highway Safety Programs"
22 under 23 U.S.C. 402; \$277,500,000 shall be for "National
23 Priority Safety Programs" under 23 U.S.C. 405;
24 \$29,500,000 shall be for "High Visibility Enforcement
25 Program" under 23 U.S.C. 404; \$26,072,000 shall be for

1 “Administrative Expenses” under section 4001(a)(6) of
2 the Fixing America’s Surface Transportation Act: *Pro-*
3 *vided further*, That none of these funds shall be used for
4 construction, rehabilitation, or remodeling costs, or for of-
5 fice furnishings and fixtures for State, local or private
6 buildings or structures: *Provided further*, That not to ex-
7 ceed \$500,000 of the funds made available for “National
8 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
9 paired Driving Countermeasures” (as described in sub-
10 section (d) of that section) shall be available for technical
11 assistance to the States: *Provided further*, That with re-
12 spect to the “Transfers” provision under 23 U.S.C.
13 405(a)(8), any amounts transferred to increase the
14 amounts made available under section 402 shall include
15 the obligation authority for such amounts: *Provided fur-*
16 *ther*, That the Administrator shall notify the House and
17 Senate Committees on Appropriations of any exercise of
18 the authority granted under the previous proviso or under
19 23 U.S.C. 405(a)(8) within five days.

20 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

21 TRAFFIC SAFETY ADMINISTRATION

22 SEC. 140. An additional \$130,000 shall be made
23 available to the National Highway Traffic Safety Adminis-
24 tration, out of the amount limited for section 402 of title
25 23, United States Code, to pay for travel and related ex-

1 penses for State management reviews and to pay for core
2 competency development training and related expenses for
3 highway safety staff.

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

10 SEC. 142. None of the funds made available in this
11 Act may be used to conduct or support the National Road-
12 side Survey of Alcohol and Drug Use by Drivers, or to
13 conduct or support any similar survey of alcohol and drug
14 use by drivers.

15 SEC. 143. None of the funds made available by this
16 Act may be used to mandate global positioning system
17 (GPS) tracking in private passenger motor vehicles with-
18 out providing full and appropriate consideration of privacy
19 concerns under 5 U.S.C. chapter 5, subchapter II.

20 FEDERAL RAILROAD ADMINISTRATION

21 SAFETY AND OPERATIONS

22 For necessary expenses of the Federal Railroad Ad-
23 ministration, not otherwise provided for, \$207,000,000, of
24 which \$15,900,000 shall remain available until expended.

1 RAILROAD RESEARCH AND DEVELOPMENT

2 For necessary expenses for railroad research and de-
3 velopment, \$43,100,000, to remain available until ex-
4 pended.

5 RAILROAD REHABILITATION AND IMPROVEMENT

6 FINANCING PROGRAM

7 The Secretary of Transportation is authorized to
8 issue direct loans and loan guarantees pursuant to sec-
9 tions 501 through 504 of the Railroad Revitalization and
10 Regulatory Reform Act of 1976 (Public Law 94–210), as
11 amended, such authority to exist as long as any such di-
12 rect loan or loan guarantee is outstanding. *Provided*, That
13 pursuant to section 502 of such Act, as amended, no new
14 direct loans or loan guarantee commitments shall be made
15 using Federal funds for the credit risk premium during
16 fiscal year 2017, except for federal funds awarded in ac-
17 cordance with section 3028(c) of Public Law 114-94.

18 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD

19 REPAIR GRANTS

20 For necessary expenses related to Federal-State
21 Partnership for State of Good Repair Grants as author-
22 ized by section 24911 of title 49, United States Code,
23 \$25,000,000, to remain available until expended: *Pro-*
24 *vided*, That the Secretary may withhold up to one percent
25 of the amount provided under this heading for the costs

1 of project management oversight of grants carried out
2 under section 24911 of title 49, United States Code.

3 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
4 IMPROVEMENT GRANTS

5 For necessary expenses related to Consolidated Rail
6 Infrastructure and Safety Improvements Grants as au-
7 thorized by section 24407 of title 49, United States Code,
8 \$25,000,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary may withhold up to one percent
10 of the amount provided under this heading for the costs
11 of project management oversight of grants carried out
12 under section 24407 of title 49, United States Code.

13 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
14 RAILROAD PASSENGER CORPORATION

15 To enable the Secretary of Transportation to make
16 grants to the National Railroad Passenger Corporation for
17 activities associated with the Northeast Corridor as au-
18 thorized by section 11101 (a) of the Fixing America's Sur-
19 face Transportation Act (division A of Public Law 114—
20 94), \$420,000,000, to remain available until expended:
21 *Provided*, That the Secretary may retain up to one-half
22 of 1 percent of the funds provided under both this heading
23 and the National Network Grants to the National Rail-
24 road Passenger Corporation heading to fund the costs of
25 project management and oversight of activities authorized

1 by section 11101(c) of division A of Public Law 114—
2 94: *Provided further*, That in addition to the project man-
3 agement oversight funds authorized under section
4 11101(c) of division A of Public Law 114—94, the Sec-
5 retary may retain up to an additional \$5,000,000 of the
6 funds provided under this heading to fund expenses associ-
7 ated with implementing section 24905 of title 49, United
8 States Code: *Provided further*, That of the amounts made
9 available under this heading and the National Network
10 Grants to the National Railroad Passenger Corporation
11 heading, not less than \$50,000,000 shall be made avail-
12 able to bring Amtrak-served facilities and stations into
13 compliance with the Americans with Disabilities Act.

14 NATIONAL NETWORK GRANTS TO THE NATIONAL
15 RAILROAD PASSENGER CORPORATION

16 To enable the Secretary of Transportation to make
17 grants to the National Railroad Passenger Corporation for
18 activities associated with the National Network as author-
19 ized by section 11101(b) of the Fixing America's Surface
20 Transportation Act (division A of Public Law 114—94),
21 \$1,000,000,000, to remain available until expended: *Pro-*
22 *vided*, That the Secretary may retain up to an additional
23 \$2,000,000 of the funds provided under this heading to
24 fund expenses associated with the State-Supported Route

1 Committee established under 24712 of title 49, United
2 States Code.

3 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

4 ADMINISTRATION

5 SEC. 150. None of the funds provided to the National
6 Railroad Passenger Corporation may be used to fund any
7 overtime costs in excess of \$35,000 for any individual em-
8 ployee: *Provided*, That the President of Amtrak may waive
9 the cap set in the previous proviso for specific employees
10 when the President of Amtrak determines such a cap
11 poses a risk to the safety and operational efficiency of the
12 system: *Provided further*, That the President of Amtrak
13 shall report to the House and Senate Committees on Ap-
14 propriations each quarter of the calendar year on waivers
15 granted to employees and amounts paid above the cap for
16 each month within such quarter and delineate the reasons
17 each waiver was granted: *Provided further*, That the Presi-
18 dent of Amtrak shall report to the House and Senate
19 Committees on Appropriations by March 1, 2017, a sum-
20 mary of all overtime payments incurred by the Corpora-
21 tion for 2016 and the three prior calendar years: *Provided*
22 *further*, That such summary shall include the total number
23 of employees that received waivers and the total overtime
24 payments the Corporation paid to those employees receiv-

1 ing waivers for each month for 2016 and for the three
2 prior calendar years.

3 FEDERAL TRANSIT ADMINISTRATION

4 ADMINISTRATIVE EXPENSES

5 For necessary administrative expenses of the Federal
6 Transit Administration's programs authorized by chapter
7 53 of title 49, United States Code, \$110,665,000: *Pro-*
8 *vided*, That none of the funds provided or limited in this
9 Act may be used to create a permanent office of transit
10 security under this heading: *Provided further*, That upon
11 submission to the Congress of the fiscal year 2018 Presi-
12 dent's budget, the Secretary of Transportation shall trans-
13 mit to Congress the annual report on New Starts, includ-
14 ing proposed allocations for fiscal year 2018.

15 TRANSIT FORMULA GRANTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (HIGHWAY TRUST FUND)

19 For payment of obligations incurred in the Federal
20 Public Transportation Assistance Program in this ac-
21 count, and for payment of obligations incurred in carrying
22 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
23 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
24 5340, as amended by the Fixing America's Surface Trans-
25 portation Act, and section 20005(b) of Public Law 112-

1 141, and sections 3006(b) and 3028 of the Fixing Amer-
2 ica's Surface Transportation Act, \$10,800,000,000, to be
3 derived from the Mass Transit Account of the Highway
4 Trust Fund and to remain available until expended: *Pro-*
5 *vided*, That funds available for the implementation or exe-
6 cution of programs authorized under 49 U.S.C. 5305,
7 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335,
8 5337, 5339, and 5340, as amended by the Fixing Amer-
9 ica's Surface Transportation Act, and section 20005(b) of
10 Public Law 112-141, and sections 3006(b) and 3028 of
11 the Fixing America's Surface Transportation Act, shall
12 not exceed total obligations of \$9,733,706,043 in fiscal
13 year 2017.

14 TECHNICAL ASSISTANCE AND TRAINING

15 For necessary expenses to carry out 49 U.S.C. 5314,
16 \$5,000,000.

17 CAPITAL INVESTMENT GRANTS

18 For necessary expenses to carry out 49 U.S.C. 5309,
19 \$2,500,470,000, to remain available until expended.

20 GRANTS TO WASHINGTON METROPOLITAN AREA TRANSIT

21 AUTHORITY

22 For grants to the Washington Metropolitan Area
23 Transit Authority as authorized under section 601 of divi-
24 sion B of Public Law 110-432, \$150,000,000, to remain
25 available until expended: *Provided*, That the Secretary of

1 Transportation shall approve grants for capital and pre-
2 ventive maintenance expenditures for the Washington
3 Metropolitan Area Transit Authority only after receiving
4 and reviewing a request for each specific project: *Provided*
5 *further*, That prior to approving such grants, the Secretary
6 shall certify that the Washington Metropolitan Area Tran-
7 sit Authority is making progress to improve its safety
8 management system in response to the Federal Transit
9 Administration's safety inspections: *Provided further*, That
10 prior to approving such grants, the Secretary shall certify
11 that the Washington Metropolitan Area Transit Authority
12 is making progress toward full implementation of the cor-
13 rective actions identified in the 2014 Financial Manage-
14 ment Oversight Review Report: *Provided further*, That the
15 Secretary shall determine that the Washington Metropoli-
16 tan Area Transit Authority has placed the highest priority
17 on those investments that will improve the safety of the
18 system before approving such grants: *Provided further*,
19 That the Secretary, in order to ensure safety throughout
20 the rail system, may waive the requirements of section
21 601(e)(1) of Division B of Public Law 110-432 (112 Stat.
22 4968).

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 SEC. 160. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation.

8 SEC. 161. Notwithstanding any other provision of
9 law, funds appropriated or limited by this Act under the
10 heading “Fixed Guideway Capital Investment” of the Fed-
11 eral Transit Administration for projects specified in this
12 Act or identified in reports accompanying this Act not ob-
13 ligated by September 30, 2021, and other recoveries, shall
14 be directed to projects eligible to use the funds for the
15 purposes for which they were originally provided.

16 SEC. 162. Notwithstanding any other provision of
17 law, any funds appropriated before October 1, 2016, under
18 any section of chapter 53 of title 49, United States Code,
19 that remain available for expenditure, may be transferred
20 to and administered under the most recent appropriation
21 heading for any such section.

22 SEC. 163. Notwithstanding any other provision of
23 law, none of the funds made available in this Act shall
24 be used to enter into a full funding grant agreement for
25 a project with a New Starts share greater than 50 percent.

1 SEC. 164. (a) LOSS OF ELIGIBILITY.—Except as pro-
2 vided in subsection (b), none of the funds in this or any
3 other Act may be available to advance in any way a new
4 light or heavy rail project towards a full funding grant
5 agreement as defined by 49 U.S.C. 5309 for the Metro-
6 politan Transit Authority of Harris County, Texas if the
7 proposed capital project is constructed on or planned to
8 be constructed on Richmond Avenue west of South Shep-
9 herd Drive or on Post Oak Boulevard north of Richmond
10 Avenue in Houston, Texas.

11 (b) EXCEPTION FOR A NEW ELECTION.—The Metro-
12 politan Transit Authority of Harris County, Texas, may
13 attempt to construct or construct a new fixed guideway
14 capital project, including light rail, in the locations re-
15 ferred to in subsection (a) if—

16 (1) voters in the jurisdiction that includes such
17 locations approve a ballot proposition that specifies
18 routes on Richmond Avenue west of South Shepherd
19 Drive or on Post Oak Boulevard north of Richmond
20 Avenue in Houston, Texas; and

21 (2) the proposed construction of such routes is
22 part of a comprehensive, multi-modal, service-area
23 wide transportation plan that includes multiple addi-
24 tional segments of fixed guideway capital projects,
25 including light rail for the jurisdiction set forth in

1 the ballot proposition. The ballot language shall in-
2 clude reasonable cost estimates, sources of revenue
3 to be used and the total amount of bonded indebted-
4 ness to be incurred as well as a description of each
5 route and the beginning and end point of each pro-
6 posed transit project.

7 SAINT LAWRENCE SEAWAY DEVELOPMENT

8 CORPORATION

9 The Saint Lawrence Seaway Development Corpora-
10 tion is hereby authorized to make such expenditures, with-
11 in the limits of funds and borrowing authority available
12 to the Corporation, and in accord with law, and to make
13 such contracts and commitments without regard to fiscal
14 year limitations as provided by section 104 of the Govern-
15 ment Corporation Control Act, as amended, as may be
16 necessary in carrying out the programs set forth in the
17 Corporation's budget for the current fiscal year.

18 OPERATIONS AND MAINTENANCE

19 (HARBOR MAINTENANCE TRUST FUND)

20 For necessary expenses to conduct the operations,
21 maintenance, and capital asset renewal activities of those
22 portions of the St. Lawrence Seaway owned, operated, and
23 maintained by the Saint Lawrence Seaway Development
24 Corporation, \$36,028,000, to be derived from the Harbor

1 Maintenance Trust Fund, pursuant to Public Law 99–
2 662.

3 MARITIME ADMINISTRATION

4 MARITIME SECURITY PROGRAM

5 For necessary expenses to maintain and preserve a
6 U.S.-flag merchant fleet to serve the national security
7 needs of the United States, \$300,000,000.

8 OPERATIONS AND TRAINING

9 For necessary expenses of operations and training ac-
10 tivities authorized by law, \$175,079,000, of which
11 \$22,000,000 shall remain available until expended for
12 maintenance and repair of training ships at State Mari-
13 time Academies, and of which \$6,000,000 shall remain
14 available until expended for National Security Multi-Mis-
15 sion Vessel/School Ship Replacement program for State
16 Maritime Academies and National Security, and of which
17 \$2,400,000 shall remain available through September 30,
18 2018, for the Student Incentive Program at State Mari-
19 time Academies, and of which \$1,200,000 shall remain
20 available until expended for training ship fuel assistance
21 payments, and of which \$11,179,000 shall remain avail-
22 able until expended for facilities maintenance and repair,
23 equipment, and capital improvements at the United States
24 Merchant Marine Academy, and of which \$3,000,000 shall
25 remain available through September 30, 2018, for Mari-

1 time Environment and Technology Assistance grants, con-
2 tracts, and cooperative agreements: *Provided*, That
3 amounts apportioned for the United States Merchant Ma-
4 rine Academy shall be available only upon allotments made
5 personally by the Secretary of Transportation or the As-
6 sistant Secretary for Budget and Programs: *Provided fur-*
7 *ther*, That the Superintendent, Deputy Superintendent
8 and the Director of the Office of Resource Management
9 of the United States Merchant Marine Academy may not
10 be allotment holders for the United States Merchant Ma-
11 rine Academy, and the Administrator of the Maritime Ad-
12 ministration shall hold all allotments made by the Sec-
13 retary of Transportation or the Assistant Secretary for
14 Budget and Programs under the previous proviso: *Pro-*
15 *vided further*, That 50 percent of the funding made avail-
16 able for the United States Merchant Marine Academy
17 under this heading shall be available only after the Sec-
18 retary, in consultation with the Superintendent and the
19 Maritime Administrator, completes a plan detailing by
20 program or activity how such funding will be expended at
21 the Academy, and this plan is submitted to the House and
22 Senate Committees on Appropriations: *Provided further*,
23 That not later than January 12, 2017, the Administrator
24 of the Maritime Administration shall transmit to the
25 House and Senate Committees on Appropriations the an-

1 nual report on sexual assault and sexual harassment at
2 the United States Merchant Marine Academy as required
3 pursuant to section 3507 of Public Law 110–417.

4 SHIP DISPOSAL

5 For necessary expenses related to the disposal of ob-
6 solete vessels in the National Defense Reserve Fleet of the
7 Maritime Administration, \$10,000,000, to remain avail-
8 able until expended.

9 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

10 ACCOUNT

11 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

12 For administrative expenses to carry out the guaran-
13 teed loan program, \$3,000,000, which shall be transferred
14 to and merged with the appropriations for “Operations
15 and Training”, Maritime Administration: *Provided*, That
16 of the unobligated balance of funds made available for ob-
17 ligation under Public Law 114–113, \$5,000,000 are here-
18 by permanently rescinded.

19 ADMINISTRATIVE PROVISIONS—MARITIME

20 ADMINISTRATION

21 SEC. 170. Notwithstanding any other provision of
22 this Act, in addition to any existing authority, the Mari-
23 time Administration is authorized to furnish utilities and
24 services and make necessary repairs in connection with
25 any lease, contract, or occupancy involving Government

1 property under control of the Maritime Administration:
2 *Provided*, That payments received therefor shall be cred-
3 ited to the appropriation charged with the cost thereof and
4 shall remain available until expended: *Provided further*,
5 That rental payments under any such lease, contract, or
6 occupancy for items other than such utilities, services, or
7 repairs shall be covered into the Treasury as miscellaneous
8 receipts.

9 SEC. 171. None of the funds available or appro-
10 priated in this Act shall be used by the United States De-
11 partment of Transportation or the United States Maritime
12 Administration to negotiate or otherwise execute, enter
13 into, facilitate or perform fee-for-service contracts for ves-
14 sel disposal, scrapping or recycling, unless there is no
15 qualified domestic ship recycler that will pay any sum of
16 money to purchase and scrap or recycle a vessel owned,
17 operated or managed by the Maritime Administration or
18 that is part of the National Defense Reserve Fleet: *Pro-*
19 *vided*, That such sales offers must be consistent with the
20 solicitation and provide that the work will be performed
21 in a timely manner at a facility qualified within the mean-
22 ing of section 3502 of Public Law 106–398: *Provided fur-*
23 *ther*, That nothing contained herein shall affect the Mari-
24 time Administration’s authority to award contracts at
25 least cost to the Federal Government and consistent with

1 the requirements of 54 U.S.C. 308704, section 3502, or
2 otherwise authorized under the Federal Acquisition Regu-
3 lation.

4 PIPELINE AND HAZARDOUS MATERIALS SAFETY

5 ADMINISTRATION

6 OPERATIONAL EXPENSES

7 For necessary operational expenses of the Pipeline
8 and Hazardous Materials Safety Administration,
9 \$21,000,000.

10 HAZARDOUS MATERIALS SAFETY

11 For expenses necessary to discharge the hazardous
12 materials safety functions of the Pipeline and Hazardous
13 Materials Safety Administration, \$57,000,000, of which
14 \$7,570,000 shall remain available until September 30,
15 2019: *Provided*, That up to \$800,000 in fees collected
16 under 49 U.S.C. 5108(g) shall be deposited in the general
17 fund of the Treasury as offsetting receipts: *Provided fur-*
18 *ther*, That there may be credited to this appropriation, to
19 be available until expended, funds received from States,
20 counties, municipalities, other public authorities, and pri-
21 vate sources for expenses incurred for training, for reports
22 publication and dissemination, and for travel expenses in-
23 curred in performance of hazardous materials exemptions
24 and approvals functions.

1 PIPELINE SAFETY

2 (PIPELINE SAFETY FUND)

3 (OIL SPILL LIABILITY TRUST FUND)

4 For expenses necessary to conduct the functions of
5 the pipeline safety program, for grants-in-aid to carry out
6 a pipeline safety program, as authorized by 49 U.S.C.
7 60107, and to discharge the pipeline program responsibil-
8 ities of the Oil Pollution Act of 1990, \$150,000,000, of
9 which \$22,000,000 shall be derived from the Oil Spill Li-
10 ability Trust Fund and shall remain available until Sep-
11 tember 30, 2019; and of which \$128,000,000 shall be de-
12 rived from the Pipeline Safety Fund, of which
13 \$59,835,000 shall remain available until September 30,
14 2019: *Provided*, That not less than \$1,058,000 of the
15 funds provided under this heading shall be for the One-
16 Call State grant program.

17 EMERGENCY PREPAREDNESS GRANTS

18 (EMERGENCY PREPAREDNESS FUND)

19 Notwithstanding the fiscal year limitation specified in
20 49 U.S.C. 5116, not more than \$28,318,000 shall be made
21 available for obligation in fiscal year 2017 from amounts
22 made available by 49 U.S.C. 5116(h), and 5128(b) and
23 (c): *Provided*, That notwithstanding 49 U.S.C.
24 5116(h)(4), not more than 4 percent of the amounts made
25 available from this account shall be available to pay ad-

1 ministrative costs: *Provided further*, That none of the
2 funds made available by 49 U.S.C. 5116(h), 5128(b), or
3 5128(c) shall be made available for obligation by individ-
4 uals other than the Secretary of Transportation, or his
5 or her designee: *Provided further*, That notwithstanding
6 49 U.S.C. 5128(b) and (c) and the current year obligation
7 limitation, prior year recoveries recognized in the current
8 year shall be available to develop a hazardous materials
9 response training curriculum for emergency responders,
10 including response activities for the transportation of
11 crude oil, ethanol and other flammable liquids by rail, con-
12 sistent with National Fire Protection Association stand-
13 ards, and to make such training available through an elec-
14 tronic format: *Provided further*, That the prior year recov-
15 eries made available under this heading shall also be avail-
16 able to carry out 49 U.S.C. 5116(a)(1)(C) and 5116(i).

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of the Inspector
20 General to carry out the provisions of the Inspector Gen-
21 eral Act of 1978, as amended, \$90,152,000: *Provided*,
22 That the Inspector General shall have all necessary au-
23 thority, in carrying out the duties specified in the Inspec-
24 tor General Act, as amended (5 U.S.C. App. 3), to inves-
25 tigate allegations of fraud, including false statements to

1 the government (18 U.S.C. 1001), by any person or entity
2 that is subject to regulation by the Department of Trans-
3 portation: *Provided further*, That the funds made available
4 under this heading may be used to investigate, pursuant
5 to section 41712 of title 49, United States Code: (1) un-
6 fair or deceptive practices and unfair methods of competi-
7 tion by domestic and foreign air carriers and ticket agents;
8 and (2) the compliance of domestic and foreign air carriers
9 with respect to item (1) of this proviso.

10 GENERAL PROVISIONS—DEPARTMENT OF
11 TRANSPORTATION

12 SEC. 180. During the current fiscal year, applicable
13 appropriations to the Department of Transportation shall
14 be available for maintenance and operation of aircraft;
15 hire of passenger motor vehicles and aircraft; purchase of
16 liability insurance for motor vehicles operating in foreign
17 countries on official department business; and uniforms or
18 allowances therefor, as authorized by law (5 U.S.C. 5901–
19 5902).

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

1 SEC. 182. None of the funds in this Act shall be avail-
2 able for salaries and expenses of more than 110 political
3 and Presidential appointees in the Department of Trans-
4 portation: *Provided*, That none of the personnel covered
5 by this provision may be assigned on temporary detail out-
6 side the Department of Transportation.

7 SEC. 183. (a) No recipient of funds made available
8 in this Act shall disseminate personal information (as de-
9 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
10 ment of motor vehicles in connection with a motor vehicle
11 record as defined in 18 U.S.C. 2725(1), except as provided
12 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
13 2721.

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

17 SEC. 184. Funds received by the Federal Highway
18 Administration and Federal Railroad Administration from
19 States, counties, municipalities, other public authorities,
20 and private sources for expenses incurred for training may
21 be credited respectively to the Federal Highway Adminis-
22 tration's "Federal-Aid Highways" account and to the Fed-
23 eral Railroad Administration's "Safety and Operations"
24 account, except for State rail safety inspectors partici-
25 pating in training pursuant to 49 U.S.C. 20105.

1 SEC. 185. None of the funds in this Act to the De-
2 partment of Transportation may be used to make a loan,
3 loan guarantee, line of credit, or grant unless the Sec-
4 retary of Transportation notifies the House and Senate
5 Committees on Appropriations not less than 3 full busi-
6 ness days before any project competitively selected to re-
7 ceive a discretionary grant award, any discretionary grant
8 award, letter of intent, loan commitment, loan guarantee
9 commitment, line of credit commitment, or full funding
10 grant agreement totaling \$1,000,000 or more is an-
11 nounced by the department or its modal administrations
12 from—

13 (1) any discretionary grant or federal credit
14 program of the Federal Highway Administration in-
15 cluding the emergency relief program;

16 (2) the airport improvement program of the
17 Federal Aviation Administration;

18 (3) any program of the Federal Railroad Ad-
19 ministration;

20 (4) any program of the Federal Transit Admin-
21 istration other than the formula grants and fixed
22 guideway modernization programs;

23 (5) any program of the Maritime Administra-
24 tion; or

1 (6) any funding provided under the headings
2 “National Infrastructure Investments” in this Act:
3 *Provided*, That the Secretary gives concurrent notification
4 to the House and Senate Committees on Appropriations
5 for any “quick release” of funds from the emergency relief
6 program: *Provided further*, That no notification shall in-
7 volve funds that are not available for obligation.

8 SEC. 186. Rebates, refunds, incentive payments,
9 minor fees and other funds received by the Department
10 of Transportation from travel management centers,
11 charge card programs, the subleasing of building space,
12 and miscellaneous sources are to be credited to appropria-
13 tions of the Department of Transportation and allocated
14 to elements of the Department of Transportation using
15 fair and equitable criteria and such funds shall be avail-
16 able until expended.

17 SEC. 187. Amounts made available in this or any
18 other Act that the Secretary determines represent im-
19 proper payments by the Department of Transportation to
20 a third-party contractor under a financial assistance
21 award, which are recovered pursuant to law, shall be avail-
22 able—

23 (1) to reimburse the actual expenses incurred
24 by the Department of Transportation in recovering
25 improper payments; and

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

6 (A) shall be credited to and merged with
7 the appropriation from which the improper pay-
8 ments were made, and shall be available for the
9 purposes and period for which such appropria-
10 tions are available: *Provided further*, That
11 where specific project or accounting information
12 associated with the improper payment or pay-
13 ments is not readily available, the Secretary
14 may credit an appropriate account, which shall
15 be available for the purposes and period associ-
16 ated with the account so credited; or

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

1 the same meaning as that provided in section
2 2(d)(2) of Public Law 107–300.

3 SEC. 188. Notwithstanding any other provision of
4 law, if any funds provided in or limited by this Act are
5 subject to a reprogramming action that requires notice to
6 be provided to the House and Senate Committees on Ap-
7 propriations, transmission of said reprogramming notice
8 shall be provided solely to the House and Senate Commit-
9 tees on Appropriations, and said reprogramming action
10 shall be approved or denied solely by the House and Sen-
11 ate Committees on Appropriations: *Provided*, That the
12 Secretary of Transportation may provide notice to other
13 congressional committees of the action of the House and
14 Senate Committees on Appropriations on such reprogram-
15 ming but not sooner than 30 days following the date on
16 which the reprogramming action has been approved or de-
17 nied by the House and Senate Committees on Appropria-
18 tions.

19 SEC. 189. Funds appropriated in this Act to the
20 modal administrations may be obligated for the Office of
21 the Secretary for the costs related to assessments or reim-
22 bursable agreements only when such amounts are for the
23 costs of goods and services that are purchased to provide
24 a direct benefit to the applicable modal administration or
25 administrations.

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

7 SEC. 191. The Department of Transportation may
8 use funds provided by this Act, or any other Act, to assist
9 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
10 geographic, economic, or any other hiring preference not
11 otherwise authorized by law, or to amend a rule, regula-
12 tion, policy or other measure that forbids a recipient of
13 a Federal Highway Administration or Federal Transit Ad-
14 ministration grant from imposing such hiring preference
15 on a contract or construction project with which the De-
16 partment of Transportation is assisting, only if the grant
17 recipient certifies the following:

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

23 (2) that the grant recipient will include appro-
24 priate provisions in its bid document ensuring that
25 the contractor does not displace any of its existing

1 employees in order to satisfy such hiring preference;
2 and

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

9 SEC. 192. None of the funds made available by this
10 Act may be used for high-speed rail in the State of Cali-
11 fornia or for the California High-Speed Rail Authority,
12 nor may any be used by the Federal Railroad Administra-
13 tion to administer a grant agreement with the California
14 High-Speed Rail Authority that contains a tapered match-
15 ing requirement.

16 SEC. 193. PENALTY WAGES.—

17 (a) Foreign and Intercoastal Voyages- Section
18 10313(g) of title 46, United States Code, is amended—

19 (1) in paragraph (2)—

20 (A) by striking “all claims in a class action
21 suit by seamen” and inserting “each claim by
22 a seaman”; and

23 (B) by striking “the seamen” and inserting
24 “the seaman”; and

25 (2) in paragraph (3)—

1 (A) by striking “class action”; and

2 (B) in subparagraph (B), by striking “, by
3 a seaman who is a claimant in the suit,” and
4 inserting “by the seaman”.

5 (b) Coastwise Voyages- Section 10504(c) of such title
6 is amended—

7 (1) in paragraph (2)—

8 (A) by striking “all claims in a class action
9 suit by seamen” and inserting “each claim by
10 a seaman”; and

11 (B) by striking “the seamen” and inserting
12 “the seaman”; and

13 (2) in paragraph (3)—

14 (A) by striking “class action”; and

15 (B) in subparagraph (B), by striking “, by
16 a seaman who is a claimant in the suit,” and
17 inserting “by the seaman”.

18 SEC. 194. None of the funds made available by this
19 Act may be used in contravention of section 24305(c)(4)
20 of title 49, United States Code.

21 This title may be cited as the “Department of Trans-
22 portation Appropriations Act, 2017”.

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 \$14,000,000: *Provided*, That not to exceed \$25,000 of the
13 amount made available under this heading shall be avail-
14 able to the Secretary for official reception and representa-
15 tion expenses as the Secretary may determine.

16 ADMINISTRATIVE SUPPORT OFFICES

17 For necessary salaries and expenses for Administra-
18 tive Support Offices, \$516,000,000, of which \$53,500,000
19 shall be available for the Office of the Chief Financial Offi-
20 cer; \$95,250,000 shall be available for the Office of the
21 General Counsel; \$202,500,000 shall be available for the
22 Office of Administration; \$40,250,000 shall be available
23 for the Office of the Chief Human Capital Officer;
24 \$51,250,000 shall be available for the Office of Field Pol-
25 icy and Management; \$19,000,000 shall be available for

1 the Office of the Chief Procurement Officer; \$3,500,000
2 shall be available for the Office of Departmental Equal
3 Employment Opportunity; \$4,500,000 shall be available
4 for the Office of Strategic Planning and Management; and
5 \$46,250,000 shall be available for the Office of the Chief
6 Information Officer: *Provided*, That funds provided under
7 this heading may be used for necessary administrative and
8 non-administrative expenses of the Department of Hous-
9 ing and Urban Development, not otherwise provided for,
10 including purchase of uniforms, or allowances therefor, as
11 authorized by 5 U.S.C. 5901–5902; hire of passenger
12 motor vehicles; and services as authorized by 5 U.S.C.
13 3109: *Provided further*, That notwithstanding any other
14 provision of law, funds appropriated under this heading
15 may be used for advertising and promotional activities
16 that directly support program activities funded in this
17 title: *Provided further*, That the Secretary shall provide the
18 House and Senate Committees on Appropriations quar-
19 terly written notification regarding the status of pending
20 congressional reports: *Provided further*, That the Sec-
21 retary shall provide in electronic form all signed reports
22 required by Congress.

1 PROGRAM OFFICE SALARIES AND EXPENSES

2 PUBLIC AND INDIAN HOUSING

3 For necessary salaries and expenses of the Office of
4 Public and Indian Housing, \$216,000,000.

5 COMMUNITY PLANNING AND DEVELOPMENT

6 For necessary salaries and expenses of the Office of
7 Community Planning and Development, \$109,000,000.

8 HOUSING

9 For necessary salaries and expenses of the Office of
10 Housing, \$387,000,000.

11 POLICY DEVELOPMENT AND RESEARCH

12 For necessary salaries and expenses of the Office of
13 Policy Development and Research, \$23,000,000.

14 FAIR HOUSING AND EQUAL OPPORTUNITY

15 For necessary salaries and expenses of the Office of
16 Fair Housing and Equal Opportunity, \$72,000,000.

17 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

18 HOMES

19 For necessary salaries and expenses of the Office of
20 Lead Hazard Control and Healthy Homes, \$8,000,000.

21 WORKING CAPITAL FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the working capital fund for the Department of
24 Housing and Urban Development (referred to in this para-
25 graph as the “Fund”), pursuant, in part, to section 7(f)

1 of the Department of Housing and Urban Development
2 Act (42 U.S.C. 3535(f)), amounts transferred to the Fund
3 under this heading shall be available for Federal shared
4 services used by offices and agencies of the Department,
5 and for such portion of any office or agency's printing,
6 records management, space renovation, furniture, or sup-
7 ply services as the Secretary determines shall be derived
8 from centralized sources made available by the Depart-
9 ment to all offices and agencies and funded through the
10 Fund: *Provided*, That of the amounts made available in
11 this title for salaries and expenses under the headings
12 "Executive Offices", "Administrative Support Offices",
13 "Program Office Salaries and Expenses", and "Govern-
14 ment National Mortgage Association", the Secretary shall
15 transfer to the Fund such amounts, to remain available
16 until expended, as are necessary to fund services, specified
17 in the first proviso, for which the appropriation would oth-
18 erwise have been available, and may transfer not to exceed
19 an additional \$10,000,000, in aggregate, from all such ap-
20 propriations, to be merged with the Fund and to remain
21 available until expended for use for any office or agency:
22 *Provided further*, That amounts in the Fund shall be the
23 only amounts available to each office or agency of the De-
24 partment for the services, or portion of services, specified
25 in the first proviso: *Provided further*, That with respect

1 to the Fund, the authorities and conditions under this
2 heading shall supplement the authorities and conditions
3 provided under section 7(f).

4 PUBLIC AND INDIAN HOUSING PROGRAMS

5 TENANT-BASED RENTAL ASSISTANCE

6 For activities and assistance for the provision of ten-
7 ant-based rental assistance authorized under the United
8 States Housing Act of 1937, as amended (42 U.S.C. 1437
9 et seq.) (“the Act” herein), not otherwise provided for,
10 \$16,188,675,000, to remain available until expended, shall
11 be available on October 1, 2016 (in addition to the
12 \$4,000,000,000 previously appropriated under this head-
13 ing that shall be available on October 1, 2016), and
14 \$4,000,000,000, to remain available until expended, shall
15 be available on October 1, 2017: *Provided*, That the
16 amounts made available under this heading are provided
17 as follows:

18 (1) \$18,311,675,000 shall be available for re-
19 newals of expiring section 8 tenant-based annual
20 contributions contracts (including renewals of en-
21 hanced vouchers under any provision of law author-
22 izing such assistance under section 8(t) of the Act)
23 and including renewal of other special purpose incre-
24 mental vouchers: *Provided*, That notwithstanding
25 any other provision of law, from amounts provided

1 under this paragraph and any carryover, the Sec-
2 retary for the calendar year 2017 funding cycle shall
3 provide renewal funding for each public housing
4 agency based on validated voucher management sys-
5 tem (VMS) leasing and cost data for the prior cal-
6 endar year and by applying an inflation factor as es-
7 tablished by the Secretary, by notice published in
8 the Federal Register, and by making any necessary
9 adjustments for the costs associated with the first-
10 time renewal of vouchers under this paragraph in-
11 cluding tenant protection, and Choice Neighborhoods
12 vouchers: *Provided further*, That in determining cal-
13 endar year 2017 funding allocations under this
14 heading for public housing agencies, including agen-
15 cies participating in the Moving To Work (MTW)
16 demonstration, the Secretary may take into account
17 the anticipated impact of changes in targeting and
18 utility allowances, on public housing agencies' con-
19 tract renewal needs: *Provided further*, That none of
20 the funds provided under this paragraph may be
21 used to fund a total number of unit months under
22 lease which exceeds a public housing agency's au-
23 thorized level of units under contract, except for
24 public housing agencies participating in the MTW
25 demonstration, which are instead governed by the

1 terms and conditions of their MTW agreements:
2 *Provided further*, That the Secretary shall, to the ex-
3 tent necessary to stay within the amount specified
4 under this paragraph (except as otherwise modified
5 under this paragraph), prorate each public housing
6 agency's allocation otherwise established pursuant to
7 this paragraph: *Provided further*, That except as
8 provided in the following provisos, the entire amount
9 specified under this paragraph (except as otherwise
10 modified under this paragraph) shall be obligated to
11 the public housing agencies based on the allocation
12 and pro rata method described above, and the Sec-
13 retary shall notify public housing agencies of their
14 annual budget by the latter of 60 days after enact-
15 ment of this Act or March 1, 2017: *Provided further*,
16 That the Secretary may extend the notification pe-
17 riod with the prior written approval of the House
18 and Senate Committees on Appropriations: *Provided*
19 *further*, That public housing agencies participating
20 in the MTW demonstration shall be funded pursuant
21 to their MTW agreements, and in accordance with
22 the requirements of the MTW program, and shall be
23 subject to the same pro rata adjustments under the
24 previous provisos: *Provided further*, That the Sec-
25 retary may offset public housing agencies' calendar

1 year 2017 allocations based on the excess amounts
2 of public housing agencies' net restricted assets ac-
3 counts, including HUD held programmatic reserves
4 (in accordance with VMS data in calendar year 2016
5 that is verifiable and complete), as determined by
6 the Secretary: *Provided further*, That public housing
7 agencies participating in the MTW demonstration
8 shall also be subject to the offset, as determined by
9 the Secretary, excluding amounts subject to the sin-
10 gle fund budget authority provisions of their MTW
11 agreements, from the agencies' calendar year 2017
12 MTW funding allocation: *Provided further*, That the
13 Secretary shall use any offset referred to in the pre-
14 vious two provisos throughout the calendar year to
15 prevent the termination of rental assistance for fam-
16 ilies as the result of insufficient funding, as deter-
17 mined by the Secretary, and to avoid or reduce the
18 proration of renewal funding allocations: *Provided*
19 *further*, That up to \$75,000,000 shall be available
20 only: (1) for adjustments in the allocations for public
21 housing agencies, after application for an adjust-
22 ment by a public housing agency that experienced a
23 significant increase, as determined by the Secretary,
24 in renewal costs of vouchers resulting from unfore-
25 seen circumstances or from portability under section

1 8(r) of the Act; (2) for vouchers that were not in use
2 during the previous 12-month period in order to be
3 available to meet a commitment pursuant to section
4 8(o)(13) of the Act; (3) for adjustments for costs as-
5 sociated with HUD-Veterans Affairs Supportive
6 Housing (HUD-VASH) vouchers; and (4) for public
7 housing agencies that despite taking reasonable cost
8 savings measures, as determined by the Secretary,
9 would otherwise be required to terminate rental as-
10 sistance for families as a result of insufficient fund-
11 ing: *Provided further*, That the Secretary shall allo-
12 cate amounts under the previous proviso based on
13 need, as determined by the Secretary;

14 (2) \$110,000,000 shall be for section 8 rental
15 assistance for relocation and replacement of housing
16 units that are demolished or disposed of pursuant to
17 section 18 of the Act, conversion of section 23
18 projects to assistance under section 8, the family
19 unification program under section 8(x) of the Act,
20 relocation of witnesses in connection with efforts to
21 combat crime in public and assisted housing pursu-
22 ant to a request from a law enforcement or prosecu-
23 tion agency, enhanced vouchers under any provision
24 of law authorizing such assistance under section 8(t)
25 of the Act, HOPE VI and Choice Neighborhood

1 vouchers, mandatory and voluntary conversions, and
2 tenant protection assistance including replacement
3 and relocation assistance or for project-based assist-
4 ance to prevent the displacement of unassisted elder-
5 ly tenants currently residing in section 202 prop-
6 erties financed between 1959 and 1974 that are reffi-
7 nanced pursuant to Public Law 106–569, as amend-
8 ed, or under the authority as provided under this
9 Act: *Provided*, That when a public housing develop-
10 ment is submitted for demolition or disposition
11 under section 18 of the Act, the Secretary may pro-
12 vide section 8 rental assistance when the units pose
13 an imminent health and safety risk to residents:
14 *Provided further*, That the Secretary may only pro-
15 vide replacement vouchers for units that were occu-
16 pied within the previous 24 months that cease to be
17 available as assisted housing, subject only to the
18 availability of funds: *Provided further*, That of the
19 amounts made available under this paragraph,
20 \$5,000,000 may be available to provide tenant pro-
21 tection assistance, not otherwise provided under this
22 paragraph, to residents residing in low vacancy
23 areas and who may have to pay rents greater than
24 30 percent of household income, as the result of: (A)
25 the maturity of a HUD-insured, HUD-held or sec-

1 tion 202 loan that requires the permission of the
2 Secretary prior to loan prepayment; (B) the expira-
3 tion of a rental assistance contract for which the
4 tenants are not eligible for enhanced voucher or ten-
5 ant protection assistance under existing law; or (C)
6 the expiration of affordability restrictions accom-
7 panying a mortgage or preservation program admin-
8 istered by the Secretary: *Provided further*, That such
9 tenant protection assistance made available under
10 the previous proviso may be provided under the au-
11 thority of section 8(t) or section 8(o)(13) of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437f(t)): *Provided further*, That any tenant protec-
14 tion voucher made available from amounts under
15 this paragraph shall not be reissued by any public
16 housing agency, except the replacement vouchers as
17 defined 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;

22 (3) \$1,650,000,000 shall be for administrative
23 and other expenses of public housing agencies in ad-
24 ministering the section 8 tenant-based rental assist-
25 ance program, of which up to \$10,000,000 shall be

1 available to the Secretary to allocate to public hous-
2 ing agencies that need additional funds to admin-
3 ister their section 8 programs, including fees associ-
4 ated with section 8 tenant protection rental assist-
5 ance, the administration of disaster related vouchers,
6 Veterans Affairs Supportive Housing vouchers, and
7 other special purpose incremental vouchers: *Pro-*
8 *vided*, That no less than \$1,640,000,000 of the
9 amount provided in this paragraph shall be allocated
10 to public housing agencies for the calendar year
11 2017 funding cycle based on section 8(q) of the Act
12 (and related Appropriation Act provisions) as in ef-
13 fect immediately before the enactment of the Quality
14 Housing and Work Responsibility Act of 1998 (Pub-
15 lic Law 105–276): *Provided further*, That if the
16 amounts made available under this paragraph are
17 insufficient to pay the amounts determined under
18 the previous proviso, the Secretary may decrease the
19 amounts allocated to agencies by a uniform percent-
20 age applicable to all agencies receiving funding
21 under this paragraph or may, to the extent nec-
22 essary to provide full payment of amounts deter-
23 mined under the previous proviso, utilize unobligated
24 balances, including recaptures and carryovers, re-
25 maining from funds appropriated to the Department

1 of Housing and Urban Development under this
2 heading from prior fiscal years, excluding special
3 purpose vouchers, notwithstanding the purposes for
4 which such amounts were appropriated: *Provided*
5 *further*, That all public housing agencies partici-
6 pating in the MTW demonstration shall be funded
7 pursuant to their MTW agreements, and in accord-
8 ance with the requirements of the MTW program,
9 and shall be subject to the same uniform percentage
10 decrease as under the previous proviso: *Provided fur-*
11 *ther*, That amounts provided under this paragraph
12 shall be only for activities related to the provision of
13 tenant-based rental assistance authorized under sec-
14 tion 8, including related development activities;

15 (4) \$110,000,000 for the renewal of tenant-
16 based assistance contracts under section 811 of the
17 Cranston-Gonzalez National Affordable Housing Act
18 (42 U.S.C. 8013), including necessary administra-
19 tive expenses: *Provided*, That administrative and
20 other expenses of public housing agencies in admin-
21 istering the special purpose vouchers in this para-
22 graph shall be funded under the same terms and be
23 subject to the same pro rata reduction as the per-
24 cent decrease for administrative and other expenses

1 to public housing agencies under paragraph (3) of
2 this heading;

3 (5) \$7,000,000 shall be for rental assistance
4 and associated administrative fees for Tribal HUD-
5 VA Supportive Housing to serve Native American
6 veterans that are homeless or at-risk of homeless-
7 ness living on or near a reservation or other Indian
8 areas: *Provided*, That such amount shall be made
9 available for renewal grants to the recipients that re-
10 ceived assistance under the rental assistance and
11 supportive housing demonstration program for Na-
12 tive American veterans authorized under the heading
13 “TENANT-BASED RENTAL ASSISTANCE” in title II of
14 division K of the Consolidated and Further Con-
15 tinuing Appropriations Act, 2015 (Public Law 113-
16 235, 128 Stat. 2733): *Provided further*, That the
17 Secretary shall be authorized to specify criteria for
18 renewal grants, including data on the utilization of
19 assistance reported by grant recipients under the
20 demonstration program: *Provided further*, That any
21 amounts remaining after such renewal assistance is
22 awarded may be available for new grants to recipi-
23 ents eligible to receive block grants under the Native
24 American Housing Assistance and Self-Determina-
25 tion Act of 1996 (25 U.S.C. section 4101 et seq.)

1 for rental assistance and associated administrative
2 fees for Tribal HUD–VA Supportive Housing to
3 serve Native American veterans that are homeless or
4 at-risk of homelessness living on or near a reserva-
5 tion or other Indian areas: *Provided further*, That
6 funds shall be awarded based on need, administra-
7 tive capacity, and any other funding criteria estab-
8 lished by the Secretary in a Notice published in the
9 Federal Register after coordination with the Sec-
10 retary of the Department of Veterans Affairs: *Pro-*
11 *vided further*, That renewal grants and new grants
12 under this paragraph shall be administered by block
13 grant recipients in accordance with program require-
14 ments under the Native American Housing Assist-
15 ance and Self-Determination Act of 1996: *Provided*
16 *further*, That assistance under this paragraph shall
17 be modeled after, with necessary and appropriate ad-
18 justments for Native American grant recipients and
19 veterans, the rental assistance and supportive hous-
20 ing program known as HUD–VASH program, in-
21 cluding administration in conjunction with the De-
22 partment of Veterans Affairs and overall implemen-
23 tation of section 8(o)(19) of the United States
24 Housing Act of 1937: *Provided further*, That the
25 Secretary of Housing and Urban Development may

1 waive, or specify alternative requirements for any
2 provision of any statute or regulation that the Sec-
3 retary of Housing and Urban Development admin-
4 isters in connection with the use of funds made
5 available under this paragraph (except for require-
6 ments related to fair housing, nondiscrimination,
7 labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alter-
9 native requirements are necessary for the effective
10 delivery and administration of such assistance: *Pro-*
11 *vided further*, That grant recipients shall report to
12 the Secretary on utilization of such rental assistance
13 and other program data, as prescribed by the Sec-
14 retary; and

15 (6) the Secretary shall separately track all spe-
16 cial purpose vouchers funded under this heading.

17 HOUSING CERTIFICATE FUND

18 (INCLUDING RESCISSIONS)

19 Unobligated balances, including recaptures and car-
20 ryover, remaining from funds appropriated to the Depart-
21 ment of Housing and Urban Development under this
22 heading, the heading “Annual Contributions for Assisted
23 Housing” and the heading “Project-Based Rental Assist-
24 ance”, for fiscal year 2017 and prior years may be used
25 for renewal of or amendments to section 8 project-based

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

14 PUBLIC HOUSING CAPITAL FUND

15 For the Public Housing Capital Fund Program to
16 carry out capital and management activities for public
17 housing agencies, as authorized under section 9 of the
18 United States Housing Act of 1937 (42 U.S.C. 1437g)
19 (the “Act”) \$1,900,000,000, to remain available until
20 September 30, 2020: *Provided*, That notwithstanding any
21 other provision of law or regulation, during fiscal year
22 2017, the Secretary of Housing and Urban Development
23 may not delegate to any Department official other than
24 the Deputy Secretary and the Assistant Secretary for
25 Public and Indian Housing any authority under paragraph

1 (2) of section 9(j) regarding the extension of the time peri-
2 ods under such section: *Provided further*, That for pur-
3 poses of such section 9(j), the term “obligate” means, with
4 respect to amounts, that the amounts are subject to a
5 binding agreement that will result in outlays, immediately
6 or in the future: *Provided further*, That up to \$10,000,000
7 shall be to support ongoing Public Housing Financial and
8 Physical Assessment activities: *Provided further*, That up
9 to \$1,000,000 shall be to support the costs of administra-
10 tive and judicial receiverships: *Provided further*, That of
11 the total amount provided under this heading, not to ex-
12 ceed \$20,000,000 shall be available for the Secretary to
13 make grants, notwithstanding section 204 of this Act, to
14 public housing agencies for emergency capital needs in-
15 cluding safety and security measures necessary to address
16 crime and drug-related activity as well as needs resulting
17 from unforeseen or unpreventable emergencies and nat-
18 ural disasters excluding Presidentially declared emer-
19 gencies and natural disasters under the Robert T. Stafford
20 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
21 seq.) occurring in fiscal year 2017: *Provided further*, That
22 of the amount made available under the previous proviso,
23 not less than \$5,000,000 shall be for safety and security
24 measures: *Provided further*, That of the total amount pro-
25 vided under this heading \$35,000,000 shall be for sup-

1 portive services, service coordinator and congregate serv-
2 ices as authorized by section 34 of the Act (42 U.S.C.
3 1437z-6) and the Native American Housing Assistance
4 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
5 seq.): *Provided further*, That of the total amount made
6 available under this heading, \$15,000,000 shall be for a
7 Jobs-Plus initiative modeled after the Jobs-Plus dem-
8 onstration: *Provided further*, That the funding provided
9 under the previous proviso shall provide competitive grants
10 to partnerships between public housing authorities, local
11 workforce investment boards established under section
12 117 of the Workforce Investment Act of 1998, and other
13 agencies and organizations that provide support to help
14 public housing residents obtain employment and increase
15 earnings: *Provided further*, That applicants must dem-
16 onstrate the ability to provide services to residents, part-
17 ner with workforce investment boards, and leverage service
18 dollars: *Provided further*, That the Secretary may allow
19 public housing agencies to request exemptions from rent
20 and income limitation requirements under sections 3 and
21 6 of the United States Housing Act of 1937 as necessary
22 to implement the Jobs-Plus program, on such terms and
23 conditions as the Secretary may approve upon a finding
24 by the Secretary that any such waivers or alternative re-
25 quirements are necessary for the effective implementation

1 of the Jobs-Plus initiative as a voluntary program for resi-
2 dents: *Provided further*, That the Secretary shall publish
3 by notice in the Federal Register any waivers or alter-
4 native requirements pursuant to the preceding proviso no
5 later than 10 days before the effective date of such notice:
6 *Provided further*, That for funds provided under this head-
7 ing, the limitation in section 9(g)(1) of the Act shall be
8 25 percent: *Provided further*, That the Secretary may
9 waive the limitation in the previous proviso to allow public
10 housing agencies to fund activities authorized under sec-
11 tion 9(e)(1)(C) of the Act: *Provided further*, That the Sec-
12 retary shall notify public housing agencies requesting
13 waivers under the previous proviso if the request is ap-
14 proved or denied within 14 days of submitting the request:
15 *Provided further*, That from the funds made available
16 under this heading, the Secretary shall provide bonus
17 awards in fiscal year 2017 to public housing agencies that
18 are designated high performers: *Provided further*, That the
19 Department shall notify public housing agencies of their
20 formula allocation within 60 days of enactment of this Act.

21 PUBLIC HOUSING OPERATING FUND

22 For 2017 payments to public housing agencies for the
23 operation and management of public housing, as author-
24 ized by section 9(e) of the United States Housing Act of

1 1937 (42 U.S.C. 1437g(e)), \$4,500,000,000, to remain
2 available until September 30, 2018.

3 CHOICE NEIGHBORHOODS INITIATIVE

4 For competitive grants under the Choice Neighbor-
5 hoods Initiative (subject to section 24 of the United States
6 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
7 specified under this heading), for transformation, rehabili-
8 tation, and replacement housing needs of both public and
9 HUD-assisted housing and to transform neighborhoods of
10 poverty into functioning, sustainable mixed income neigh-
11 borhoods with appropriate services, schools, public assets,
12 transportation and access to jobs, \$100,000,000, to re-
13 main available until September 30, 2019: *Provided*, That
14 grant funds may be used for resident and community serv-
15 ices, community development, and affordable housing
16 needs in the community, and for conversion of vacant or
17 foreclosed properties to affordable housing: *Provided fur-*
18 *ther*, That the use of funds made available under this
19 heading shall not be deemed to be public housing notwith-
20 standing section 3(b)(1) of such Act: *Provided further*,
21 That grantees shall commit to an additional period of af-
22 fordability determined by the Secretary of not fewer than
23 20 years: *Provided further*, That grantees shall undertake
24 comprehensive local planning with input from residents
25 and the community, and that grantees shall provide a

1 match in State, local, other Federal or private funds: *Pro-*
2 *vided further*, That grantees may include local govern-
3 ments, tribal entities, public housing authorities, and non-
4 profits: *Provided further*, That for-profit developers may
5 apply jointly with a public entity: *Provided further*, That
6 for purposes of environmental review, a grantee shall be
7 treated as a public housing agency under section 26 of
8 the United States Housing Act of 1937 (42 U.S.C.
9 1437x), and grants under this heading shall be subject
10 to the regulations issued by the Secretary to implement
11 such section: *Provided further*, That of the amount pro-
12 vided, not less than \$50,000,000 shall be awarded to pub-
13 lic housing agencies: *Provided further*, That such grantees
14 shall create partnerships with other local organizations in-
15 cluding assisted housing owners, service agencies, and
16 resident organizations: *Provided further*, That the Sec-
17 retary shall consult with the Secretaries of Education,
18 Labor, Transportation, Health and Human Services, Agri-
19 culture, and Commerce, the Attorney General, and the Ad-
20 ministrator of the Environmental Protection Agency to co-
21 ordinate and leverage other appropriate Federal resources:
22 *Provided further*, That no more than \$5,000,000 of funds
23 made available under this heading may be provided to as-
24 sist communities in developing comprehensive strategies
25 for implementing this program or implementing other revi-

1 talization efforts in conjunction with community notice
2 and input: *Provided further*, That the Secretary shall de-
3 velop and publish guidelines for the use of such competi-
4 tive funds, including but not limited to eligible activities,
5 program requirements, and performance metrics: *Provided*
6 *further*, That unobligated balances, including recaptures,
7 remaining from funds appropriated under the heading
8 “Revitalization of Severely Distressed Public Housing
9 (HOPE VI)” in fiscal year 2011 and prior fiscal years
10 may be used for purposes under this heading, notwith-
11 standing the purposes for which such amounts were appro-
12 priated.

13 FAMILY SELF-SUFFICIENCY

14 For the Family Self-Sufficiency program to support
15 family self-sufficiency coordinators under section 23 of the
16 United States Housing Act of 1937, to promote the devel-
17 opment of local strategies to coordinate the use of assist-
18 ance under sections 8(o) and 9 of such Act with public
19 and private resources, and enable eligible families to
20 achieve economic independence and self-sufficiency,
21 \$75,000,000, to remain available until September 30,
22 2018: *Provided*, That the Secretary may, by Federal Reg-
23 ister notice, waive or specify alternative requirements
24 under sections b(3), b(4), b(5), or c(1) of section 23 of
25 such Act in order to facilitate the operation of a unified

1 self-sufficiency program for individuals receiving assist-
2 ance under different provisions of the Act, as determined
3 by the Secretary: *Provided further*, That owners of a pri-
4 vately owned multifamily property with a section 8 con-
5 tract may voluntarily make a Family Self-Sufficiency pro-
6 gram available to the assisted tenants of such property
7 in accordance with procedures established by the Sec-
8 retary: *Provided further*, That such procedures established
9 pursuant to the previous proviso shall permit participating
10 tenants to accrue escrow funds in accordance with section
11 23(d)(2) and shall allow owners to use funding from resid-
12 ual receipt accounts to hire coordinators for their own
13 Family Self-Sufficiency program.

14 NATIVE AMERICAN HOUSING BLOCK GRANTS

15 For the Native American Housing Block Grants pro-
16 gram, as authorized under title I of the Native American
17 Housing Assistance and Self-Determination Act of 1996
18 (NAHASDA) (25 U.S.C. 4111 et seq.), \$655,000,000, to
19 remain available until September 30, 2021: *Provided*,
20 That, notwithstanding the Native American Housing As-
21 sistance and Self-Determination Act of 1996, to determine
22 the amount of the allocation under title I of such Act for
23 each Indian tribe, the Secretary shall apply the formula
24 under section 302 of such Act with the need component
25 based on single-race census data and with the need compo-

1 nent based on multi-race census data, and the amount of
2 the allocation for each Indian tribe shall be the greater
3 of the two resulting allocation amounts: *Provided further,*
4 That of the amounts made available under this heading,
5 \$3,500,000 shall be contracted for assistance for national
6 or regional organizations representing Native American
7 housing interests for providing training and technical as-
8 sistance to Indian housing authorities and tribally des-
9 ignated housing entities as authorized under NAHASDA:
10 *Provided further,* That of the funds made available under
11 the previous proviso, not less than \$2,000,000 shall be
12 made available for a national organization as authorized
13 under section 703 of NAHASDA (25 U.S.C. 4212): *Pro-*
14 *vided further,* That of the amounts made available under
15 this heading, \$2,000,000 shall be to support the inspection
16 of Indian housing units, contract expertise, training, and
17 technical assistance in the training, oversight, and man-
18 agement of such Indian housing and tenant-based assist-
19 ance: *Provided further,* That of the amount provided under
20 this heading, \$2,000,000 shall be made available for the
21 cost of guaranteed notes and other obligations, as author-
22 ized by title VI of NAHASDA: *Provided further,* That such
23 costs, including the costs of modifying such notes and
24 other obligations, shall be as defined in section 502 of the
25 Congressional Budget Act of 1974, as amended: *Provided*

1 *further*, That these funds are available to subsidize the
2 total principal amount of any notes and other obligations,
3 any part of which is to be guaranteed, not to exceed
4 \$17,857,142: *Provided further*, That the Department will
5 notify grantees of their formula allocation within 60 days
6 of the date of enactment of this Act: *Provided further*, not-
7 withstanding section 302(d) of NAHASDA, if on January
8 1, 2017, a recipient's total amount of undisbursed block
9 grants in the Department's line of credit control system
10 is greater than three times the formula allocation it would
11 otherwise receive under this heading, the Secretary shall
12 adjust that recipient's formula allocation down by the dif-
13 ference between its total amount of undisbursed block
14 grants in the Department's line of credit control system
15 on January 1, 2017, and three times the formula alloca-
16 tion it would otherwise receive: *Provided further*, That
17 grant amounts not allocated to a recipient pursuant to the
18 previous proviso shall be allocated under the need compo-
19 nent of the formula proportionately among all other In-
20 dian tribes not subject to an adjustment: *Provided further*,
21 That the two previous provisos shall not apply to any In-
22 dian tribe that would otherwise receive a formula alloca-
23 tion of less than \$8,000,000: *Provided further*, That to
24 take effect, the three previous provisos do not require
25 issuance or amendment of any regulation, and shall not

1 be construed to confer hearing rights under any section
2 of NAHASDA or its implementing regulations.

3 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

4 ACCOUNT

5 For the cost of guaranteed loans, as authorized by
6 section 184 of the Housing and Community Development
7 Act of 1992 (12 U.S.C. 1715z-13a), \$5,500,000, to re-
8 main available until expended: *Provided*, That such costs,
9 including the costs of modifying such loans, shall be as
10 defined in section 502 of the Congressional Budget Act
11 of 1974: *Provided further*, That these funds are available
12 to subsidize total loan principal, any part of which is to
13 be guaranteed, up to \$1,341,463,415, to remain available
14 until expended: *Provided further*, That up to \$750,000 of
15 this amount may be for administrative contract expenses
16 including management processes and systems to carry out
17 the loan guarantee program.

18 COMMUNITY PLANNING AND DEVELOPMENT

19 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

20 For carrying out the Housing Opportunities for Per-
21 sons with AIDS program, as authorized by the AIDS
22 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
23 \$335,000,000, to remain available until September 30,
24 2018, except that amounts allocated pursuant to section
25 854(c)(3) of such Act shall remain available until Sep-

1 tember 30, 2019: *Provided*, That the Secretary shall renew
2 all expiring contracts for permanent supportive housing
3 that initially were funded under section 854(c)(3) of such
4 Act from funds made available under this heading in fiscal
5 year 2010 and prior fiscal years that meet all program
6 requirements before awarding funds for new contracts
7 under such section: *Provided further*, That the Depart-
8 ment shall notify grantees of their formula allocation with-
9 in 60 days of enactment of this Act.

10 COMMUNITY DEVELOPMENT FUND

11 For assistance to units of State and local govern-
12 ment, and to other entities, for economic and community
13 development activities, and for other purposes,
14 \$3,060,000,000, to remain available until September 30,
15 2019, unless otherwise specified: *Provided*, That of the
16 total amount provided, \$3,000,000,000 is for carrying out
17 the community development block grant program under
18 title I of the Housing and Community Development Act
19 of 1974, as amended (“the Act” herein) (42 U.S.C. 5301
20 et seq.): *Provided further*, That unless explicitly provided
21 for under this heading, not to exceed 20 percent of any
22 grant made with funds appropriated under this heading
23 shall be expended for planning and management develop-
24 ment and administration: *Provided further*, That a metro-
25 politan city, urban county, unit of general local govern-

1 ment, or Indian tribe, or insular area that directly or indi-
2 rectly receives funds under this heading may not sell,
3 trade, or otherwise transfer all or any portion of such
4 funds to another such entity in exchange for any other
5 funds, credits or non-Federal considerations, but must use
6 such funds for activities eligible under title I of the Act:
7 *Provided further*, That notwithstanding section 105(e)(1)
8 of the Act, no funds provided under this heading may be
9 provided to a for-profit entity for an economic develop-
10 ment project under section 105(a)(17) unless such project
11 has been evaluated and selected in accordance with guide-
12 lines required under subparagraph (e)(2): *Provided fur-*
13 *ther*, That the Department shall notify grantees of their
14 formula allocation within 60 days of enactment of this Act:
15 *Provided further*, That of the total amount provided under
16 this heading \$60,000,000 shall be for grants to Indian
17 tribes notwithstanding section 106(a)(1) of such Act, of
18 which, notwithstanding any other provision of law (includ-
19 ing section 204 of this Act), up to \$4,000,000 may be
20 used for emergencies that constitute imminent threats to
21 health and safety.

22 COMMUNITY DEVELOPMENT LOAN GUARANTEES

23 PROGRAM ACCOUNT

24 Subject to section 502 of the Congressional Budget
25 Act of 1974, during fiscal year 2017, commitments to

1 guarantee loans under section 108 of the Housing and
2 Community Development Act of 1974 (42 U.S.C. 5308),
3 any part of which is guaranteed, shall not exceed a total
4 principal amount of \$300,000,000, notwithstanding any
5 aggregate limitation on outstanding obligations guaran-
6 teed in subsection (k) of such section 108: *Provided*, That
7 the Secretary shall collect fees from borrowers, notwith-
8 standing subsection (m) of such section 108, to result in
9 a credit subsidy cost of zero for guaranteeing such loans,
10 and any such fees shall be collected in accordance with
11 section 502(7) of the Congressional Budget Act of 1974.

12 HOME INVESTMENT PARTNERSHIPS PROGRAM

13 For the HOME Investment Partnerships program, as
14 authorized under title II of the Cranston-Gonzalez Na-
15 tional Affordable Housing Act, as amended,
16 \$950,000,000, to remain available until September 30,
17 2020: *Provided*, That notwithstanding the amount made
18 available under this heading, the threshold reduction re-
19 quirements in sections 216(10) and 217(b)(4) of such Act
20 shall not apply to allocations of such amount: *Provided*
21 *further*, That the requirements under provisos 2 through
22 6 under this heading for fiscal year 2012 and such re-
23 quirements applicable pursuant to the “Full-Year Con-
24 tinuing Appropriations Act, 2013”, shall not apply to any
25 project to which funds were committed on or after August

1 23, 2013, but such projects shall instead be governed by
2 the Final Rule titled “Home Investment Partnerships
3 Program; Improving Performance and Accountability; Up-
4 dating Property Standards” which became effective on
5 such date: *Provided further*, That the Department shall
6 notify grantees of their formula allocation within 60 days
7 of enactment of this Act.

8 SELF-HELP AND ASSISTED HOMEOWNERSHIP

9 OPPORTUNITY PROGRAM

10 For the Self-Help and Assisted Homeownership Op-
11 portunity Program, as authorized under section 11 of the
12 Housing Opportunity Program Extension Act of 1996, as
13 amended, \$50,000,000, to remain available until Sep-
14 tember 30, 2019: *Provided*, That of the total amount pro-
15 vided under this heading, \$10,000,000 shall be made
16 available to the Self-Help and Assisted Homeownership
17 Opportunity Program as authorized under section 11 of
18 the Housing Opportunity Program Extension Act of 1996,
19 as amended: *Provided further*, That of the total amount
20 provided under this heading, \$35,000,000 shall be made
21 available for the second, third, and fourth capacity build-
22 ing activities authorized under section 4(a) of the HUD
23 Demonstration Act of 1993 (42 U.S.C. 9816 note), of
24 which not less than \$5,000,000 shall be made available
25 for rural capacity building activities: *Provided further*,

1 That of the total amount provided under this heading,
2 \$5,000,000 shall be made available for capacity building
3 by national rural housing organizations with experience
4 assessing national rural conditions and providing financ-
5 ing, training, technical assistance, information, and re-
6 search to local nonprofits, local governments and Indian
7 Tribes serving high need rural communities.

8 HOMELESS ASSISTANCE GRANTS

9 For the Emergency Solutions Grants program as au-
10 thorized under subtitle B of title IV of the McKinney-
11 Vento Homeless Assistance Act, as amended; the Con-
12 tinuum of Care program as authorized under subtitle C
13 of title IV of such Act; and the Rural Housing Stability
14 Assistance program as authorized under subtitle D of title
15 IV of such Act, \$2,487,000,000, to remain available until
16 September 30, 2019: *Provided*, That any rental assistance
17 amounts that are recaptured under such Continuum of
18 Care program shall remain available until expended: *Pro-*
19 *vided further*, That not less than \$310,000,000 of the
20 funds appropriated under this heading shall be available
21 for such Emergency Solutions Grants program, of which,
22 \$40,000,000 shall be made available, as determined by the
23 Secretary, for grants for rapid re-housing or other critical
24 activities in order to assist communities that lost signifi-
25 cant capacity after January 1, 2016 to serve persons expe-

1 riencing homelessness: *Provided further*, That not less
2 than \$2,014,000,000 of the funds appropriated under this
3 heading shall be available for such Continuum of Care and
4 Rural Housing Stability Assistance programs: *Provided*
5 *further*, That up to \$7,000,000 of the funds appropriated
6 under this heading shall be available for the national
7 homeless data analysis project: *Provided further*, That all
8 funds awarded for supportive services under the Con-
9 tinuum of Care program and the Rural Housing Stability
10 Assistance program shall be matched by not less than 25
11 percent in cash or in kind by each grantee: *Provided fur-*
12 *ther*, That for all match requirements applicable to funds
13 made available under this heading for this fiscal year and
14 prior years, a grantee may use (or could have used) as
15 a source of match funds other funds administered by the
16 Secretary and other Federal agencies unless there is (or
17 was) a specific statutory prohibition on any such use of
18 any such funds: *Provided further*, That the Secretary shall
19 collect system performance measures for each continuum
20 of care, and that relative to fiscal year 2015, under the
21 Continuum of Care competition with respect to funds
22 made available under this heading, the Secretary shall
23 base an increasing share of the score on performance cri-
24 teria: *Provided further*, That none of the funds provided
25 under this heading shall be available to provide funding

1 for new projects, except for projects created through re-
2 allocation, unless the Secretary determines that the con-
3 tinuum of care has demonstrated that projects are evalu-
4 ated and ranked based on the degree to which they im-
5 prove the continuum of care's system performance: *Pro-*
6 *vided further*, That the Secretary shall prioritize funding
7 under the Continuum of Care program to continuums of
8 care that have demonstrated a capacity to reallocate fund-
9 ing from lower performing projects to higher performing
10 projects: *Provided further*, That all awards of assistance
11 under this heading shall be required to coordinate and in-
12 tegrate homeless programs with other mainstream health,
13 social services, and employment programs for which home-
14 less populations may be eligible: *Provided further*, That
15 any unobligated amounts remaining from funds appro-
16 priated under this heading in fiscal year 2012 and prior
17 years for project-based rental assistance for rehabilitation
18 projects with 10-year grant terms may be used for pur-
19 poses under this heading, notwithstanding the purposes
20 for which such funds were appropriated: *Provided further*,
21 That all balances for Shelter Plus Care renewals pre-
22 viously funded from the Shelter Plus Care Renewal ac-
23 count and transferred to this account shall be available,
24 if recaptured, for Continuum of Care renewals in fiscal
25 year 2017: *Provided further*, That the Department shall

1 notify grantees of their formula allocation from amounts
2 allocated (which may represent initial or final amounts al-
3 located) for the Emergency Solutions Grant program with-
4 in 60 days of enactment of this Act: *Provided further*, That
5 youth aged 24 and under seeking assistance under this
6 heading shall not be required to provide third party docu-
7 mentation to establish their eligibility under 42 U.S.C.
8 11302(a) or (b) to receive services: *Provided further*, That
9 unaccompanied youth aged 24 and under or families head-
10 ed by youth aged 24 and under who are living in unsafe
11 situations may be served by youth-serving providers fund-
12 ed under this heading: *Provided further*, That the Sec-
13 retary may use amounts made available under this head-
14 ing for the Continuum of Care program to renew a grant
15 originally awarded pursuant to the matter under the head-
16 ing “Department of Housing and Urban Development—
17 Permanent Supportive Housing” in chapter 6 of title III
18 of the Supplemental Appropriations Act, 2008 (Public
19 Law 110–252; 122 Stat. 2351) for assistance under sub-
20 title F of title IV of the McKinney-Vento Homeless Assist-
21 ance Act (42 U.S.C. 11403 et seq.): *Provided further*, That
22 such renewal grant shall be awarded to the same grantee
23 and be subject to the provisions of such Continuum of
24 Care program except that the funds may be used outside
25 the geographic area of the continuum of care.

1 HOUSING PROGRAMS

2 PROJECT-BASED RENTAL ASSISTANCE

3 For activities and assistance for the provision of
4 project-based subsidy contracts under the United States
5 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
6 Act”), not otherwise provided for, \$10,501,000,000, to re-
7 main available until expended, shall be available on Octo-
8 ber 1, 2016 (in addition to the \$400,000,000 previously
9 appropriated under this heading that became available Oc-
10 tober 1, 2016), and \$400,000,000, to remain available
11 until expended, shall be available on October 1, 2017: *Pro-*
12 *vided*, That the amounts made available under this head-
13 ing shall be available for expiring or terminating section
14 8 project-based subsidy contracts (including section 8
15 moderate rehabilitation contracts), for amendments to sec-
16 tion 8 project-based subsidy contracts (including section
17 8 moderate rehabilitation contracts), for contracts entered
18 into pursuant to section 441 of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11401), for renewal
20 of section 8 contracts for units in projects that are subject
21 to approved plans of action under the Emergency Low In-
22 come Housing Preservation Act of 1987 or the Low-In-
23 come Housing Preservation and Resident Homeownership
24 Act of 1990, and for administrative and other expenses
25 associated with project-based activities and assistance

1 funded under this paragraph: *Provided further*, That of
2 the total amounts provided under this heading, not to ex-
3 ceed \$235,000,000 shall be available for performance-
4 based contract administrators for section 8 project-based
5 assistance, for carrying out 42 U.S.C. 1437(f): *Provided*
6 *further*, That the Secretary of Housing and Urban Devel-
7 opment may also use such amounts in the previous proviso
8 for performance-based contract administrators for the ad-
9 ministration of: interest reduction payments pursuant to
10 section 236(a) of the National Housing Act (12 U.S.C.
11 1715z-1(a)); rent supplement payments pursuant to sec-
12 tion 101 of the Housing and Urban Development Act of
13 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assist-
14 ance payments (12 U.S.C. 1715z-1(f)(2)); project rental
15 assistance contracts for the elderly under section
16 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q);
17 project rental assistance contracts for supportive housing
18 for persons with disabilities under section 811(d)(2) of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 8013(d)(2)); project assistance contracts pursuant
21 to section 202(h) of the Housing Act of 1959 (Public Law
22 86–372; 73 Stat. 667); and loans under section 202 of
23 the Housing Act of 1959 (Public Law 86–372; 73 Stat.
24 667): *Provided further*, That amounts recaptured under
25 this heading, the heading “Annual Contributions for As-

1 sisted Housing”, or the heading “Housing Certificate
2 Fund”, may be used for renewals of or amendments to
3 section 8 project-based contracts or for performance-based
4 contract administrators, notwithstanding the purposes for
5 which such amounts were appropriated: *Provided further*,
6 That, notwithstanding any other provision of law, upon
7 the request of the Secretary of Housing and Urban Devel-
8 opment, project funds that are held in residual receipts
9 accounts for any project subject to a section 8 project-
10 based Housing Assistance Payments contract that author-
11 izes HUD or a Housing Finance Agency to require that
12 surplus project funds be deposited in an interest-bearing
13 residual receipts account and that are in excess of an
14 amount to be determined by the Secretary, shall be remit-
15 ted to the Department and deposited in this account, to
16 be available until expended: *Provided further*, That
17 amounts deposited pursuant to the previous proviso shall
18 be available in addition to the amount otherwise provided
19 by this heading for uses authorized under this heading.

20 HOUSING FOR THE ELDERLY

21 For amendments to capital advance contracts for
22 housing for the elderly, as authorized by section 202 of
23 the Housing Act of 1959, as amended, and for project
24 rental assistance for the elderly under section 202(c)(2)
25 of such Act, including amendments to contracts for such

1 assistance and renewal of expiring contracts for such as-
2 sistance for up to a 1-year term, and for senior preserva-
3 tion rental assistance contracts, including renewals, as au-
4 thorized by section 811(e) of the American Housing and
5 Economic Opportunity Act of 2000, as amended, and for
6 supportive services associated with the housing,
7 \$505,000,000 to remain available until September 30,
8 2020: *Provided*, That of the amount provided under this
9 heading, up to \$75,000,000 shall be for service coordina-
10 tors and the continuation of existing congregate service
11 grants for residents of assisted housing projects: *Provided*
12 *further*, That amounts under this heading shall be avail-
13 able for Real Estate Assessment Center inspections and
14 inspection-related activities associated with section 202
15 projects: *Provided further*, That the Secretary may waive
16 the provisions of section 202 governing the terms and con-
17 ditions of project rental assistance, except that the initial
18 contract term for such assistance shall not exceed 5 years
19 in duration: *Provided further*, That upon request of the
20 Secretary of Housing and Urban Development, project
21 funds that are held in residual receipts accounts for any
22 project subject to a section 202 project rental assistance
23 contract, and that upon termination of such contract are
24 in excess of an amount to be determined by the Secretary,
25 shall be remitted to the Department and deposited in this

1 account, to be available until September 30, 2020: *Pro-*
2 *vided further*, That amounts deposited in this account pur-
3 suant to the previous proviso shall be available, in addition
4 to the amounts otherwise provided by this heading, for
5 amendments and renewals: *Provided further*, That unobli-
6 gated balances, including recaptures and carryover, re-
7 maining from funds transferred to or appropriated under
8 this heading shall be available for amendments and renew-
9 als notwithstanding the purposes for which such funds
10 originally were appropriated.

11 HOUSING FOR PERSONS WITH DISABILITIES

12 For amendments to capital advance contracts for
13 supportive housing for persons with disabilities, as author-
14 ized by section 811 of the Cranston-Gonzalez National Af-
15 fordable Housing Act (42 U.S.C. 8013), for project rental
16 assistance for supportive housing for persons with disabil-
17 ities under section 811(d)(2) of such Act and for project
18 assistance contracts pursuant to section 202(h) of the
19 Housing Act of 1959 (Public Law 86-372; 73 Stat. 667),
20 including amendments to contracts for such assistance
21 and renewal of expiring contracts for such assistance for
22 up to a 1-year term, for project rental assistance to State
23 housing finance agencies and other appropriate entities as
24 authorized under section 811(b)(3) of the Cranston-Gon-
25 zalez National Housing Act, and for supportive services

1 associated with the housing for persons with disabilities
2 as authorized by section 811(b)(1) of such Act,
3 \$154,000,000, to remain available until September 30,
4 2020: *Provided*, That amounts made available under this
5 heading shall be available for Real Estate Assessment
6 Center inspections and inspection-related activities associ-
7 ated with section 811 projects: *Provided further*, That, in
8 this fiscal year, upon the request of the Secretary of Hous-
9 ing and Urban Development, project funds that are held
10 in residual receipts accounts for any project subject to a
11 section 811 project rental assistance contract and that
12 upon termination of such contract are in excess of an
13 amount to be determined by the Secretary shall be remit-
14 ted to the Department and deposited in this account, to
15 be available until September 30, 2020: *Provided further*,
16 That amounts deposited in this account pursuant to the
17 previous proviso shall be available in addition to the
18 amounts otherwise provided by this heading for amend-
19 ments and renewals: *Provided further*, That unobligated
20 balances, including recaptures and carryover, remaining
21 from funds transferred to or appropriated under this
22 heading shall be used for amendments and renewals not-
23 withstanding the purposes for which such funds originally
24 were appropriated.

1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding
3 loans, as authorized under section 106 of the Housing and
4 Urban Development Act of 1968, as amended,
5 \$55,000,000, to remain available until September 30,
6 2018, including up to \$4,500,000 for administrative con-
7 tract services: *Provided*, That grants made available from
8 amounts provided under this heading shall be awarded
9 within 180 days of enactment of this Act: *Provided further*,
10 That funds shall be used for providing counseling and ad-
11 vice to tenants and homeowners, both current and pro-
12 spective, with respect to property maintenance, financial
13 management/literacy, and such other matters as may be
14 appropriate to assist them in improving their housing con-
15 ditions, meeting their financial needs, and fulfilling the re-
16 sponsibilities of tenancy or homeownership; for program
17 administration; and for housing counselor training: *Pro-*
18 *vided further*, That for purposes of providing such grants
19 from amounts provided under this heading, the Secretary
20 may enter into multiyear agreements as appropriate, sub-
21 ject to the availability of annual appropriations.

22 OTHER ASSISTED HOUSING PROGRAMS

23 RENTAL HOUSING ASSISTANCE

24 For amendments to contracts under section 101 of
25 the Housing and Urban Development Act of 1965 (12

1 U.S.C. 1701s) and section 236(f)(2) of the National
2 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-
3 insured rental housing projects, \$20,000,000, to remain
4 available until expended: *Provided*, That such amount, to-
5 gether with unobligated balances from recaptured
6 amounts appropriated prior to fiscal year 2006 from ter-
7 minated contracts under such sections of law, and any un-
8 obligated balances, including recaptures and carryover, re-
9 maining from funds appropriated under this heading after
10 fiscal year 2005, shall also be available for extensions of
11 up to one year for expiring contracts under such sections
12 of law.

13 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

14 FUND

15 For necessary expenses as authorized by the National
16 Manufactured Housing Construction and Safety Stand-
17 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
18 \$11,500,000, to remain available until expended, of which
19 \$11,500,000 is to be derived from the Manufactured
20 Housing Fees Trust Fund: *Provided*, That not to exceed
21 the total amount appropriated under this heading shall be
22 available from the general fund of the Treasury to the ex-
23 tent necessary to incur obligations and make expenditures
24 pending the receipt of collections to the Fund pursuant
25 to section 620 of such Act: *Provided further*, That the

1 amount made available under this heading from the gen-
2 eral fund shall be reduced as such collections are received
3 during fiscal year 2017 so as to result in a final fiscal
4 year 2017 appropriation from the general fund estimated
5 at zero, and fees pursuant to such section 620 shall be
6 modified as necessary to ensure such a final fiscal year
7 2017 appropriation: *Provided further*, That for the dispute
8 resolution and installation programs, the Secretary of
9 Housing and Urban Development may assess and collect
10 fees from any program participant: *Provided further*, That
11 such collections shall be deposited into the Fund, and the
12 Secretary, as provided herein, may use such collections,
13 as well as fees collected under section 620, for necessary
14 expenses of such Act: *Provided further*, That, notwith-
15 standing the requirements of section 620 of such Act, the
16 Secretary may carry out responsibilities of the Secretary
17 under such Act through the use of approved service pro-
18 viders that are paid directly by the recipients of their serv-
19 ices.

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, 2018: *Provided*, That during fiscal year

1 2017, 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 \$5,000,000: *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, 2018: *Provided further*, That to the
12 extent guaranteed loan commitments exceed
13 \$200,000,000,000 on or before April 1, 2017, 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.

19 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

20 New commitments to guarantee loans insured under
21 the General and Special Risk Insurance Funds, as author-
22 ized by sections 238 and 519 of the National Housing Act
23 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
24 \$30,000,000,000 in total loan principal, any part of which
25 is to be guaranteed, to remain available until September

1 30, 2018: *Provided*, That during fiscal year 2017, gross
2 obligations for the principal amount of direct loans, as au-
3 thorized by sections 204(g), 207(l), 238, and 519(a) of
4 the National Housing Act, shall not exceed \$5,000,000,
5 which shall be for loans to nonprofit and governmental en-
6 tities in connection with the sale of single family real prop-
7 erties owned by the Secretary and formerly insured under
8 such Act.

9 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
10 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
11 GUARANTEE PROGRAM ACCOUNT

12 New commitments to issue guarantees to carry out
13 the purposes of section 306 of the National Housing Act,
14 as amended (12 U.S.C. 1721(g)), shall not exceed
15 \$500,000,000,000, to remain available until September
16 30, 2018: *Provided*, That \$23,000,000 shall be available
17 for necessary salaries and expenses of the Office of Gov-
18 ernment National Mortgage Association: *Provided further*,
19 That to the extent that guaranteed loan commitments ex-
20 ceed \$155,000,000,000 on or before April 1, 2017, an ad-
21 ditional \$100 for necessary salaries and expenses shall be
22 available until expended for each \$1,000,000 in additional
23 guaranteed loan commitments (including a pro rata
24 amount for any amount below \$1,000,000), but in no case
25 shall funds made available by this proviso exceed

1 \$3,000,000: *Provided further*, That receipts from Commit-
2 ment and Multiclass fees collected pursuant to title III of
3 the National Housing Act, as amended, shall be credited
4 as offsetting collections to this account.

5 POLICY DEVELOPMENT AND RESEARCH

6 RESEARCH AND TECHNOLOGY

7 For contracts, grants, and necessary expenses of pro-
8 grams of research and studies relating to housing and
9 urban problems, not otherwise provided for, as authorized
10 by title V of the Housing and Urban Development Act
11 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
12 out the functions of the Secretary of Housing and Urban
13 Development under section 1(a)(1)(i) of Reorganization
14 Plan No. 2 of 1968, and for technical assistance,
15 \$80,000,000, to remain available until September 30,
16 2018: *Provided*, That with respect to amounts made avail-
17 able under this heading, notwithstanding section 204 of
18 this title, the Secretary may enter into cooperative agree-
19 ments funded with philanthropic entities, other Federal
20 agencies, or State or local governments and their agencies
21 for research projects: *Provided further*, That with respect
22 to the previous proviso, such partners to the cooperative
23 agreements must contribute at least a 50 percent match
24 toward the cost of the project: *Provided further*, That for
25 non-competitive agreements entered into in accordance

1 with the previous two provisos, the Secretary of Housing
2 and Urban Development shall comply with section 2(b) of
3 the Federal Funding Accountability and Transparency
4 Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu
5 of compliance with section 102(a)(4)(C) with respect to
6 documentation of award decisions: *Provided further*, That
7 prior to obligation of technical assistance funding, the Sec-
8 retary shall submit a plan, for approval, to the House and
9 Senate Committees on Appropriations on how it will allo-
10 cate funding for this activity.

11 FAIR HOUSING AND EQUAL OPPORTUNITY

12 FAIR HOUSING ACTIVITIES

13 For contracts, grants, and other assistance, not oth-
14 erwise provided for, as authorized by title VIII of the Civil
15 Rights Act of 1968, as amended by the Fair Housing
16 Amendments Act of 1988, and section 561 of the Housing
17 and Community Development Act of 1987, as amended,
18 \$65,300,000, to remain available until September 30,
19 2018: *Provided*, That notwithstanding 31 U.S.C. 3302,
20 the Secretary may assess and collect fees to cover the costs
21 of the Fair Housing Training Academy, and may use such
22 funds to provide such training: *Provided further*, That no
23 funds made available under this heading shall be used to
24 lobby the executive or legislative branches of the Federal
25 Government in connection with a specific contract, grant,

1 or loan: *Provided further*, That of the funds made available
2 under this heading, \$300,000 shall be available to the Sec-
3 retary of Housing and Urban Development for the cre-
4 ation and promotion of translated materials and other pro-
5 grams that support the assistance of persons with limited
6 English proficiency in utilizing the services provided by
7 the Department of Housing and Urban Development.

8 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
9 HOMES

10 LEAD HAZARD REDUCTION

11 For the Lead Hazard Reduction Program, as author-
12 ized by section 1011 of the Residential Lead-Based Paint
13 Hazard Reduction Act of 1992, \$130,000,000, to remain
14 available until September 30, 2018, of which \$20,000,000
15 shall be for the Healthy Homes Initiative, pursuant to sec-
16 tions 501 and 502 of the Housing and Urban Develop-
17 ment Act of 1970 that shall include research, studies, test-
18 ing, and demonstration efforts, including education and
19 outreach concerning lead-based paint poisoning and other
20 housing-related diseases and hazards: *Provided*, That for
21 purposes of environmental review, pursuant to the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
23 et seq.) and other provisions of the law that further the
24 purposes of such Act, a grant under the Healthy Homes
25 Initiative, or the Lead Technical Studies program under

1 this heading or under prior appropriations Acts for such
2 purposes under this heading, shall be considered to be
3 funds for a special project for purposes of section 305(c)
4 of the Multifamily Housing Property Disposition Reform
5 Act of 1994: *Provided further*, That of the total amount
6 made available under this heading, \$45,000,000 shall be
7 made available on a competitive basis for areas with the
8 highest lead paint abatement needs: *Provided further*,
9 That each recipient of funds provided under the previous
10 proviso shall contribute an amount not less than 25 per-
11 cent of the total: *Provided further*, That each applicant
12 shall certify adequate capacity that is acceptable to the
13 Secretary to carry out the proposed use of funds pursuant
14 to a notice of funding availability: *Provided further*, That
15 amounts made available under this heading in this or prior
16 appropriations Acts, and that still remain available, may
17 be used for any purpose under this heading notwith-
18 standing the purpose for which such amounts were appro-
19 priated if a program competition is undersubscribed and
20 there are other program competitions under this heading
21 that are oversubscribed.

22 INFORMATION TECHNOLOGY FUND

23 For the development of, modifications to, and infra-
24 structure for Department-wide and program-specific infor-
25 mation technology systems, for the continuing operation

1 and maintenance of both Department-wide and program-
2 specific information systems, and for program-related
3 maintenance activities, \$100,000,000 shall remain avail-
4 able until September 30, 2018: *Provided*, That any
5 amounts transferred to this Fund under this Act shall re-
6 main available until expended: *Provided further*, That any
7 amounts transferred to this Fund from amounts appro-
8 priated by previously enacted appropriations Acts may be
9 used for the purposes specified under this Fund, in addi-
10 tion to any other information technology purposes for
11 which such amounts were appropriated.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary salaries and expenses of the Office of
14 Inspector General in carrying out the Inspector General
15 Act of 1978, as amended, \$128,082,000: *Provided*, That
16 the Inspector General shall have independent authority
17 over all personnel issues within this office.

18 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND

19 URBAN DEVELOPMENT

20 (INCLUDING TRANSFER OF FUNDS)

21 (INCLUDING RESCISSIONS)

22 SEC. 201. Fifty percent of the amounts of budget au-
23 thority, or in lieu thereof 50 percent of the cash amounts
24 associated with such budget authority, that are recaptured
25 from projects described in section 1012(a) of the Stewart

1 B. McKinney Homeless Assistance Amendments Act of
2 1988 (42 U.S.C. 1437 *f* note) shall be rescinded or in the
3 case of cash, shall be remitted to the Treasury, and such
4 amounts of budget authority or cash recaptured and not
5 rescinded or remitted to the Treasury shall be used by
6 State housing finance agencies or local governments or
7 local housing agencies with projects approved by the Sec-
8 retary of Housing and Urban Development for which set-
9 tlement occurred after January 1, 1992, in accordance
10 with such section. Notwithstanding the previous sentence,
11 the Secretary may award up to 15 percent of the budget
12 authority or cash recaptured and not rescinded or remitted
13 to the Treasury to provide project owners with incentives
14 to refinance their project at a lower interest rate.

15 SEC. 202. None of the amounts made available under
16 this Act may be used during fiscal year 2017 to investigate
17 or prosecute under the Fair Housing Act any otherwise
18 lawful activity engaged in by one or more persons, includ-
19 ing the filing or maintaining of a nonfrivolous legal action,
20 that is engaged in solely for the purpose of achieving or
21 preventing action by a Government official or entity, or
22 a court of competent jurisdiction.

23 SEC. 203. Sections 203 and 209 of division C of Pub-
24 lic Law 112–55 (125 Stat. 693–694) shall apply during
25 fiscal year 2017 as if such sections were included in this

1 title, except that during such fiscal year such sections shall
2 be applied by substituting “fiscal year 2017” for “fiscal
3 year 2011” and for “fiscal year 2012” each place such
4 terms appear, and shall be amended to reflect revised de-
5 lineations of statistical areas established by the Office of
6 Management and Budget pursuant to 44 U.S.C.
7 3504(e)(3), 31 U.S.C. 1104(d), and Executive Order No.
8 10253.

9 SEC. 204. Except as explicitly provided in law, any
10 grant, cooperative agreement or other assistance made
11 pursuant to title II of this Act shall be made on a competi-
12 tive basis and in accordance with section 102 of the De-
13 partment of Housing and Urban Development Reform Act
14 of 1989 (42 U.S.C. 3545).

15 SEC. 205. Funds of the Department of Housing and
16 Urban Development subject to the Government Corpora-
17 tion Control Act or section 402 of the Housing Act of
18 1950 shall be available, without regard to the limitations
19 on administrative expenses, for legal services on a contract
20 or fee basis, and for utilizing and making payment for
21 services and facilities of the Federal National Mortgage
22 Association, Government National Mortgage Association,
23 Federal Home Loan Mortgage Corporation, Federal Fi-
24 nancing Bank, Federal Reserve banks or any member
25 thereof, Federal Home Loan banks, and any insured bank

1 within the meaning of the Federal Deposit Insurance Cor-
2 poration Act, as amended (12 U.S.C. 1811–1).

3 SEC. 206. Unless otherwise provided for in this Act
4 or through a reprogramming of funds, no part of any ap-
5 propriation for the Department of Housing and Urban
6 Development shall be available for any program, project
7 or activity in excess of amounts set forth in the budget
8 estimates submitted to Congress.

9 SEC. 207. Corporations and agencies of the Depart-
10 ment of Housing and Urban Development which are sub-
11 ject to the Government Corporation Control Act are here-
12 by authorized to make such expenditures, within the limits
13 of funds and borrowing authority available to each such
14 corporation or agency and in accordance with law, and to
15 make such contracts and commitments without regard to
16 fiscal year limitations as provided by section 104 of such
17 Act as may be necessary in carrying out the programs set
18 forth in the budget for 2017 for such corporation or agen-
19 cy except as hereinafter provided: *Provided*, That collec-
20 tions of these corporations and agencies may be used for
21 new loan or mortgage purchase commitments only to the
22 extent expressly provided for in this Act (unless such loans
23 are in support of other forms of assistance provided for
24 in this or prior appropriations Acts), except that this pro-
25 viso shall not apply to the mortgage insurance or guaranty

1 operations of these corporations, or where loans or mort-
2 gage purchases are necessary to protect the financial in-
3 terest of the United States Government.

4 SEC. 208. The Secretary of Housing and Urban De-
5 velopment shall provide quarterly reports to the House
6 and Senate Committees on Appropriations regarding all
7 uncommitted, unobligated, recaptured and excess funds in
8 each program and activity within the jurisdiction of the
9 Department and shall submit additional, updated budget
10 information to these Committees upon request.

11 SEC. 209. The President's formal budget request for
12 fiscal year 2018, as well as the Department of Housing
13 and Urban Development's congressional budget justifica-
14 tions to be submitted to the Committees on Appropriations
15 of the House of Representatives and the Senate, shall use
16 the identical account and sub-account structure provided
17 under this Act.

18 SEC. 210. A public housing agency or such other enti-
19 ty that administers Federal housing assistance for the
20 Housing Authority of the county of Los Angeles, Cali-
21 fornia, and the States of Alaska, Iowa, and Mississippi
22 shall not be required to include a resident of public hous-
23 ing or a recipient of assistance provided under section 8
24 of the United States Housing Act of 1937 on the board
25 of directors or a similar governing board of such agency

1 or entity as required under section (2)(b) of such Act.
2 Each public housing agency or other entity that admin-
3 isters Federal housing assistance under section 8 for the
4 Housing Authority of the county of Los Angeles, Cali-
5 fornia and the States of Alaska, Iowa and Mississippi that
6 chooses not to include a resident of public housing or a
7 recipient of section 8 assistance on the board of directors
8 or a similar governing board shall establish an advisory
9 board of not less than six residents of public housing or
10 recipients of section 8 assistance to provide advice and
11 comment to the public housing agency or other admin-
12 istering entity on issues related to public housing and sec-
13 tion 8. Such advisory board shall meet not less than quar-
14 terly.

15 SEC. 211. No funds provided under this title may be
16 used for an audit of the Government National Mortgage
17 Association that makes applicable requirements under the
18 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

19 SEC. 212. (a) Notwithstanding any other provision
20 of law, subject to the conditions listed under this section,
21 for fiscal years 2017 and 2018, the Secretary of Housing
22 and Urban Development may authorize the transfer of
23 some or all project-based assistance, debt held or insured
24 by the Secretary and statutorily required low-income and
25 very low-income use restrictions if any, associated with one

1 or more multifamily housing project or projects to another
2 multifamily housing project or projects.

3 (b) PHASED TRANSFERS.—Transfers of project-
4 based assistance under this section may be done in phases
5 to accommodate the financing and other requirements re-
6 lated to rehabilitating or constructing the project or
7 projects to which the assistance is transferred, to ensure
8 that such project or projects meet the standards under
9 subsection (c).

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

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

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

22 (B) For unoccupied units in the transfer-
23 ring project: The Secretary may authorize a re-
24 duction in the number of dwelling units in the
25 receiving project or projects to allow for a re-

1 configuration of bedroom sizes to meet current
2 market demands, as determined by the Sec-
3 retary and provided there is no increase in the
4 project-based assistance budget authority.

5 (2) The transferring project shall, as deter-
6 mined by the Secretary, be either physically obsolete
7 or economically nonviable.

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, as amended) 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, as amended
17 by section 801 of the Cranston-Gonzales Na-
18 tional Affordable Housing Act;

19 (D) housing that is assisted under section
20 202 of the Housing Act of 1959, as such sec-
21 tion existed before the enactment of the Cran-
22 ston-Gonzales National Affordable Housing Act;

23 (E) housing that is assisted under section
24 811 of the Cranston-Gonzales National Afford-
25 able Housing Act; 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;

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

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

15 (D) interest reduction payments under sec-
16 tion 236 and/or additional assistance payments
17 under section 236(f)(2) of the National Hous-
18 ing Act;

19 (E) assistance payments made under sec-
20 tion 202(e)(2) of the Housing Act of 1959; and

21 (F) assistance payments made under sec-
22 tion 811(d)(2) of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act;

24 (4) the term “receiving project or projects”
25 means the multifamily housing project or projects to

1 which some or all of the project-based assistance,
2 debt, and statutorily required low-income and very
3 low-income use restrictions are to be transferred;

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

10 (6) the term “Secretary” means the Secretary
11 of Housing and Urban Development.

12 (e) PUBLIC NOTICE AND RESEARCH REPORT.—

13 (1) The Secretary shall publish by notice in the
14 Federal Register the terms and conditions, including
15 criteria for HUD approval, of transfers pursuant to
16 this section no later than 30 days before the effec-
17 tive date of such notice.

18 (2) The Secretary shall conduct an evaluation
19 of the transfer authority under this section, includ-
20 ing the effect of such transfers on the operational ef-
21 ficiency, contract rents, physical and financial condi-
22 tions, and long-term preservation of the affected
23 properties.

1 SEC. 213. (a) No assistance shall be provided under
2 section 8 of the United States Housing Act of 1937 (42
3 U.S.C. 1437f) to any individual who—

4 (1) is enrolled as a student at an institution of
5 higher education (as defined under section 102 of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1002));

8 (2) is under 24 years of age;

9 (3) is not a veteran;

10 (4) is unmarried;

11 (5) does not have a dependent child;

12 (6) is not a person with disabilities, as such
13 term is defined in section 3(b)(3)(E) of the United
14 States Housing Act of 1937 (42 U.S.C.
15 1437a(b)(3)(E)) and was not receiving assistance
16 under such section 8 as of November 30, 2005; and

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

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

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

7 SEC. 214. The funds made available for Native Alas-
8 kans under the heading “Native American Housing Block
9 Grants” in title II of this Act shall be allocated to the
10 same Native Alaskan housing block grant recipients that
11 received funds in fiscal year 2005.

12 SEC. 215. Notwithstanding the limitation in the first
13 sentence of section 255(g) of the National Housing Act
14 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and
15 Urban Development may, until September 30, 2017, in-
16 sure and enter into commitments to insure mortgages
17 under such section 255.

18 SEC. 216. Notwithstanding any other provision of
19 law, in fiscal year 2017, in managing and disposing of any
20 multifamily property that is owned or has a mortgage held
21 by the Secretary of Housing and Urban Development, and
22 during the process of foreclosure on any property with a
23 contract for rental assistance payments under section 8
24 of the United States Housing Act of 1937 or other Fed-
25 eral programs, the Secretary shall maintain any rental as-

1 sistance payments under section 8 of the United States
2 Housing Act of 1937 and other programs that are at-
3 tached to any dwelling units in the property. To the extent
4 the Secretary determines, in consultation with the tenants
5 and the local government, that such a multifamily prop-
6 erty owned or held by the Secretary is not feasible for con-
7 tinued rental assistance payments under such section 8
8 or other programs, based on consideration of (1) the costs
9 of rehabilitating and operating the property and all avail-
10 able Federal, State, and local resources, including rent ad-
11 justments under section 524 of the Multifamily Assisted
12 Housing Reform and Affordability Act of 1997
13 (“MAHRAA”) and (2) environmental conditions that can-
14 not be remedied in a cost-effective fashion, the Secretary
15 may, in consultation with the tenants of that property,
16 contract for project-based rental assistance payments with
17 an owner or owners of other existing housing properties,
18 or provide other rental assistance. The Secretary shall also
19 take appropriate steps to ensure that project-based con-
20 tracts remain in effect prior to foreclosure, subject to the
21 exercise of contractual abatement remedies to assist relo-
22 cation of tenants for imminent major threats to health and
23 safety after written notice to and informed consent of the
24 affected tenants and use of other available remedies, such
25 as partial abatements or receivership. After disposition of

1 any multifamily property described under this section, the
2 contract and allowable rent levels on such properties shall
3 be subject to the requirements under section 524 of
4 MAHRAA.

5 SEC. 217. The commitment authority funded by fees
6 as provided under the heading “Community Development
7 Loan Guarantees Program Account” may be used to guar-
8 antee, or make commitments to guarantee, notes, or other
9 obligations issued by any State on behalf of non-entitle-
10 ment communities in the State in accordance with the re-
11 quirements of section 108 of the Housing and Community
12 Development Act of 1974: *Provided*, That any State re-
13 ceiving such a guarantee or commitment shall distribute
14 all funds subject to such guarantee to the units of general
15 local government in non-entitlement areas that received
16 the commitment.

17 SEC. 218. Public housing agencies that own and oper-
18 ate 400 or fewer public housing units may elect to be ex-
19 empt from any asset management requirement imposed by
20 the Secretary of Housing and Urban Development in con-
21 nection with the operating fund rule: *Provided*, That an
22 agency seeking a discontinuance of a reduction of subsidy
23 under the operating fund formula shall not be exempt
24 from asset management requirements.

1 SEC. 219. With respect to the use of amounts pro-
2 vided in this Act and in future Acts for the operation, cap-
3 ital improvement and management of public housing as
4 authorized by sections 9(d) and 9(e) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
6 Secretary shall not impose any requirement or guideline
7 relating to asset management that restricts or limits in
8 any way the use of capital funds for central office costs
9 pursuant to section 9(g)(1) or 9(g)(2) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
11 *vided*, That a public housing agency may not use capital
12 funds authorized under section 9(d) for activities that are
13 eligible under section 9(e) for assistance with amounts
14 from the operating fund in excess of the amounts per-
15 mitted under section 9(g)(1) or 9(g)(2).

16 SEC. 220. No official or employee of the Department
17 of Housing and Urban Development shall be designated
18 as an allotment holder unless the Office of the Chief Fi-
19 nancial Officer has determined that such allotment holder
20 has implemented an adequate system of funds control and
21 has received training in funds control procedures and di-
22 rectives. The Chief Financial Officer shall ensure that
23 there is a trained allotment holder for each HUD sub-
24 office under the accounts “Executive Offices” and “Ad-
25 ministrative Support Offices,” as well as each account re-

1 ceiving appropriations for “Program Office Salaries and
2 Expenses”, “Government National Mortgage Associa-
3 tion—Guarantees of Mortgage-Backed Securities Loan
4 Guarantee Program Account”, and “Office of Inspector
5 General” within the Department of Housing and Urban
6 Development.

7 SEC. 221. The Secretary of the Department of Hous-
8 ing and Urban Development shall, for fiscal year 2017,
9 notify the public through the Federal Register and other
10 means, as determined appropriate, of the issuance of a no-
11 tice of the availability of assistance or notice of funding
12 availability (NOFA) for any program or discretionary
13 fund administered by the Secretary that is to be competi-
14 tively awarded. Notwithstanding any other provision of
15 law, for fiscal year 2017, the Secretary may make the
16 NOFA available only on the Internet at the appropriate
17 Government web site or through other electronic media,
18 as determined by the Secretary.

19 SEC. 222. Payment of attorney fees in program-re-
20 lated litigation shall be paid from the individual program
21 office and Office of General Counsel salaries and expenses
22 appropriations. The annual budget submission for the pro-
23 gram offices and the Office of General Counsel shall in-
24 clude any such projected litigation costs for attorney fees
25 as a separate line item request. No funds provided in this

1 title may be used to pay any such litigation costs for attor-
2 ney fees until the Department submits for review a spend-
3 ing plan for such costs to the House and Senate Commit-
4 tees on Appropriations.

5 SEC. 223. The Secretary is authorized to transfer up
6 to 10 percent or \$4,000,000, whichever is less, of funds
7 appropriated for any office under the heading “Adminis-
8 trative Support Offices” or for any account under the gen-
9 eral heading “Program Office Salaries and Expenses” to
10 any other such office or account: *Provided*, That no appro-
11 priation for any such office or account shall be increased
12 or decreased by more than 10 percent or \$4,000,000,
13 whichever is less, without prior written approval of the
14 House and Senate Committees on Appropriations: *Pro-*
15 *vided further*, That the Secretary shall provide notification
16 to such Committees three business days in advance of any
17 such transfers under this section up to 10 percent or
18 \$4,000,000, whichever is less.

19 SEC. 224. The Disaster Housing Assistance Pro-
20 grams, administered by the Department of Housing and
21 Urban Development, shall be considered a “program of
22 the Department of Housing and Urban Development”
23 under section 904 of the McKinney Act for the purpose
24 of income verifications and matching.

1 SEC. 225. (a) The Secretary of Housing and Urban
2 Development shall take the required actions under sub-
3 section (b) when a multifamily housing project with a sec-
4 tion 8 contract or contract for similar project-based assist-
5 ance:

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

8 (2) receives a REAC score between 31 and 59
9 and:

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

13 (B) receives consecutive scores of less than
14 60 on REAC inspections.

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

23 (b) The Secretary shall take the following required
24 actions as authorized under subsection (a):

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

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

18 (A) impose civil money penalties;

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

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

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

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

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

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

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

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

17 SEC. 226. None of the funds made available by this
18 Act, or any other Act, for purposes authorized under sec-
19 tion 8 (only with respect to the tenant-based rental assist-
20 ance program) and section 9 of the United States Housing
21 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
22 any public housing agency for any amount of salary, in-
23 cluding bonuses, for the chief executive officer of which,
24 or any other official or employee of which, that exceeds
25 the annual rate of basic pay payable for a position at level

1 IV of the Executive Schedule at any time during any pub-
2 lic housing agency fiscal year 2017.

3 SEC. 227. None of the funds in this Act may be avail-
4 able for the doctoral dissertation research grant program
5 at the Department of Housing and Urban Development.

6 SEC. 228. None of the funds in this Act provided to
7 the Department of Housing and Urban Development may
8 be used to make a grant award unless the Secretary noti-
9 fies the House and Senate Committees on Appropriations
10 not less than 3 full business days before any project,
11 State, locality, housing authority, tribe, nonprofit organi-
12 zation, or other entity selected to receive a grant award
13 is announced by the Department or its offices.

14 SEC. 229. None of the funds made available by this
15 Act may be used to require or enforce the Physical Needs
16 Assessment (PNA).

17 SEC. 230. None of the funds made available in this
18 Act shall be used by the Federal Housing Administration,
19 the Government National Mortgage Administration, or the
20 Department of Housing and Urban Development to in-
21 sure, securitize, or establish a Federal guarantee of any
22 mortgage or mortgage backed security that refinances or
23 otherwise replaces a mortgage that has been subject to
24 eminent domain condemnation or seizure, by a State, mu-
25 nicipality, or any other political subdivision of a State.

1 SEC. 231. None of the funds made available by this
2 Act may be used to terminate the status of a unit of gen-
3 eral local government as a metropolitan city (as defined
4 in section 102 of the Housing and Community Develop-
5 ment Act of 1974 (42 U.S.C. 5302)) with respect to
6 grants under section 106 of such Act (42 U.S.C. 5306).

7 SEC. 232. Amounts made available under this Act
8 which are either appropriated, allocated, advanced on a
9 reimbursable basis, or transferred to the Office of Policy
10 Development and Research in the Department of Housing
11 and Urban Development and functions thereof, for re-
12 search, evaluation, or statistical purposes, and which are
13 unexpended at the time of completion of a contract, grant,
14 or cooperative agreement, may be deobligated and shall
15 immediately become available and may be reobligated in
16 that fiscal year or the subsequent fiscal year for the re-
17 search, evaluation, or statistical purposes for which the
18 amounts are made available to that Office subject to re-
19 programming requirements in section 405 of this Act.

20 SEC. 233. None of the funds provided in this Act or
21 any other act may be used for awards, including perform-
22 ance, special act, or spot, for any employee of the Depart-
23 ment of Housing and Urban Development who has been
24 subject to administrative discipline in fiscal years 2016 or
25 2017, including suspension from work.

1 SEC. 234. Unobligated balances, including recaptures
2 and carryover, remaining from funds appropriated to the
3 Department of Housing and Urban Development for ad-
4 ministrative costs of the Office of Community Planning
5 and Development associated with funds appropriated to
6 the Department for specific disaster relief and related pur-
7 poses and designated by Congress as an emergency re-
8 quirement pursuant to a Concurrent Resolution on the
9 Budget or the Balanced Budget and Emergency Deficit
10 Control Act, including information technology costs and
11 costs for administering and overseeing such specific dis-
12 aster related funds, shall be transferred to the Program
13 Office Salaries and Expenses, Community Planning and
14 Development account for the Department, shall remain
15 available until expended, and may be used for such admin-
16 istrative costs for administering any funds appropriated
17 to the Department for any disaster relief and related pur-
18 poses in any prior or future act, notwithstanding the pur-
19 poses for which such funds were appropriated: *Provided,*
20 That amounts transferred pursuant to this section that
21 were previously designated by the Congress as an emer-
22 gency requirement pursuant to a Concurrent Resolution
23 on the Budget or the Balanced Budget and Emergency
24 Deficit Control Act are designated by the Congress as an
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985 and shall be transferred only
3 if the President subsequently so designates the entire
4 transfer and transmits such designation to the Congress.

5 SEC. 235. CONTINUUM OF CARE TRANSITION
6 GRANTS.—

7 (a) From amounts made available under this title
8 under the heading “Homeless Assistance Grants”, the
9 Secretary may award 1-year transition grants to recipients
10 of funds for activities under subtitle C of the McKinney-
11 Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.)
12 to transition from one Continuum of Care program compo-
13 nent to another.

14 (b) No more than 25 percent of each transition grant
15 may be used for costs of eligible activities of the program
16 component originally funded.

17 (c) Transition grants made under this section are eli-
18 gible for renewal in subsequent fiscal years for the eligible
19 activities of the new program component.

20 (d) In order to be eligible to receive a transition
21 grant, the funding recipient must have the consent of the
22 Continuum of Care and meet standards determined by the
23 Secretary.

24 SEC. 236. None of the funds appropriated by this Act
25 shall be used to implement, administer, carry-out, or en-

1 force Executive Order 13690 and the Federal Flood Risk
2 Management Standard (FFRMS) until 90 days after the
3 Secretary provides a report to the House and Senate Com-
4 mittees on Appropriations that includes:

5 (a) a comprehensive list of HUD programs that will
6 be impacted by Executive Order 13690 and the FFRMS;

7 (b) an analysis of the near term and long term costs
8 and benefits of Executive Order 13690 and the FFRMS;
9 and

10 (c) a detailed nationwide floodplain map, including
11 descriptions, definitions, and extent associated with the
12 floodplain definitions set forth in Executive Order 13690
13 and the FFRMS.

14 SEC. 237. (a) Effective October 1, 2016, all unobli-
15 gated balances, including recaptures and carryover, re-
16 maining from funds appropriated to the Department of
17 Housing and Urban Development for accounts under the
18 headings “Management and Administration” and “Pro-
19 gram Office Salaries and Expenses” in division L of Pub-
20 lic Law 114–113 are rescinded; and

21 (b) All unobligated balances available, and that be-
22 come available, as a result of actions under 42 U.S.C.
23 5304(e) or 42 U.S.C. 5311 are hereby rescinded.

24 This title may be cited as the “Department of Hous-
25 ing and Urban Development Appropriations Act, 2017”.

1 TITLE III—RELATED AGENCIES

2 ACCESS BOARD

3 SALARIES AND EXPENSES

4 For expenses necessary for the Access Board, as au-
5 thorized by section 502 of the Rehabilitation Act of 1973,
6 as amended, \$8,190,000: *Provided*, That, notwithstanding
7 any other provision of law, there may be credited to this
8 appropriation funds received for publications and training
9 expenses.

10 FEDERAL MARITIME COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Maritime
13 Commission as authorized by section 201(d) of the Mer-
14 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
15 cluding services as authorized by 5 U.S.C. 3109; hire of
16 passenger motor vehicles as authorized by 31 U.S.C.
17 1343(b); and uniforms or allowances therefor *e*, as author-
18 ized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That
19 not to exceed \$2,000 shall be available for official recep-
20 tion and representation expenses.

21 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE

22 OF INSPECTOR GENERAL

23 SALARIES AND EXPENSES

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

1 to carry out the provisions of the Inspector General Act
2 of 1978, as amended, \$23,274,000: *Provided*, That the In-
3 spector General shall have all necessary authority, in car-
4 rying out the duties specified in the Inspector General Act,
5 as amended (5 U.S.C. App. 3), to investigate allegations
6 of fraud, including false statements to the government (18
7 U.S.C. 1001), by any person or entity that is subject to
8 regulation by the National Railroad Passenger Corpora-
9 tion: *Provided further*, That the Inspector General may
10 enter into contracts and other arrangements for audits,
11 studies, analyses, and other services with public agencies
12 and with private persons, subject to the applicable laws
13 and regulations that govern the obtaining of such services
14 within the National Railroad Passenger Corporation: *Pro-*
15 *vided further*, That the Inspector General may select, ap-
16 point, and employ such officers and employees as may be
17 necessary for carrying out the functions, powers, and du-
18 ties of the Office of Inspector General, subject to the appli-
19 cable laws and regulations that govern such selections, ap-
20 pointments, and employment within the Corporation: *Pro-*
21 *vided further*, That concurrent with the President's budget
22 request for fiscal year 2017, the Inspector General shall
23 submit to the House and Senate Committees on Appro-
24 priations a budget request for fiscal year 2017 in similar

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

3 NATIONAL TRANSPORTATION SAFETY BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the National Transpor-
6 tation Safety Board, including hire of passenger motor ve-
7 hicles and aircraft; services as authorized by 5 U.S.C.
8 3109, but at rates for individuals not to exceed the per
9 diem rate equivalent to the rate for a GS-15; uniforms,
10 or allowances therefor, as authorized by law (5 U.S.C.
11 5901-5902), \$106,000,000, of which not to exceed \$2,000
12 may be used for official reception and representation ex-
13 penses. The amounts made available to the National
14 Transportation Safety Board in this Act include amounts
15 necessary to make lease payments on an obligation in-
16 curred in fiscal year 2001 for a capital lease.

17 NEIGHBORHOOD REINVESTMENT CORPORATION

18 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

19 CORPORATION

20 For payment to the Neighborhood Reinvestment Cor-
21 poration for use in neighborhood reinvestment activities,
22 as authorized by the Neighborhood Reinvestment Corpora-
23 tion Act (42 U.S.C. 8101-8107), \$140,000,000, of which
24 \$5,000,000 shall be for a multi-family rental housing pro-
25 gram.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Surface Transpor-
4 tation Board, including services authorized by 5 U.S.C.
5 3109, \$37,000,000: *Provided*, That notwithstanding any
6 other provision of law, not to exceed \$1,250,000 from fees
7 established by the Chairman of the Surface Transpor-
8 tation Board shall be credited to this appropriation as off-
9 setting collections and used for necessary and authorized
10 expenses under this heading: *Provided further*, That the
11 sum herein appropriated from the general fund shall be
12 reduced on a dollar-for-dollar basis as such offsetting col-
13 lections are received during fiscal year 2017, to result in
14 a final appropriation from the general fund estimated at
15 no more than \$35,750,000.

16 UNITED STATES INTERAGENCY COUNCIL ON

17 HOMELESSNESS

18 OPERATING EXPENSES

19 For necessary expenses (including payment of sala-
20 ries, authorized travel, hire of passenger motor vehicles,
21 the rental of conference rooms, and the employment of ex-
22 perts and consultants under section 3109 of title 5, United
23 States Code) of the United States Interagency Council on
24 Homelessness in carrying out the functions pursuant to

1 title II of the McKinney-Vento Homeless Assistance Act,
2 as amended, \$2,000,000.

3

4

TITLE IV

5

GENERAL PROVISIONS—THIS ACT

6

(INCLUDING RESCISSIONS)

7

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

12

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

16

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

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

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

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

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

13 (4) contains any methods or content associated
14 with religious or quasi-religious belief systems or
15 “new age” belief systems as defined in Equal Em-
16 ployment Opportunity Commission Notice N-
17 915.022, dated September 2, 1988; or

18 (5) is offensive to, or designed to change, par-
19 ticipants’ personal values or lifestyle outside the
20 workplace.

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

24 SEC. 405. (a) Except as otherwise provided in this
25 Act, none of the funds provided in this Act, provided by

1 previous appropriations Acts to the agencies or entities
2 funded in this Act that remain available for obligation or
3 expenditure in fiscal year 2017, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that—

8 (1) creates a new program;

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

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

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

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

19 (6) reduces existing programs, projects, or ac-
20 tivities by \$5,000,000 or 10 percent, whichever is
21 less; or

22 (7) creates, reorganizes, or restructures a
23 branch, division, office, bureau, board, commission,
24 agency, administration, or department different from
25 the budget justifications submitted to the Commit-

1 tees on Appropriations or the table accompanying
2 the explanatory statement accompanying this Act,
3 whichever is more detailed, unless prior approval is
4 received from the House and Senate Committees on
5 Appropriations: *Provided*, That not later than 60
6 days after the date of enactment of this Act, each
7 agency funded by this Act shall submit a report to
8 the Committees on Appropriations of the Senate and
9 of the House of Representatives to establish the
10 baseline for application of reprogramming and trans-
11 fer authorities for the current fiscal year: *Provided*
12 *further*, That the report shall include—

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

19 (B) a delineation in the table for each ap-
20 propriation and its respective prior year enacted
21 level by object class and program, project, and
22 activity as detailed in the budget appendix for
23 the respective appropriation; and

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

1 SEC. 406. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2017 from
4 appropriations made available for salaries and expenses
5 for fiscal year 2017 in this Act, shall remain available
6 through September 30, 2018, for each such account for
7 the purposes authorized: *Provided*, That a request shall
8 be submitted to the House and Senate Committees on Ap-
9 propriations for approval prior to the expenditure of such
10 funds: *Provided further*, That these requests shall be made
11 in compliance with reprogramming guidelines under sec-
12 tion 405 of this Act.

13 SEC. 407. No funds in this Act may be used to sup-
14 port any Federal, State, or local projects that seek to use
15 the power of eminent domain, unless eminent domain is
16 employed only for a public use: *Provided*, That for pur-
17 poses of this section, public use shall not be construed to
18 include economic development that primarily benefits pri-
19 vate entities: *Provided further*, That any use of funds for
20 mass transit, railroad, airport, seaport or highway
21 projects, as well as utility projects which benefit or serve
22 the general public (including energy-related, communica-
23 tion-related, water-related and wastewater-related infra-
24 structure), other structures designated for use by the gen-
25 eral public or which have other common-carrier or public-

1 utility functions that serve the general public and are sub-
2 ject to regulation and oversight by the government, and
3 projects for the removal of an immediate threat to public
4 health and safety or brownfields as defined in the Small
5 Business Liability Relief and Brownfields Revitalization
6 Act (Public Law 107–118) shall be considered a public
7 use for purposes of eminent domain.

8 SEC. 408. None of the funds made available in this
9 Act may be transferred to any department, agency, or in-
10 strumentality of the United States Government, except
11 pursuant to a transfer made by, or transfer authority pro-
12 vided in, this Act or any other appropriations Act.

13 SEC. 409. No part of any appropriation contained in
14 this Act shall be available to pay the salary for any person
15 filling a position, other than a temporary position, for-
16 merly held by an employee who has left to enter the Armed
17 Forces of the United States and has satisfactorily com-
18 pleted his or her period of active military or naval service,
19 and has within 90 days after his or her release from such
20 service or from hospitalization continuing after discharge
21 for a period of not more than 1 year, made application
22 for restoration to his or her former position and has been
23 certified by the Office of Personnel Management as still
24 qualified to perform the duties of his or her former posi-
25 tion and has not been restored thereto.

1 SEC. 410. No funds appropriated pursuant to this
2 Act may be expended by an entity unless the entity agrees
3 that in expending the assistance the entity will comply
4 with sections 2 through 4 of the Act of March 3, 1933
5 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
6 ican Act”).

7 SEC. 411. No funds appropriated or otherwise made
8 available under this Act shall be made available to any
9 person or entity that has been convicted of violating the
10 Buy American Act (41 U.S.C. 10a–10c).

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

15 SEC. 413. (a) None of the funds made available by
16 this Act may be used to approve a new foreign air carrier
17 permit under sections 41301 through 41305 of title 49,
18 United States Code, or exemption application under sec-
19 tion 40109 of that title of an air carrier already holding
20 an air operators certificate issued by a country that is
21 party to the U.S.-E.U.-Iceland-Norway Air Transport
22 Agreement where such approval would contravene United
23 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
24 way Air Transport Agreement.

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

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

21 SEC. 415. None of the funds made available by this
22 Act may be used by the Department of Transportation,
23 the Department of Housing and Urban Development, or
24 any other Federal agency to lease or purchase new light
25 duty vehicles for any executive fleet, or for an agency’s

1 fleet inventory, except in accordance with Presidential
2 Memorandum—Federal Fleet Performance, dated May
3 24, 2011.

4 SEC. 416. None of the funds appropriated or other-
5 wise made available under this Act may be used by the
6 Surface Transportation Board of the Department of
7 Transportation to charge or collect any filing fee for rate
8 or practice complaints filed with the Board in an amount
9 in excess of the amount authorized for district court civil
10 suit filing fees under section 1914 of title 28, United
11 States Code.

12 SEC. 417. Effective October 1, 2016, all unobligated
13 balances, including recaptures and carryover, remaining
14 from funds appropriated in division L of Public Law 114-
15 113 for “Department of Transportation-Office of the Sec-
16 retary-Salaries and Expenses”, “Department of Transpor-
17 tation-Office of the Secretary-Office of Civil Rights”, “De-
18 partment of Transportation-Office of the Secretary-Minor-
19 ity Business Outreach”, “Department of Transportation-
20 Federal Transit Administration-Administrative Ex-
21 penses”, “Department of Transportation-Pipeline and
22 Hazardous Materials Safety Administration-Operational
23 Expenses”, “Department of Transportation-Surface
24 Transportation Board-Salaries and Expenses”, “Access
25 Board-Salaries and Expenses”, “Federal Maritime Com-

[FULL COMMITTEE PRINT]

Union Calendar No. _____

114TH CONGRESS
2^D Session

H. R. _____

[Report No. 114-_____] _____

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed