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115TH CONGRESS
1ST SESSION

H. R. 3353

[Report No. 115–237]

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2017

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, 2018, and for other purposes.

DEPARTMENT OF TRANSPORTATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$108,899,000, of which not to exceed \$2,758,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,040,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,772,000 shall be available for the Office of the General Counsel; not to exceed \$10,033,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$14,019,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$24,255,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed

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 \$18,485,000 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 10 percent by all such
13 transfers: *Provided further*, That notice of any change in
14 funding greater than 10 percent shall be submitted for
15 approval to the House and Senate Committees on Appro-
16 priations: *Provided further*, That not to exceed \$60,000
17 shall be for allocation within the Department for official
18 reception and representation expenses as the Secretary
19 may determine: *Provided further*, That notwithstanding
20 any other provision of law, excluding fees authorized in
21 Public Law 107–71, there may be credited to this appro-
22 priation up to \$2,500,000 in funds received in user fees.

23 RESEARCH AND TECHNOLOGY

24 For necessary expenses related to the Office of the
25 Assistant Secretary for Research and Technology,

1 \$8,465,109, of which \$2,618,000 shall remain available
2 until September 30, 2020: *Provided*, That there may be
3 credited to this appropriation, to be available until ex-
4 pended, funds received from States, counties, municipali-
5 ties, other public authorities, and private sources for ex-
6 penses incurred for training: *Provided further*, That any
7 reference in law, regulation, judicial proceedings, or else-
8 where to the Research and Innovative Technology Admin-
9 istration shall continue to be deemed to be a reference to
10 the Office of the Assistant Secretary for Research and
11 Technology of the Department of Transportation.

12

13 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
14 FINANCE BUREAU

15 For necessary expenses of the National Surface
16 Transportation and Innovative Finance Bureau author-
17 ized by 49 U.S.C. 116, \$1,000,000 *Provided*, That the
18 Secretary is required to notify the House and Senate Com-
19 mittees on Appropriations prior to exercising the authori-
20 ties of 49 U.S.C. 116(h).

21

22 CYBER SECURITY INITIATIVES

23 For necessary expenses for cyber security initiatives,
24 including necessary upgrades to wide area network and
25 information technology infrastructure, improvement of

1 network perimeter controls and identity management,
2 testing and assessment of information technology against
3 business, security, and other requirements, implementa-
4 tion of Federal cyber security initiatives and information
5 infrastructure enhancements, and implementation of en-
6 hanced security controls on network devices, \$15,000,000,
7 to remain available through September 30, 2019.

8 OFFICE OF CIVIL RIGHTS

9 For necessary expenses of the Office of Civil Rights,
10 \$9,500,000.

11 TRANSPORTATION PLANNING, RESEARCH, AND
12 DEVELOPMENT

13 For necessary expenses for conducting transportation
14 planning, research, systems development, development ac-
15 tivities, and making grants, to remain available until ex-
16 pended, \$8,500,001: *Provided*, That of such amount,
17 \$3,000,000 shall be for necessary expenses of the Inter-
18 agency Infrastructure Permitting Improvement Center
19 (IIPIC): *Provided further*, That there may be transferred
20 to this appropriation, to remain available until expended,
21 amounts transferred from other Federal agencies for ex-
22 penses incurred under this heading for IIPIC activities not
23 related to transportation infrastructure: *Provided further*,
24 That the tools and analysis developed by the IIPIC shall
25 be available to other Federal agencies for the permitting

1 and review of major infrastructure projects not related to
2 transportation only to the extent that other Federal agen-
3 cies provide funding to the Department as provided for
4 under the previous proviso.

5 WORKING CAPITAL FUND

6 For necessary expenses for operating costs and cap-
7 ital outlays of the Working Capital Fund, not to exceed
8 \$202,245,000 shall be paid from appropriations made
9 available to the Department of Transportation: *Provided*,
10 That such services shall be provided on a competitive basis
11 to entities within the Department of Transportation: *Pro-*
12 *vided further*, That the above limitation on operating ex-
13 penses shall not apply to non-DOT entities: *Provided fur-*
14 *ther*, That no funds appropriated in this Act to an agency
15 of the Department shall be transferred to the Working
16 Capital Fund without majority approval of the Working
17 Capital Fund Steering Committee and approval of the
18 Secretary: *Provided further*, That no assessments may be
19 levied against any program, budget activity, subactivity or
20 project funded by this Act unless notice of such assess-
21 ments and the basis therefor are presented to the House
22 and Senate Committees on Appropriations and are ap-
23 proved by such Committees.

1 MINORITY BUSINESS RESOURCE CENTER PROGRAM

2 For necessary expenses of the Minority Business Re-
 3 source Center, the provision of financial education out-
 4 reach activities to eligible transportation-related small
 5 businesses, the monitoring of existing loans in the guaran-
 6 teed loan program, and the modification of such loans of
 7 the Minority Business Resource Center, \$500,301, as au-
 8 thorized by 49 U.S.C. 332; *Provided*, That notwith-
 9 standing that section, these funds may be for business op-
 10 portunities related to any mode of transportation.

11 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND

12 OUTREACH

13 For necessary expenses for small and disadvantaged
 14 business utilization and outreach activities, \$3,999,093, to
 15 remain available until September 30, 2019: *Provided*,
 16 That notwithstanding 49 U.S.C. 332, these funds may be
 17 used for business opportunities related to any mode of
 18 transportation.

19 PAYMENTS TO AIR CARRIERS

20 (AIRPORT AND AIRWAY TRUST FUND)

21 In addition to funds made available from any other
 22 source to carry out the essential air service program under
 23 49 U.S.C. 41731 through 41742, \$150,000,000, to be de-
 24 rived from the Airport and Airway Trust Fund, to remain
 25 available until expended: *Provided*, That in determining

1 between or among carriers competing to provide service
 2 to a community, the Secretary may consider the relative
 3 subsidy requirements of the carriers: *Provided further*,
 4 That basic essential air service minimum requirements
 5 shall not include the 15-passenger capacity requirement
 6 under subsection 41732(b)(3) of title 49, United States
 7 Code: *Provided further*, That none of the funds in this Act
 8 or any other Act shall be used to enter into a new contract
 9 with a community located less than 40 miles from the
 10 nearest small hub airport before the Secretary has nego-
 11 tiated with the community over a local cost share: *Pro-*
 12 *vided further*, That amounts authorized to be distributed
 13 for the essential air service program under subsection
 14 41742(b) of title 49, United States Code, shall be made
 15 available immediately from amounts otherwise provided to
 16 the Administrator of the Federal Aviation Administration:
 17 *Provided further*, That the Administrator may reimburse
 18 such amounts from fees credited to the account estab-
 19 lished under section 45303 of title 49, United States Code.

20 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

21 SECRETARY OF TRANSPORTATION

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 101. None of the funds made available in this
 24 Act to the Department of Transportation may be obligated
 25 for the Office of the Secretary of Transportation to ap-

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

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

13 SEC. 103. In addition to authority provided by section
14 327 of title 49, United States Code, the Department's
15 Working Capital Fund is hereby authorized to provide
16 partial or full payments in advance and accept subsequent
17 reimbursements from all Federal agencies from available
18 funds for transit benefit distribution services that are nec-
19 essary to carry out the Federal transit pass transportation
20 fringe benefit program under Executive Order 13150 and
21 section 3049 of Public Law 109-59: *Provided*, That the
22 Department shall maintain a reasonable operating reserve
23 in the Working Capital Fund, to be expended in advance
24 to provide uninterrupted transit benefits to Government
25 employees; *Provided further*, That such reserve will not ex-

1 ceed one month of benefits payable and may be used only
2 for the purpose of providing for the continuation of transit
3 benefits; *Provided further*, That the Working Capital Fund
4 will be fully reimbursed by each customer agency for the
5 actual cost of the transit benefit.

6 SEC. 104. Hereafter, the Secretary may transfer to
7 the National Surface Transportation and Innovative Fi-
8 nance Bureau, for the purposes of the Bureau, funds allo-
9 cated to the administrative costs of processing applications
10 for the programs referred to in 49 U.S.C. 116(d)(1) and
11 funds allocated to any office or office function that the
12 Secretary determines has duties, responsibilities, re-
13 sources, or expertise that support the purposes of the Bu-
14 reau: *Provided*, That any such funds, or portions thereof,
15 transferred to the Bureau may be transferred back to and
16 merged with the original account.

17 SEC. 105. Section 503(l)(4) of the Railroad Revital-
18 ization and Regulatory Reform Act of 1976 (45 U.S.C.
19 823(l)(4)) is amended—

20 (1) by striking the heading “SAFETY AND OP-
21 ERATIONS ACCOUNT” and inserting the heading
22 “NATIONAL SURFACE TRANSPORTATION AND INNO-
23 VATIVE FINANCE BUREAU ACCOUNT, OFFICE OF
24 THE SECRETARY”; and

1 (2) in subparagraph (A) by striking “the Safety
2 and Operations account of the Federal Railroad Ad-
3 ministration” and inserting “the National Surface
4 Transportation and Innovative Finance Bureau ac-
5 count.”

6 FEDERAL AVIATION ADMINISTRATION

7 OPERATIONS

8 (AIRPORT AND AIRWAY TRUST FUND)

9 For necessary expenses of the Federal Aviation Ad-
10 ministration, not otherwise provided for, including oper-
11 ations and research activities related to commercial space
12 transportation, administrative expenses for research and
13 development, establishment of air navigation facilities, the
14 operation (including leasing) and maintenance of aircraft,
15 subsidizing the cost of aeronautical charts and maps sold
16 to the public, lease or purchase of passenger motor vehi-
17 cles for replacement only, in addition to amounts made
18 available by Public Law 112–95, \$10,185,482,000, to re-
19 main available until September 30, 2019, of which
20 \$8,859,900,000 shall be derived from the Airport and Air-
21 way Trust Fund, of which not to exceed \$7,691,814,000
22 shall be available for air traffic organization activities; not
23 to exceed \$1,309,749,000 shall be available for aviation
24 safety activities; not to exceed \$21,587,000 shall be avail-
25 able for commercial space transportation activities; not to

1 exceed \$777,506,000 shall be available for finance and
2 management activities; not to exceed \$59,951,000 shall be
3 available for NextGen and operations planning activities;
4 not to exceed \$112,622,000 shall be available for security
5 and hazardous materials safety; and not to exceed
6 \$212,253,000 shall be available for staff offices: *Provided*,
7 That not to exceed 5 percent of any budget activity, except
8 for aviation safety budget activity, may be transferred to
9 any budget activity under this heading: *Provided further*,
10 That no transfer may increase or decrease any appropria-
11 tion by more than 5 percent: *Provided further*, That any
12 transfer in excess of 5 percent shall be treated as a re-
13 programming of funds under section 405 of this Act and
14 shall not be available for obligation or expenditure except
15 in compliance with the procedures set forth in that section:
16 *Provided further*, That not later than March 31 of each
17 fiscal year hereafter, the Administrator of the Federal
18 Aviation Administration shall transmit to Congress an an-
19 nual update to the report submitted to Congress in De-
20 cember 2004 pursuant to section 221 of Public Law 108–
21 176: *Provided further*, That the amount herein appro-
22 priated shall be reduced by \$100,000 for each day after
23 March 31 that such report has not been submitted to the
24 Congress: *Provided further*, That not later than March 31
25 of each fiscal year hereafter, the Administrator shall

1 transmit to Congress a companion report that describes
2 a comprehensive strategy for staffing, hiring, and training
3 flight standards and aircraft certification staff in a format
4 similar to the one utilized for the controller staffing plan,
5 including stated attrition estimates and numerical hiring
6 goals by fiscal year: *Provided further*, That the amount
7 herein appropriated shall be reduced by \$100,000 per day
8 for each day after March 31 that such report has not been
9 submitted to Congress: *Provided further*, That funds may
10 be used to enter into a grant agreement with a nonprofit
11 standard-setting organization to assist in the development
12 of aviation safety standards: *Provided further*, That none
13 of the funds in this Act shall be available for new appli-
14 cants for the second career training program: *Provided*
15 *further*, That none of the funds in this Act shall be avail-
16 able for the Federal Aviation Administration to finalize
17 or implement any regulation that would promulgate new
18 aviation user fees not specifically authorized by law after
19 the date of the enactment of this Act: *Provided further*,
20 That there may be credited to this appropriation, as off-
21 setting collections, funds received from States, counties,
22 municipalities, foreign authorities, other public authori-
23 ties, and private sources for expenses incurred in the pro-
24 vision of agency services, including receipts for the mainte-
25 nance and operation of air navigation facilities, and for

1 issuance, renewal or modification of certificates, including
2 airman, aircraft, and repair station certificates, or for
3 tests related thereto, or for processing major repair or al-
4 teration forms: *Provided further*, That of the funds appro-
5 priated under this heading, not less than \$162,000,000
6 shall be for the contract tower program, including the con-
7 tract tower cost share program: *Provided further*, That
8 none of the funds in this Act for aeronautical charting
9 and cartography are available for activities conducted by,
10 or coordinated through, the Working Capital Fund: *Pro-*
11 *vided further*, That none of the funds appropriated or oth-
12 erwise made available by this Act or any other Act may
13 be used to eliminate the Contract Weather Observers pro-
14 gram at any airport.

15 FACILITIES AND EQUIPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

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

1 and furnishing of quarters and related accommodations
2 for officers and employees of the Federal Aviation Admin-
3 istration stationed at remote localities where such accom-
4 modations are not available; and the purchase, lease, or
5 transfer of aircraft from funds available under this head-
6 ing, including aircraft for aviation regulation and certifi-
7 cation; to be derived from the Airport and Airway Trust
8 Fund, \$2,855,000,000, of which \$493,000,000 shall re-
9 main available until September 30, 2019, \$2,247,000,000
10 shall remain available until September 30, 2020, and
11 \$115,000,000 shall remain available until expended: *Pro-*
12 *vided*, That there may be credited to this appropriation
13 funds received from States, counties, municipalities, other
14 public authorities, and private sources, for expenses in-
15 curred in the establishment, improvement, and moderniza-
16 tion of national airspace systems: *Provided further*, That
17 no later than March 31, the Secretary of Transportation
18 shall transmit to the Congress an investment plan for the
19 Federal Aviation Administration which includes funding
20 for each budget line item for fiscal years 2019 through
21 2023, with total funding for each year of the plan con-
22 strained to the funding targets for those years as esti-
23 mated and approved by the Office of Management and
24 Budget.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for research, engineering, and development, as authorized
5 under part A of subtitle VII of title 49, United States
6 Code, including construction of experimental facilities and
7 acquisition of necessary sites by lease or grant,
8 \$170,000,000, to be derived from the Airport and Airway
9 Trust Fund and to remain available until September 30,
10 2020: *Provided*, That there may be credited to this appro-
11 priation as offsetting collections, funds received from
12 States, counties, municipalities, other public authorities,
13 and private sources, which shall be available for expenses
14 incurred for research, engineering, and development.

15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

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

1 and systems at airports of such title; for grants authorized
2 under section 41743 of title 49, United States Code; and
3 for inspection activities and administration of airport safe-
4 ty programs, including those related to airport operating
5 certificates under section 44706 of title 49, United States
6 Code, \$3,000,000,000, to be derived from the Airport and
7 Airway Trust Fund and to remain available until ex-
8 pended: *Provided*, That none of the funds under this head-
9 ing shall be available for the planning or execution of pro-
10 grams the obligations for which are in excess of
11 \$3,350,000,000 in fiscal year 2018, notwithstanding sec-
12 tion 47117(g) of title 49, United States Code: *Provided*
13 *further*, That none of the funds under this heading shall
14 be available for the replacement of baggage conveyor sys-
15 tems, reconfiguration of terminal baggage areas, or other
16 airport improvements that are necessary to install bulk ex-
17 plosive detection systems: *Provided further*, That notwith-
18 standing section 47109(a) of title 49, United States Code,
19 the Government's share of allowable project costs under
20 paragraph (2) for subgrants or paragraph (3) of that sec-
21 tion shall be 95 percent for a project at other than a large
22 or medium hub airport that is a successive phase of a
23 multi-phased construction project for which the project
24 sponsor received a grant in fiscal year 2011 for the con-
25 struction project: *Provided further*, That notwithstanding

1 any other provision of law, of funds limited under this
2 heading, not more than \$111,863,000 shall be available
3 for administration, not less than \$15,000,000 shall be
4 available for the Airport Cooperative Research Program,
5 and not less than \$33,210,000 shall be available for Air-
6 port Technology Research.

7 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

8 ADMINISTRATION

9 SEC. 110. None of the funds in this Act may be used
10 to compensate in excess of 600 technical staff-years under
11 the federally funded research and development center con-
12 tract between the Federal Aviation Administration and the
13 Center for Advanced Aviation Systems Development dur-
14 ing fiscal year 2017.

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

1 land without cost to the FAA for air traffic control facili-
2 ties.

3 SEC. 112. The Administrator of the Federal Aviation
4 Administration may reimburse amounts made available to
5 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
6 49 U.S.C. 45303 and any amount remaining in such ac-
7 count at the close of that fiscal year may be made available
8 to satisfy section 41742(a)(1) for the subsequent fiscal
9 year.

10 SEC. 113. Amounts collected under section 40113(e)
11 of title 49, United States Code, shall be credited to the
12 appropriation current at the time of collection, to be
13 merged with and available for the same purposes of such
14 appropriation.

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

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

1 SEC. 116. None of the funds in this Act may be obli-
2 gated or expended for retention bonuses for an employee
3 of the Federal Aviation Administration without the prior
4 written approval of the Assistant Secretary for Adminis-
5 tration of the Department of Transportation.

6 SEC. 117. Notwithstanding any other provision of
7 law, none of the funds made available under this Act or
8 any prior Act may be used to implement or to continue
9 to implement any limitation on the ability of any owner
10 or operator of a private aircraft to obtain, upon a request
11 to the Administrator of the Federal Aviation Administra-
12 tion, a blocking of that owner's or operator's aircraft reg-
13 istration number from any display of the Federal Aviation
14 Administration's Aircraft Situational Display to Industry
15 data that is made available to the public, except data made
16 available to a Government agency, for the noncommercial
17 flights of that owner or operator.

18 SEC. 118. None of the funds in this Act shall be avail-
19 able for salaries and expenses of more than nine political
20 and Presidential appointees in the Federal Aviation Ad-
21 ministration.

22 SEC. 119. None of the funds made available under
23 this Act may be used to increase fees pursuant to section
24 44721 of title 49, United States Code, until the Federal
25 Aviation Administration provides to the House and Senate

1 Committees on Appropriations a report that justifies all
2 fees related to aeronautical navigation products and ex-
3 plains how such fees are consistent with Executive Order
4 13642.

5 SEC. 119A. None of the funds in this Act may be
6 used to close a regional operations center of the Federal
7 Aviation Administration or reduce its services unless the
8 Administrator notifies the House and Senate Committees
9 on Appropriations not less than 90 full business days in
10 advance.

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

15 SEC. 119C. None of the funds provided under this
16 Act may be used by the Administrator of the Federal Avia-
17 tion Administration to withhold from consideration and
18 approval any application for participation in the Contract
19 Tower Program, or for reevaluation of Cost-share Pro-
20 gram participants, pending as of January 1, 2016, as long
21 as the Federal Aviation Administration has received an
22 application from the airport, and as long as the Adminis-
23 trator determines such tower is eligible using the factors
24 set forth in the Federal Aviation Administration report,
25 Establishment and Discontinuance Criteria for Airport

1 Traffic Control Towers (FAA–APO–90–7 as of August,
2 1990).

3 SEC. 119D. Notwithstanding any other provision of
4 law, none of the funds made available in this Act may be
5 obligated or expended to limit an Organization Designa-
6 tion Authorization holder from utilizing authorized dele-
7 gated functions, unless the FAA documents, through sur-
8 veillance, oversight or accident/incident finding, a systemic
9 airworthiness noncompliance performance issue on the
10 part of the ODA holder with regard to a specific function
11 or where an ODA’s capability has not been previously es-
12 tablished in terms of a new compliance method or design
13 feature: *Provided*, that where the FAA has limited the au-
14 thority of the ODA the FAA shall work with the ODA
15 holder to develop the capability to execute that function
16 safely and effectively.

17 FEDERAL HIGHWAY ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 (HIGHWAY TRUST FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 Not to exceed \$439,443,925, together with advances
22 and reimbursements received by the Federal Highway Ad-
23 ministration, shall be obligated for necessary expenses for
24 administration and operation of the Federal Highway Ad-
25 ministration. In addition, \$3,248,000 shall be transferred

1 to the Appalachian Regional Commission in accordance
2 with section 104(a) of title 23, United States Code.

3 FEDERAL-AID HIGHWAYS

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 Funds available for the implementation or execution
7 of Federal-aid highway and highway safety construction
8 programs authorized under titles 23 and 49, United States
9 Code, and the provisions of the Fixing America's Surface
10 Transportation Act shall not exceed total obligations of
11 \$44,234,212,000 for fiscal year 2018: *Provided*, That the
12 Secretary may collect and spend fees, as authorized by
13 title 23, United States Code, to cover the costs of services
14 of expert firms, including counsel, in the field of municipal
15 and project finance to assist in the underwriting and serv-
16 icing of Federal credit instruments and all or a portion
17 of the costs to the Federal Government of servicing such
18 credit instruments: *Provided further*, That such fees are
19 available until expended to pay for such costs: *Provided*
20 *further*, That such amounts are in addition to administra-
21 tive expenses that are also available for such purpose, and
22 are not subject to any obligation limitation or the limita-
23 tion on administrative expenses under section 608 of title
24 23, United States Code.

1 (LIQUIDATION OF CONTRACT AUTHORIZATION)

2 (HIGHWAY TRUST FUND)

3 For the payment of obligations incurred in carrying
4 out Federal-aid highway and highway safety construction
5 programs authorized under title 23, United States Code,
6 \$44,973,212,000 derived from the Highway Trust Fund
7 (other than the Mass Transit Account), to remain avail-
8 able until expended.

9 (RESCISSION)

10 (HIGHWAY TRUST FUND)

11 Of the unobligated balances of funds apportioned
12 among the States under chapter 1 of title 23, United
13 States Code, a total of \$800,000,000 is hereby perma-
14 nently rescinded on November 30, 2017: *Provided*, That
15 such rescission shall not apply to funds distributed in ac-
16 cordance with sections 104(b)(3) and 130(f) of title 23,
17 United States Code; section 133(d)(1)(A) of such title; the
18 first sentence of section 133(d)(3)(A) of such title, as in
19 effect on the day before the date of enactment of MAP-
20 21 (Public Law 112–141); sections 133(d)(1) and 163 of
21 such title, as in effect on the day before the date of enact-
22 ment of SAFETEA-LU (Public Law 109–59); and sec-
23 tion 104(b)(5) of such title, as in effect on the day before
24 the date of enactment of MAP–21 (Public Law 112–141):
25 *Provided further*, That such rescission shall not apply to

1 funds that are exempt from the obligation limitation or
 2 subject to special no-year obligation limitation: *Provided*
 3 *further*, That the amount to be rescinded from a State
 4 shall be determined by multiplying the total amount of the
 5 rescission by the ratio that the unobligated balances sub-
 6 ject to the rescission as of September 30, 2017, for the
 7 State; bears to the unobligated balances subject to the re-
 8 scission as of September 30, 2017, for all States: *Provided*
 9 *further*, That the amount to be rescinded under this sec-
 10 tion from each program to which the rescission applies
 11 within a State shall be determined by multiplying the re-
 12 scission amount calculated for such State by the ratio that
 13 the unobligated balance as of September 30, 2017, for
 14 such program in such State; bears to the unobligated bal-
 15 ances as of September 30, 2017, for all programs to which
 16 the rescission applies in such State.

17 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

18 ADMINISTRATION

19 SEC. 120. (a) For fiscal year 2018, the Secretary of
 20 Transportation shall—

21 (1) not distribute from the obligation limitation
 22 for Federal-aid highways—

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

1 (B) amounts authorized for the Bureau of
2 Transportation Statistics;

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

6 (A) made available from the Highway
7 Trust Fund (other than the Mass Transit Ac-
8 count) for Federal-aid highway and highway
9 safety construction programs for previous fiscal
10 years the funds for which are allocated by the
11 Secretary (or apportioned by the Secretary
12 under sections 202 or 204 of title 23, United
13 States Code); and

14 (B) for which obligation limitation was
15 provided in a previous fiscal year;

16 (3) determine the proportion that—

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

21 (B) the total of the sums authorized to be
22 appropriated for the Federal-aid highway and
23 highway safety construction programs (other
24 than sums authorized to be appropriated for
25 provisions of law described in paragraphs (1)

1 through (11) of subsection (b) and sums au-
2 thorized to be appropriated for section 119 of
3 title 23, United States Code, equal to the
4 amount referred to in subsection (b)(12) for
5 such fiscal year), less the aggregate of the
6 amounts not distributed under paragraphs (1)
7 and (2) of this subsection;

8 (4) distribute the obligation limitation for Fed-
9 eral-aid highways, less the aggregate amounts not
10 distributed under paragraphs (1) and (2), for each
11 of the programs (other than programs to which
12 paragraph (1) applies) that are allocated by the Sec-
13 retary under the Fixing America's Surface Trans-
14 portation Act and title 23, United States Code, or
15 apportioned by the Secretary under sections 202 or
16 204 of that title, by multiplying—

17 (A) the proportion determined under para-
18 graph (3); by

19 (B) the amounts authorized to be appro-
20 priated for each such program for such fiscal
21 year; and

22 (5) distribute the obligation limitation for Fed-
23 eral-aid highways, less the aggregate amounts not
24 distributed under paragraphs (1) and (2) and the
25 amounts distributed under paragraph (4), for Fed-

1 eral-aid highway and highway safety construction
2 programs that are apportioned by the Secretary
3 under title 23, United States Code (other than the
4 amounts apportioned for the National Highway Per-
5 formance Program in section 119 of title 23, United
6 States Code, that are exempt from the limitation
7 under subsection (b)(12) and the amounts appor-
8 tioned under sections 202 and 204 of that title) in
9 the proportion that—

10 (A) amounts authorized to be appropriated
11 for the programs that are apportioned under
12 title 23, United States Code, to each State for
13 such fiscal year; bears to

14 (B) the total of the amounts authorized to
15 be appropriated for the programs that are ap-
16 portioned under title 23, United States Code, to
17 all States for such fiscal year.

18 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
19 The obligation limitation for Federal-aid highways shall
20 not apply to obligations under or for—

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

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

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

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

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

9 (6) sections 1103 through 1108 of the Inter-
10 modal Surface Transportation Efficiency Act of
11 1991 (105 Stat. 2027);

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

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

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

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

5 (11) section 1603 of SAFETEA-LU (23
6 U.S.C. 118 note; 119 Stat. 1248), to the extent that
7 funds obligated in accordance with that section were
8 not subject to a limitation on obligations at the time
9 at which the funds were initially made available for
10 obligation; and

11 (12) section 119 of title 23, United States Code
12 (but, for each of fiscal years 2013 through 2018,
13 only in an amount equal to \$639,000,000).

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

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

21 (2) redistribute sufficient amounts to those
22 States able to obligate amounts in addition to those
23 previously distributed during that fiscal year, giving
24 priority to those States having large unobligated bal-
25 ances of funds apportioned under sections 144 (as in

1 effect on the day before the date of enactment of
2 Public Law 112–141) and 104 of title 23, United
3 States Code.

4 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
5 TRANSPORTATION RESEARCH PROGRAMS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the obligation limitation for Federal-aid
8 highways shall apply to contract authority for trans-
9 portation research programs carried out under—

10 (A) chapter 5 of title 23, United States
11 Code; and

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

14 (2) EXCEPTION.—Obligation authority made
15 available under paragraph (1) shall—

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

18 (B) be in addition to the amount of any
19 limitation imposed on obligations for Federal-
20 aid highway and highway safety construction
21 programs for future fiscal years.

22 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
23 FUNDS.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date of distribution of obligation limitation

1 under subsection (a), the Secretary shall distribute
2 to the States any funds (excluding funds authorized
3 for the program under section 202 of title 23,
4 United States Code) that—

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

8 (B) the Secretary determines will not be
9 allocated to the States (or will not be appor-
10 tioned to the States under section 204 of title
11 23, United States Code), and will not be avail-
12 able for obligation, for such fiscal year because
13 of the imposition of any obligation limitation for
14 such fiscal year.

15 (2) RATIO.—Funds shall be distributed under
16 paragraph (1) in the same proportion as the dis-
17 tribution of obligation authority under subsection
18 (a)(5).

19 (3) AVAILABILITY.—Funds distributed to each
20 State under paragraph (1) shall be available for any
21 purpose described in section 133(b) of title 23,
22 United States Code.

23 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
24 ceived by the Bureau of Transportation Statistics from the
25 sale of data products, for necessary expenses incurred pur-

1 suant to chapter 63 of title 49, United States Code, may
2 be credited to the Federal-aid highways account for the
3 purpose of reimbursing the Bureau for such expenses:
4 *Provided*, That such funds shall be subject to the obliga-
5 tion limitation for Federal-aid highway and highway safety
6 construction programs.

7 SEC. 122. Not less than 15 days prior to waiving,
8 under his or her statutory authority, any Buy America re-
9 quirement for Federal-aid highways projects, the Sec-
10 retary of Transportation shall make an informal public no-
11 tice and comment opportunity on the intent to issue such
12 waiver and the reasons therefor: *Provided*, That the Sec-
13 retary shall provide an annual report to the House and
14 Senate Committees on Appropriations on any waivers
15 granted under the Buy America requirements.

16 SEC. 123. None of the funds in this Act to the De-
17 partment of Transportation may be used to provide credit
18 assistance unless not less than 3 days before any applica-
19 tion approval to provide credit assistance under sections
20 603 and 604 of title 23, United States Code, the Secretary
21 of Transportation provides notification in writing to the
22 following committees: the House and Senate Committees
23 on Appropriations; the Committee on Environment and
24 Public Works and the Committee on Banking, Housing
25 and Urban Affairs of the Senate; and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives: *Provided*, That such notification shall in-
3 clude, but not be limited to, the name of the project spon-
4 sor; a description of the project; whether credit assistance
5 will be provided as a direct loan, loan guarantee, or line
6 of credit; and the amount of credit assistance.

7 SEC. 124. None of the funds in this Act may be used
8 to make a grant for a project under section 117 of title
9 23, United States Code, unless the Secretary, at least 60
10 days before making a grant under that section, provides
11 written notification to the House and Senate Committees
12 on Appropriations of the proposed grant, including an
13 evaluation and justification for the project and the amount
14 of the proposed grant award.

15 SEC. 125. For this fiscal year, the Federal Highway
16 Administration shall reinstate Interim Approval IA-5, re-
17 lating to the provisional use of an alternative lettering
18 style on certain highway guide signs, as it existed before
19 its termination, as announced in the Federal Register on
20 January 25, 2016 [(81 Fed. Reg. 4083)].

21 SEC. 126. Section 127(t) of title 23, United States
22 Code, is amended—

23 (1) in the subsection heading by inserting
24 “NORTH DAKOTA AND” before “IDAHO”;

1 (2) in the matter preceding paragraph (1) by
 2 inserting “North Dakota or” before “Idaho”; and

3 (3) in paragraph (3) by striking “Idaho State
 4 law” and inserting “the law of the relevant State”.

5 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

6 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (HIGHWAY TRUST FUND)

10 For payment of obligations incurred in the implemen-
 11 tation, execution and administration of motor carrier safe-
 12 ty operations and programs pursuant to section 31110 of
 13 title 49, United States Code, as amended by the Fixing
 14 America’s Surface Transportation Act, \$283,000,000, to
 15 be derived from the Highway Trust Fund (other than the
 16 Mass Transit Account), together with advances and reim-
 17 bursements received by the Federal Motor Carrier Safety
 18 Administration, the sum of which shall remain available
 19 until expended: *Provided*, That funds available for imple-
 20 mentation, execution or administration of motor carrier
 21 safety operations and programs authorized under title 49,
 22 United States Code, shall not exceed total obligations of
 23 \$283,000,000 for “Motor Carrier Safety Operations and
 24 Programs” for fiscal year 2018, of which \$9,073,000, to
 25 remain available for obligation until September 30, 2020,

1 is for the research and technology program, and of which
 2 \$34,824,000, to remain available for obligation until Sep-
 3 tember 30, 2020, is for information management.

4 MOTOR CARRIER SAFETY GRANTS

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 For payment of obligations incurred in carrying out
 9 sections 31102, 31103, 31104, and 31313 of title 49,
 10 United States Code, as amended by the Fixing America's
 11 Surface Transportation Act, \$374,800,000, to be derived
 12 from the Highway Trust Fund (other than the Mass Tran-
 13 sit Account) and to remain available until expended: *Pro-*
 14 *vided*, That funds available for the implementation or exe-
 15 cution of motor carrier safety programs shall not exceed
 16 total obligations of \$374,800,000 in fiscal year 2018 for
 17 "Motor Carrier Safety Grants"; of which \$298,900,000
 18 shall be available for the motor carrier safety assistance
 19 program, \$31,800,000 shall be available for the commer-
 20 cial driver's license program implementation program,
 21 \$43,100,000 shall be available for the high priority activi-
 22 ties program, and \$1,000,000 shall be available for the
 23 commercial motor vehicle operators grant program: *Pro-*
 24 *vided further*, That of the amounts provided for Commer-
 25 cial Vehicle Information Systems Network Development or

1 other Motor Carrier Safety grants in the Transportation
2 Equity Act for the 21st Century (Public Law 105–178),
3 SAFETEA-LU (Public Law 109–59), or other appropria-
4 tion or authorization acts prior to Fiscal Year 2017,
5 \$100,000,000 in additional obligation limitation is pro-
6 vided for a highly automated commercial vehicle research
7 and development program, in accordance with 49 U.S.C.
8 31108, and shall remain available until September 30,
9 2022: *Provided further*, That the activities funded by the
10 previous proviso may be accomplished through direct ex-
11 penditure, direct research activities, grants, cooperative
12 agreements, contracts, intra or interagency agreements,
13 other agreements with private and public organizations,
14 and transfers to other Federal agencies for activities
15 under this heading: *Provided further*, That such funds as
16 necessary for payment of obligations incurred in carrying
17 out this section shall be derived from the Highway Trust
18 Fund (other than the Mass Transit Account), to be avail-
19 able until expended.

20 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

21 CARRIER SAFETY ADMINISTRATION

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

1 SEC. 131. The Federal Motor Carrier Safety Admin-
2 istration shall send notice of 49 CFR section 385.308 vio-
3 lations by certified mail, registered mail, or another man-
4 ner of delivery, which records the receipt of the notice by
5 the persons responsible for the violations.

6 SEC. 132. None of the funds appropriated or other-
7 wise made available to the Department of Transportation
8 by this Act or any other Act may be obligated or expended
9 to implement, administer, or enforce the requirements of
10 section 31137 of title 49, United States Code, or any regu-
11 lation issued by the Secretary pursuant to such section,
12 with respect to the use of electronic logging devices by op-
13 erators of commercial motor vehicles, as defined in section
14 31132(1) of such title, transporting livestock as defined
15 in section 602 of the Emergency Livestock Feed Assist-
16 ance Act of 1988 (7 U.S.C. 1471) or insects.

17 SEC. 133. None of the funds appropriated or other-
18 wise made available by this Act or any other Act may be
19 used to amend, revise or otherwise modify by rulemaking,
20 guidance, or interpretation the regulations in effect on De-
21 cember 4, 2015 relating to safety fitness determinations
22 for motor carriers until the Inspector General of the De-
23 partment of Transportation makes the certifications set
24 out in section 5223(a) of Public Law 114–94.

25 SEC. 134. FEDERAL AUTHORITY.

1 (a) IN GENERAL.—Section 14501(c) of title 49,
2 United States Code, is amended—

3 (1) in paragraph (1) by striking “paragraphs
4 (2) and (3)” and inserting “paragraphs (3) and
5 (4)”;

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

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

10 “(2) ADDITIONAL LIMITATION.—

11 “(A) IN GENERAL.—A State, political sub-
12 division of a State, or political authority of 2 or
13 more States may not enact or enforce a law,
14 regulation, or other provision having the force
15 and effect of law prohibiting employees whose
16 hours of service are subject to regulation by the
17 Secretary under section 31502 from working to
18 the full extent permitted or at such times as
19 permitted under such section, or imposing any
20 additional obligations on motor carriers if such
21 employees work to the full extent or at such
22 times as permitted under such section, includ-
23 ing any related activities regulated under part
24 395 of title 49, Code of Federal Regulations.

1 “(B) STATUTORY CONSTRUCTION.—Noth-
 2 ing in this paragraph may be construed to limit
 3 the provisions of paragraph (1).”;

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

7 (5) in paragraph (4)(A) (as redesignated) by
 8 striking “Paragraph (1)” and inserting “Paragraphs
 9 (1) and (2)”.

10 (b) EFFECTIVE DATE.—The amendments made by
 11 this section shall have the force and effect as if enacted
 12 on the date of enactment of the Federal Aviation Adminis-
 13 tration Authorization Act of 1994 (Public Law 103–305).

14 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
 15 OPERATIONS AND RESEARCH

16 For expenses necessary to discharge the functions of
 17 the Secretary, with respect to traffic and highway safety
 18 authorized under chapter 301 and part C of subtitle VI
 19 of title 49, United States Code, \$180,075,000, of which
 20 \$20,000,000 shall remain available through September
 21 30, 2019.

1 OPERATIONS AND RESEARCH
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 403, section 4011 of the Fix-
7 ing America's Surface Transportation (FAST) Act, and
8 chapter 303 of title 49, United States Code,
9 \$149,000,000, to be derived from the Highway Trust
10 Fund (other than the Mass Transit Account) and to re-
11 main available until expended: *Provided*, That none of the
12 funds in this Act shall be available for the planning or
13 execution of programs the total obligations for which, in
14 fiscal year 2018, are in excess of \$149,000,000, of which
15 \$143,700,000 shall be for programs authorized under 23
16 U.S.C. 403 and \$5,300,000 shall be for the National Driv-
17 er Register authorized under chapter 303 of title 49,
18 United States Code: *Provided further*, That within the
19 \$149,000,000 obligation limitation for operations and re-
20 search, \$20,000,000 shall remain available until Sep-
21 tember 30, 2019, and shall be in addition to the amount
22 of any limitation imposed on obligations for future years.

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

5 For payment of obligations incurred in carrying out
6 provisions of 23 U.S.C. 402, 404 and 405, and section
7 4001(a)(6) of the Fixing America's Surface Transpor-
8 tation Act, to remain available until expended,
9 \$597,629,000, to be derived from the Highway Trust
10 Fund (other than the Mass Transit Account): *Provided*,
11 That none of the funds in this Act shall be available for
12 the planning or execution of programs the total obligations
13 for which, in fiscal year 2018, are in excess of
14 \$597,629,000 for programs authorized under 23 U.S.C.
15 402, 404 and 405, and section 4001(a)(6) of the Fixing
16 America's Surface Transportation Act, of which
17 \$261,200,000 shall be for "Highway Safety Programs"
18 under 23 U.S.C. 402; \$280,200,000 shall be for "National
19 Priority Safety Programs" under 23 U.S.C. 405;
20 \$29,900,000 shall be for "High Visibility Enforcement
21 Program" under 23 U.S.C. 404; \$26,329,000 shall be for
22 "Administrative Expenses" under section 4001(a)(6) of
23 the Fixing America's Surface Transportation Act: *Pro-*
24 *vided further*, That none of these funds shall be used for
25 construction, rehabilitation, or remodeling costs, or for of-

1 fice furnishings and fixtures for State, local or private
 2 buildings or structures: *Provided further*, That not to ex-
 3 ceed \$500,000 of the funds made available for “National
 4 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
 5 paired Driving Countermeasures” (as described in sub-
 6 section (d) of that section) shall be available for technical
 7 assistance to the States: *Provided further*, That with re-
 8 spect to the “Transfers” provision under 23 U.S.C.
 9 405(a)(8), any amounts transferred to increase the
 10 amounts made available under section 402 shall include
 11 the obligation authority for such amounts: *Provided fur-*
 12 *ther*, That the Administrator shall notify the House and
 13 Senate Committees on Appropriations of any exercise of
 14 the authority granted under the previous proviso or under
 15 23 U.S.C. 405(a)(8) within 5 days.

16 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY
 17 TRAFFIC SAFETY ADMINISTRATION

18 SEC. 140. An additional \$130,000 shall be made
 19 available to the National Highway Traffic Safety Adminis-
 20 tration, out of the amount limited for section 402 of title
 21 23, United States Code, to pay for travel and related ex-
 22 penses for State management reviews and to pay for core
 23 competency development training and related expenses for
 24 highway safety staff.

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

7 SEC. 142. None of the funds made available by this
8 Act may be used to obligate or award funds for the Na-
9 tional Highway Traffic Safety Administration's National
10 Roadside Survey.

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

16 FEDERAL RAILROAD ADMINISTRATION

17 SAFETY AND OPERATIONS

18 For necessary expenses of the Federal Railroad Ad-
19 ministration, not otherwise provided for, \$218,298,000, of
20 which \$15,900,000 shall remain available until expended.

21 RAILROAD RESEARCH AND DEVELOPMENT

22 For necessary expenses for railroad research and de-
23 velopment, \$40,100,000, to remain available until ex-
24 pended.

15 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD
16 REPAIR

•HR 3353 RH

1 a grant, the Secretary shall first give preference to eligible
 2 projects for which the environmental impact statement re-
 3 quired under the National Environmental Policy Act and
 4 design work is already complete at the time of the grant
 5 application review, or to projects that address major crit-
 6 ical assets which have conditions that pose a substantial
 7 risk now or in the future to the reliability of train service.

8 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
 9 IMPROVEMENTS

10 For necessary expenses related to Consolidated Rail
 11 Infrastructure and Safety Improvements Grants as au-
 12 thorized by section 24407 of title 49, United States Code,
 13 \$25,000,000, to remain available until expended: *Pro-*
 14 *vided*, That the Secretary may withhold up to one percent
 15 of the amount provided under this heading for the costs
 16 of award and project management oversight of grants car-
 17 ried out under section 24407 of title 49, United States
 18 Code.

19 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
 20 RAILROAD PASSENGER CORPORATION

21 To enable the Secretary of Transportation to make
 22 grants to the National Railroad Passenger Corporation for
 23 activities associated with the Northeast Corridor as au-
 24 thorized by section 11101(a) of the Fixing America's Sur-
 25 face Transportation Act (division A of Public Law 114—

1 94), \$328,000,000, to remain available until expended:
 2 *Provided*, That the Secretary may retain up to one-half
 3 of 1 percent of the funds provided under both this heading
 4 and the “National Network Grants to the National Rail-
 5 road Passenger Corporation” heading to fund the costs
 6 of project management and oversight of activities author-
 7 ized by section 11101(c) of division A of Public Law 114–
 8 94: *Provided further*, That in addition to the project man-
 9 agement oversight funds authorized under section
 10 11101(c) of division A of Public Law 114–94, the Sec-
 11 retary may retain up to an additional \$5,000,000 of the
 12 funds provided under this heading to fund expenses associ-
 13 ated with the Northeast Corridor Commission established
 14 under section 24905 of title 49, United States Code: *Pro-*
 15 *vided further*, That of the amounts made available under
 16 this heading and the “National Network Grants to the Na-
 17 tional Railroad Passenger Corporation” heading, not less
 18 than \$50,000,000 shall be made available to bring Am-
 19 trak-served facilities and stations into compliance with the
 20 Americans with Disabilities Act.

21 NATIONAL NETWORK GRANTS TO THE NATIONAL
 22 RAILROAD PASSENGER CORPORATION

23 To enable the Secretary of Transportation to make
 24 grants to the National Railroad Passenger Corporation for
 25 activities associated with the National Network as author-

1 ized by section 11101(b) of the Fixing America's Surface
 2 Transportation Act (division A of Public Law 114–94),
 3 \$1,100,000,000, to remain available until expended: *Pro-*
 4 *vided*, That the Secretary may retain up to an additional
 5 \$2,000,000 of the funds provided under this heading to
 6 fund expenses associated with the State-Supported Route
 7 Committee established under section 24712 of title 49,
 8 United States Code.

9 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

10 ADMINISTRATION

11 SEC. 150. None of the funds provided to the National
 12 Railroad Passenger Corporation may be used to fund any
 13 overtime costs in excess of \$35,000 for any individual em-
 14 ployee: *Provided*, That the President of Amtrak may waive
 15 the cap set in the previous proviso for specific employees
 16 when the President of Amtrak determines such a cap
 17 poses a risk to the safety and operational efficiency of the
 18 system: *Provided further*, That the President of Amtrak
 19 shall report to the House and Senate Committees on Ap-
 20 propriations each quarter within 30 days of such quarter
 21 of the calendar year on waivers granted to employees and
 22 amounts paid above the cap for each month within such
 23 quarter and delineate the reasons each waiver was grant-
 24 ed: *Provided further*, That the President of Amtrak shall
 25 report to the House and Senate Committees on Appropria-

1 tions by March 1, 2018, a summary of all overtime pay-
2 ments incurred by the Corporation for 2017 and the three
3 prior calendar years: *Provided further*, That such sum-
4 mary shall include the total number of employees that re-
5 ceived waivers and the total overtime payments the Cor-
6 poration paid to those employees receiving waivers for
7 each month for 2017 and for the three prior calendar
8 years.

9 SEC. 151. 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. 152. None of the funds made available by this
17 Act shall be used by the Surface Transportation Board
18 to take any actions with respect to the construction of a
19 high speed rail project in California unless the permit is
20 issued by the Board with respect to the project in its en-
21 tirety.

22 FEDERAL TRANSIT ADMINISTRATION

23 ADMINISTRATIVE EXPENSES

24 For necessary administrative expenses of the Federal
25 Transit Administration's programs authorized by chapter

1 53 of title 49, United States Code, §110,794,692: *Pro-*
 2 *vided*, That none of the funds provided or limited in this
 3 Act may be used to create a permanent office of transit
 4 security under this heading: *Provided further*, That upon
 5 submission to the Congress of the fiscal year 2019 Presi-
 6 dent's budget, the Secretary of Transportation shall trans-
 7 mit to Congress the annual report on New Starts, includ-
 8 ing proposed allocations for fiscal year 2019.

9 TRANSIT FORMULA GRANTS

10 (LIQUIDATION OF CONTRACT AUTHORIZATION)

11 (LIMITATION ON OBLIGATIONS)

12 (HIGHWAY TRUST FUND)

13 For payment of obligations incurred in the Federal
 14 Public Transportation Assistance Program in this ac-
 15 count, and for payment of obligations incurred in carrying
 16 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
 17 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
 18 5340, as amended by the Fixing America's Surface Trans-
 19 portation Act, and section 20005(b) of Public Law 112-
 20 141, and section 3006(b) of the Fixing America's Surface
 21 Transportation Act, \$10,300,000,000, to be derived from
 22 the Mass Transit Account of the Highway Trust Fund
 23 and to remain available until expended: *Provided*, That
 24 funds available for the implementation or execution of pro-
 25 grams authorized under 49 U.S.C. 5305, 5307, 5310,

1 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339,
2 and 5340, as amended by the Fixing America's Surface
3 Transportation Act, and section 20005(b) of Public Law
4 112–141, and section 3006(b) of the Fixing America's
5 Surface Transportation Act, shall not exceed total obliga-
6 tions of \$9,733,353,407 in fiscal year 2018.

7 TECHNICAL ASSISTANCE AND TRAINING

8 For necessary expenses to carry out 49 U.S.C. 5314,
9 \$5,000,000.

10 CAPITAL INVESTMENT GRANTS

11 For necessary expenses to carry out 49 U.S.C. 5309,
12 \$1,752,989,851, to remain available until expended, of
13 which \$1,007,929,851 shall be available for projects au-
14 thorized under section 5309(d) of title 49, United States
15 Code, \$145,700,000 shall be available for projects author-
16 ized under section 5309(e) of such title, \$182,000,000
17 shall be available for projects authorized under section
18 5309(h) of the title, and \$400,000,000 shall be available
19 for projects authorized under section 5309(q): *Provided*,
20 That the Secretary shall continue to administer the Cap-
21 ital Investment Grant Program in accordance with the
22 procedural and substantive requirements of section 5309
23 of title 49.

1 GRANTS TO THE WASHINGTON METROPOLITAN AREA
2 TRANSIT AUTHORITY

3 For grants to the Washington Metropolitan Area
4 Transit Authority as authorized under section 601 of divi-
5 sion B of Public Law 110–432, \$150,000,000, to remain
6 available until expended: *Provided*, That the Secretary of
7 Transportation shall approve grants for capital and pre-
8 ventive maintenance expenditures for the Washington
9 Metropolitan Area Transit Authority only after receiving
10 and reviewing a request for each specific project: *Provided*
11 *further*, That prior to approving such grants, the Secretary
12 shall certify that the Washington Metropolitan Area Tran-
13 sit Authority is making progress to improve its safety
14 management system in response to the Federal Transit
15 Administration’s 2015 safety management inspection:
16 *Provided further*, That prior to approving such grants, the
17 Secretary shall certify that the Washington Metropolitan
18 Area Transit Authority is making progress toward full im-
19 plementation of the corrective actions identified in the
20 2014 Financial Management Oversight Review Report:
21 *Provided further*, That the Secretary shall determine that
22 the Washington Metropolitan Area Transit Authority has
23 placed the highest priority on those investments that will
24 improve the safety of the system before approving such
25 grants: *Provided further*, That the Secretary, in order to

1 ensure safety throughout the rail system, may waive the
2 requirements of section 601(e)(1) of division B of Public
3 Law 110–432 (112 Stat. 4968).

4 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

5 ADMINISTRATION

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

11 SEC. 161. Notwithstanding any other provision of
12 law, funds appropriated or limited by this Act under the
13 heading “Fixed Guideway Capital Investment” of the Fed-
14 eral Transit Administration for projects specified in this
15 Act or identified in reports accompanying this Act not ob-
16 ligated by September 30, 2022, and other recoveries, shall
17 be directed to projects eligible to use the funds for the
18 purposes for which they were originally provided.

19 SEC. 162. Notwithstanding any other provision of
20 law, any funds appropriated before October 1, 2017, under
21 any section of chapter 53 of title 49, United States Code,
22 that remain available for expenditure, may be transferred
23 to and administered under the most recent appropriation
24 heading for any such section.

1 SEC. 163. (a) Except as provided in subsection (b),
2 none of the funds in this or any other Act may be available
3 to advance in any way a new light or heavy rail project
4 towards a full funding grant agreement as defined by 49
5 U.S.C. 5309 for the Metropolitan Transit Authority of
6 Harris County, Texas if the proposed capital project is
7 constructed on or planned to be constructed on Richmond
8 Avenue west of South Shepherd Drive or on Post Oak
9 Boulevard north of Richmond Avenue in Houston, Texas.

10 (b) The Metropolitan Transit Authority of Harris
11 County, Texas, may attempt to construct or construct a
12 new fixed guideway capital project, including light rail, in
13 the locations referred to in subsection (a) if—

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

19 (2) the proposed construction of such routes is
20 part of a comprehensive, multi-modal, service-area
21 wide transportation plan that includes multiple addi-
22 tional segments of fixed guideway capital projects,
23 including light rail for the jurisdiction set forth in
24 the ballot proposition. The ballot language shall in-
25 clude reasonable cost estimates, sources of revenue

1 to be used and the total amount of bonded indebted-
2 ness to be incurred as well as a description of each
3 route and the beginning and end point of each pro-
4 posed transit project.

5 SEC. 164. Notwithstanding any other provision of
6 law, none of the funds made available in this Act shall
7 be used to enter into a full funding grant agreement for
8 a project with a New Starts share greater than 50 percent.

9 SAINT LAWRENCE SEAWAY DEVELOPMENT

10 CORPORATION

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

20 OPERATIONS AND MAINTENANCE

21 (HARBOR MAINTENANCE TRUST FUND)

22 For necessary expenses to conduct the operations,
23 maintenance, and capital asset renewal activities of those
24 portions of the St. Lawrence Seaway owned, operated, and
25 maintained by the Saint Lawrence Seaway Development

1 Corporation, \$31,346,012, to be derived from the Harbor
2 Maintenance Trust Fund, pursuant to Public Law 99–
3 662. Of that amount, \$12,500,000 to be used on asset
4 renewal activities shall be made available through Sep-
5 tember 30, 2019.

6 MARITIME ADMINISTRATION

7 MARITIME SECURITY PROGRAM

8 For necessary expenses to maintain and preserve a
9 U.S.-flag merchant fleet to serve the national security
10 needs of the United States, \$300,000,000, to remain avail-
11 able until expended.

12 OPERATIONS AND TRAINING

13 For necessary expenses of operations and training ac-
14 tivities authorized by law, \$175,620,000, of which
15 \$22,000,000 shall remain available until expended for
16 maintenance and repair of training ships at State Mari-
17 time Academies, and of which \$6,000,000 shall remain
18 available until expended for National Security Multi-Mis-
19 sion Vessel Program for State Maritime Academies and
20 National Security, and of which \$2,400,000 shall remain
21 available through September 30, 2019, for the Student In-
22 centive Program at State Maritime Academies, and of
23 which \$1,800,000 shall remain available until expended
24 for training ship fuel assistance payments, and of which
25 \$18,000,000 shall remain available until expended for fa-

1 cilities maintenance and repair, equipment, and capital
 2 improvements at the United States Merchant Marine
 3 Academy, and of which \$3,000,000 shall remain available
 4 through September 30, 2019, for Maritime Environment
 5 and Technology Assistance program authorized under sec-
 6 tion 50307 of title 46, United States Code: *Provided*, That
 7 not later than February 1, 2018, the Administrator of the
 8 Maritime Administration shall transmit to the House and
 9 Senate Committees on Appropriations the annual report
 10 on sexual assault and sexual harassment at the United
 11 States Merchant Marine Academy as required pursuant
 12 to section 3507 of Public Law 110–417.

13 ASSISTANCE TO SMALL SHIPYARDS

14 To make grants to qualified shipyards as authorized
 15 under section 54101 of title 46, United States Code, as
 16 amended by Public Law 113–281, \$3,000,000 to remain
 17 available until expended: *Provided*, That the Secretary
 18 shall issue the Notice of Funding Availability no later than
 19 15 days after enactment of this Act: *Provided further*,
 20 That from applications submitted under the previous pro-
 21 viso, the Secretary of Transportation shall make grants
 22 no later than 120 days after enactment of this Act in such
 23 amounts as the Secretary determines: *Provided further*,
 24 That not to exceed 2 percent of the funds appropriated

1 under this heading shall be available for necessary costs
 2 of grant administration.

3 SHIP DISPOSAL

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

8 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

9 ACCOUNT

10 (INCLUDING TRANSFER OF FUNDS)

11 For administrative expenses to carry out the guaran-
 12 teed loan program, \$3,000,000, which shall be transferred
 13 to and merged for use by the Office of the Secretary's
 14 National Surface Transportation and Innovative Finance
 15 Bureau to administer the Title XI program in addition
 16 to those programs listed in 49 U.S.C. 116(d)(1) .

17 ADMINISTRATIVE PROVISIONS—MARITIME

18 ADMINISTRATION

19 SEC. 170. Notwithstanding any other provision of
 20 this Act, in addition to any existing authority, the Mari-
 21 time Administration is authorized to furnish utilities and
 22 services and make necessary repairs in connection with
 23 any lease, contract, or occupancy involving Government
 24 property under control of the Maritime Administration:
 25 *Provided*, That payments received therefor shall be cred-

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

7 SEC. 171. None of the funds available or appro-
8 priated in this Act shall be used by the United States De-
9 partment of Transportation or the United States Maritime
10 Administration to negotiate or otherwise execute, enter
11 into, facilitate or perform fee-for-service contracts for ves-
12 sel disposal, scrapping or recycling, unless there is no
13 qualified domestic ship recycler that will pay any sum of
14 money to purchase and scrap or recycle a vessel owned,
15 operated or managed by the Maritime Administration or
16 that is part of the National Defense Reserve Fleet: *Pro-*
17 *vided*, That such sales offers must be consistent with the
18 solicitation and provide that the work will be performed
19 in a timely manner at a facility qualified within the mean-
20 ing of section 3502 of Public Law 106–398: *Provided fur-*
21 *ther*, That nothing contained herein shall affect the Mari-
22 time Administration’s authority to award contracts at
23 least cost to the Federal Government and consistent with
24 the requirements of 54 U.S.C. 308704, section 3502, or

1 otherwise authorized under the Federal Acquisition Regu-
2 lation.

3 SEC. 172. PENALTY WAGES.—

4 (a) Foreign and Intercoastal Voyages.—Section
5 10313(g) of title 46, United States Code, is amended—

6 (1) in paragraph (2)—

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

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

12 (2) in paragraph (3)—

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

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

17 (b) Coastwise Voyages.—Section 10504(c) of such
18 title 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 in-
4 serting “by the seaman”.

5 PIPELINE AND HAZARDOUS MATERIALS SAFETY

6 ADMINISTRATION

7 OPERATIONAL EXPENSES

8 For necessary operational expenses of the Pipeline
9 and Hazardous Materials Safety Administration,
10 \$20,500,000.

11 HAZARDOUS MATERIALS SAFETY

12 For expenses necessary to discharge the hazardous
13 materials safety functions of the Pipeline and Hazardous
14 Materials Safety Administration, \$57,000,000, of which
15 \$7,570,000 shall remain available until September 30,
16 2020: *Provided*, That up to \$800,000 in fees collected
17 under 49 U.S.C. 5108(g) shall be deposited in the general
18 fund of the Treasury as offsetting receipts: *Provided fur-*
19 *ther*, That there may be credited to this appropriation, to
20 be available until expended, funds received from States,
21 counties, municipalities, other public authorities, and pri-
22 vate sources for expenses incurred for training, for reports
23 publication and dissemination, and for travel expenses in-
24 curred in performance of hazardous materials exemptions
25 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, \$162,000,000, of
9 which \$23,000,000 shall be derived from the Oil Spill Li-
10 ability Trust Fund and shall remain available until Sep-
11 tember 30, 2020; and of which \$131,000,000 shall be de-
12 rived from the Pipeline Safety Fund, of which
13 \$64,736,000 shall remain available until September 30,
14 2020; and of which \$8,000,000 shall be derived from fees
15 collected under 49 U.S.C. 60302 and deposited in the Un-
16 derground Natural Gas Storage Facility Safety Account
17 and shall remain available for carrying out 49 U.S.C.
18 60141, of which \$6,000,000 shall remain available until
19 September 30, 2020.

20 EMERGENCY PREPAREDNESS GRANTS

21 (EMERGENCY PREPAREDNESS FUND)

22 Notwithstanding the fiscal year limitation specified in
23 49 U.S.C. 5116, not more than \$28,318,000 shall be made
24 available for obligation in fiscal year 2018 from amounts
25 made available by 49 U.S.C. 5116(h), and 5128(b) and

1 (c): *Provided*, That notwithstanding 49 U.S.C.
 2 5116(h)(4), not more than 4 percent of the amounts made
 3 available from this account shall be available to pay ad-
 4 ministrative costs: *Provided further*, That none of the
 5 funds made available by 49 U.S.C. 5116(h), 5128(b), or
 6 5128(c) shall be made available for obligation by individ-
 7 uals other than the Secretary of Transportation, or his
 8 or her designee: *Provided further*, That notwithstanding
 9 49 U.S.C. 5128(b) and (c) and the current year obligation
 10 limitation, prior year recoveries recognized in the current
 11 year shall be available to develop a hazardous materials
 12 response training curriculum for emergency responders,
 13 including response activities for the transportation of
 14 crude oil, ethanol and other flammable liquids by rail, con-
 15 sistent with National Fire Protection Association stand-
 16 ards, and to make such training available through an elec-
 17 tronic format: *Provided further*, That the prior year recov-
 18 eries made available under this heading shall also be avail-
 19 able to carry out 49 U.S.C. 5116(a)(1)(C) and 5116(i).

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of the Inspector
 23 General to carry out the provisions of the Inspector Gen-
 24 eral Act of 1978, as amended, \$92,152,000: *Provided*,
 25 That the Inspector General shall have all necessary au-

1 thority, in carrying out the duties specified in the Inspec-
2 tor General Act, as amended (5 U.S.C. App. 3), to inves-
3 tigate allegations of fraud, including false statements to
4 the government (18 U.S.C. 1001), by any person or entity
5 that is subject to regulation by the Department of Trans-
6 portation: *Provided further*, That the funds made available
7 under this heading may be used to investigate, pursuant
8 to section 41712 of title 49, United States Code: (1) un-
9 fair or deceptive practices and unfair methods of competi-
10 tion by domestic and foreign air carriers and ticket agents;
11 and (2) the compliance of domestic and foreign air carriers
12 with respect to item (1) of this proviso.

13 GENERAL PROVISIONS—DEPARTMENT OF
14 TRANSPORTATION

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

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

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

4 (c) Any unmanned aircraft system purchased or pro-
5 cured by the Department prior to the enactment of this
6 Act shall be deemed authorized.

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

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

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

22 SEC. 183. Funds received by the Federal Highway
23 Administration and Federal Railroad Administration from
24 States, counties, municipalities, other public authorities,
25 and private sources for expenses incurred for training may

1 be credited respectively to the Federal Highway Adminis-
2 tration’s “Federal-Aid Highways” account and to the Fed-
3 eral Railroad Administration’s “Safety and Operations”
4 account, except for State rail safety inspectors partici-
5 pating in training pursuant to 49 U.S.C. 20105.

6 SEC. 184. (a) None of the funds provided in this Act
7 to the Department of Transportation may be used to make
8 a loan, loan guarantee, line of credit, or discretionary
9 grant totaling \$500,000 or more unless the Secretary of
10 Transportation notifies the House and Senate Committees
11 on Appropriations not less than 3 full business days before
12 any project competitively selected to receive any discre-
13 tionary grant award, letter of intent, loan commitment,
14 loan guarantee commitment, line of credit commitment, or
15 full funding grant agreement is announced by the Depart-
16 ment or its modal administrations: *Provided*, That the
17 Secretary gives concurrent notification to the House and
18 Senate Committees on Appropriations for any “quick re-
19 lease” of funds from the emergency relief program: *Pro-*
20 *vided further*, That no notification shall involve funds that
21 are not available for obligation.

22 (b) In addition to the notification required in sub-
23 section (a), none of the funds made available in this Act
24 to the Department of Transportation may be used to make
25 a loan, loan guarantee, line of credit, or discretionary

1 grant unless the Secretary of Transportation provides the
2 House and Senate Committees on Appropriations a com-
3 prehensive list of all such loans, loan guarantees, lines of
4 credit, or discretionary grants that will be announced not
5 less the 3 full business days before such announcement:
6 *Provided*, That the requirement to provide a list in this
7 subsection does not apply to any “quick release” of funds
8 from the emergency relief program: *Provided further*, That
9 no list shall involve funds that are not available for obliga-
10 tion.

11 SEC. 185. Rebates, refunds, incentive payments,
12 minor fees and other funds received by the Department
13 of Transportation from travel management centers,
14 charge card programs, the subleasing of building space,
15 and miscellaneous sources are to be credited to appropria-
16 tions of the Department of Transportation and allocated
17 to elements of the Department of Transportation using
18 fair and equitable criteria and such funds shall be avail-
19 able until expended.

20 SEC. 186. Amounts made available in this or any
21 other Act that the Secretary determines represent im-
22 proper payments by the Department of Transportation to
23 a third-party contractor under a financial assistance
24 award, which are recovered pursuant to law, shall be avail-
25 able—

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

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

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

20 (B) if no such appropriation remains avail-
21 able, shall be deposited in the Treasury as mis-
22 cellaneous receipts: *Provided further*, That prior
23 to the transfer of any such recovery to an ap-
24 propriations account, the Secretary shall notify
25 the House and Senate Committees on Appro-

1 priations of the amount and reasons for such
2 transfer: *Provided further*, That for purposes of
3 this section, the term “improper payments” has
4 the same meaning as that provided in section
5 2(d)(2) of Public Law 107–300.

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

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

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

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

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

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

This title may be cited as the “Department of Transportation Appropriations Act, 2018”.

DEPARTMENT OF HOUSING AND URBAN

MANAGEMENT AND ADMINISTRATION

For necessary salaries and expenses for Executive Of-
fices, which shall be comprised of the offices of the Sec-
retary, Deputy Secretary, Adjudicatory Services, Congres-
sional and Intergovernmental Relations, Public Affairs,
Small and Disadvantaged Business Utilization, and the
Center for Faith-Based and Neighborhood Partnerships,
\$14,708,000: *Provided*, That not to exceed \$25,000 of the

1 amount made available under this heading shall be avail-
2 able to the Secretary for official reception and representa-
3 tion expenses as the Secretary may determine.

4 ADMINISTRATIVE SUPPORT OFFICES

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary salaries and expenses for Administra-
7 tive Support Offices, \$518,303,000, of which \$10,762,000
8 shall be available for, including the establishment of, the
9 Office of the Chief Operations Officer; \$50,340,000 shall
10 be available for the Office of the Chief Financial Officer;
11 \$92,006,000 shall be available for the Office of the Gen-
12 eral Counsel; \$205,873,000 shall be available for the Of-
13 fice of Administration; \$38,245,000 shall be available for
14 the Office of the Chief Human Capital Officer;
15 \$49,588,000 shall be available for the Office of Field Pol-
16 icy and Management; \$19,065,000 shall be available for
17 the Office of the Chief Procurement Officer; \$3,570,000
18 shall be available for the Office of Departmental Equal
19 Employment Opportunity; \$4,975,000 shall be available
20 for the Office of Strategic Planning and Management; and
21 \$43,879,000 shall be available for the Office of the Chief
22 Information Officer: *Provided*, That funds provided under
23 this heading may be used for necessary administrative and
24 non-administrative expenses of the Department of Hous-
25 ing and Urban Development, not otherwise provided for,

1 including purchase of uniforms, or allowances therefor, as
2 authorized by 5 U.S.C. 5901–5902; hire of passenger
3 motor vehicles; and services as authorized by 5 U.S.C.
4 3109: *Provided further*, That notwithstanding any other
5 provision of law, funds appropriated under this heading
6 may be used for advertising and promotional activities
7 that directly support program activities funded in this
8 title: *Provided further*, That in addition to the transfer au-
9 thority under section 221 of this Act, of the amount ap-
10 propriated for the Office of the Chief Operations Officer
11 under this heading, the Secretary may transfer up to
12 \$10,000,000 to the heading “Information Technology
13 Fund”: *Provided further*, That the Secretary shall provide
14 the House and Senate Committees on Appropriations
15 quarterly written notification regarding the status of
16 pending congressional reports: *Provided further*, That the
17 Secretary shall provide in electronic form all signed re-
18 ports required by Congress.

19 PROGRAM OFFICE SALARIES AND EXPENSES

20 PUBLIC AND INDIAN HOUSING

21 For necessary salaries and expenses of the Office of
22 Public and Indian Housing, \$216,633,000.

23 COMMUNITY PLANNING AND DEVELOPMENT

24 For necessary salaries and expenses of the Office of
25 Community Planning and Development, \$107,554,000.

1 HOUSING

2 For necessary salaries and expenses of the Office of
3 Housing, \$392,000,000.

4 POLICY DEVELOPMENT AND RESEARCH

5 For necessary salaries and expenses of the Office of
6 Policy Development and Research, \$24,065,000.

7 FAIR HOUSING AND EQUAL OPPORTUNITY

8 For necessary salaries and expenses of the Office of
9 Fair Housing and Equal Opportunity, \$69,808,000.

10 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

11 HOMES

12 For necessary salaries and expenses of the Office of
13 Lead Hazard Control and Healthy Homes, \$7,600,000.

14 WORKING CAPITAL FUND

15 (INCLUDING TRANSFER OF FUNDS)

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

1 mines shall be derived from centralized sources made
2 available by the Department to all offices and agencies and
3 funded through the Fund: *Provided*, That of the amounts
4 made available in this title for salaries and expenses under
5 the headings “Executive Offices”, “Administrative Sup-
6 port Offices”, “Program Office Salaries and Expenses”,
7 and “Government National Mortgage Association”, the
8 Secretary shall transfer to the Fund such amounts, to re-
9 main available until expended, as are necessary to fund
10 services, specified in the matter preceding the first pro-
11 viso, for which the appropriation would otherwise have
12 been available, and may transfer not to exceed an addi-
13 tional \$5,000,000, in aggregate, from all such appropria-
14 tions, to be merged with the Fund and to remain available
15 until expended for use for any office or agency: *Provided*
16 *further*, That amounts in the Fund shall be the only
17 amounts available to each office or agency of the Depart-
18 ment for the services, or portion of services, specified in
19 the matter preceding the first proviso: *Provided further*,
20 That with respect to the Fund, the authorities and condi-
21 tions under this heading shall supplement the authorities
22 and conditions provided under section 7(f): *Provided fur-*
23 *ther*, That up to \$6,550,000 in the Fund may be available
24 for the management reporting initiative to improve the ef-
25 fectiveness of enterprise data governance, analysis, and re-

1 porting, including information technology investments to
 2 make such improvements: *Provided further*, That to carry
 3 out the previous proviso, the Secretary shall transfer any
 4 amounts for related information technology investments to
 5 the heading “Information Technology Fund”.

6 PUBLIC AND INDIAN HOUSING

7 TENANT-BASED RENTAL ASSISTANCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For activities and assistance for the provision of ten-
 10 ant-based rental assistance authorized under the United
 11 States Housing Act of 1937, as amended (42 U.S.C. 1437
 12 et seq.) (“the Act” herein), not otherwise provided for,
 13 \$16,486,725,000, to remain available until expended, shall
 14 be available on October 1, 2017 (in addition to the
 15 \$4,000,000,000 previously appropriated under this head-
 16 ing that shall be available on October 1, 2017), and
 17 \$4,000,000,000, to remain available until expended, shall
 18 be available on October 1, 2018: *Provided*, That the
 19 amounts made available under this heading are provided
 20 as follows:

21 (1) \$18,709,725,000 shall be available for re-
 22 newals of expiring section 8 tenant-based annual
 23 contributions contracts (including renewals of en-
 24 hanced vouchers under any provision of law author-
 25 izing such assistance under section 8(t) of the Act)

1 and including renewal of other special purpose incre-
2 mental vouchers: *Provided*, That notwithstanding
3 any other provision of law, from amounts provided
4 under this paragraph and any carryover, the Sec-
5 retary for the calendar year 2018 funding cycle shall
6 provide renewal funding for each public housing
7 agency based on validated voucher management sys-
8 tem (VMS) leasing and cost data for the prior cal-
9 endar year and by applying an inflation factor as es-
10 tablished by the Secretary, by notice published in
11 the Federal Register, and by making any necessary
12 adjustments for the costs associated with the first-
13 time renewal of vouchers under this paragraph in-
14 cluding tenant protection, HOPE VI, and Choice
15 Neighborhoods vouchers: *Provided further*, That
16 none of the funds provided under this paragraph
17 may be used to fund a total number of unit months
18 under lease which exceeds a public housing agency's
19 authorized level of units under contract, except for
20 public housing agencies participating in the MTW
21 demonstration, which are instead governed by the
22 terms and conditions of their MTW agreements:
23 *Provided further*, That the Secretary shall, to the ex-
24 tent necessary to stay within the amount specified
25 under this paragraph (except as otherwise modified

1 under this paragraph), prorate each public housing
2 agency's allocation otherwise established pursuant to
3 this paragraph: *Provided further*, That except as
4 provided in the following provisos, the entire amount
5 specified under this paragraph (except as otherwise
6 modified under this paragraph) shall be obligated to
7 the public housing agencies based on the allocation
8 and pro rata method described above, and the Sec-
9 retary shall notify public housing agencies of their
10 annual budget by the later of 60 days after enact-
11 ment of this Act or March 1, 2018: *Provided further*,
12 That the Secretary may extend the notification pe-
13 riod with the prior written approval of the House
14 and Senate Committees on Appropriations: *Provided*
15 *further*, That public housing agencies participating
16 in the MTW demonstration shall be funded pursuant
17 to their MTW agreements and in accordance with
18 the requirements of the MTW program and shall be
19 subject to the same pro rata adjustments under the
20 previous provisos: *Provided further*, That the Sec-
21 retary may offset public housing agencies' calendar
22 year 2018 allocations based on the excess amounts
23 of public housing agencies' net restricted assets ac-
24 counts, including HUD held programmatic reserves
25 (in accordance with VMS data in calendar year 2017

1 that is verifiable and complete), as determined by
2 the Secretary: *Provided further*, That public housing
3 agencies participating in the MTW demonstration
4 shall also be subject to the offset, as determined by
5 the Secretary from the agencies' calendar year 2018
6 MTW funding allocation: *Provided further*, That the
7 Secretary shall use any offset referred to in the pre-
8 vious two provisos throughout the calendar year to
9 prevent the termination of rental assistance for fam-
10 ilies as the result of insufficient funding, as deter-
11 mined by the Secretary, and to avoid or reduce the
12 proration of renewal funding allocations: *Provided*
13 *further*, That up to \$100,000,000 shall be available
14 only: (1) for adjustments in the allocations for public
15 housing agencies, after application for an adjust-
16 ment by a public housing agency that experienced a
17 significant increase, as determined by the Secretary,
18 in renewal costs of vouchers resulting from unfore-
19 seen circumstances or from portability under section
20 8(r) of the Act; (2) for vouchers that were not in use
21 during the previous 12-month period in order to be
22 available to meet a commitment pursuant to section
23 8(o)(13) of the Act; (3) for adjustments for costs as-
24 sociated with HUD-Veterans Affairs Supportive
25 Housing (HUD-VASH) vouchers; and (4) for public

1 housing agencies that despite taking reasonable cost
2 savings measures, as determined by the Secretary,
3 would otherwise be required to terminate rental as-
4 sistance for families as a result of insufficient fund-
5 ing: *Provided further*, That the Secretary shall allo-
6 cate amounts under the previous proviso based on
7 need, as determined by the Secretary;

8 (2) \$60,000,000 shall be for section 8 rental as-
9 sistance for relocation and replacement of housing
10 units that are demolished or disposed of pursuant to
11 section 18 of the Act, conversion of section 23
12 projects to assistance under section 8, the family
13 unification program under section 8(x) of the Act,
14 relocation of witnesses in connection with efforts to
15 combat crime in public and assisted housing pursu-
16 ant to a request from a law enforcement or prosecu-
17 tion agency, enhanced vouchers under any provision
18 of law authorizing such assistance under section 8(t)
19 of the Act, HOPE VI and Choice Neighborhood
20 vouchers, mandatory and voluntary conversions, and
21 tenant protection assistance including replacement
22 and relocation assistance or for project-based assist-
23 ance to prevent the displacement of unassisted elder-
24 ly tenants currently residing in section 202 prop-
25 erties financed between 1959 and 1974 that are refi-

1 nanced pursuant to Public Law 106–569, as amend-
2 ed, or under the authority as provided under this
3 Act: *Provided*, That when a public housing develop-
4 ment is submitted for demolition or disposition
5 under section 18 of the Act, the Secretary may pro-
6 vide section 8 rental assistance when the units pose
7 an imminent health and safety risk to residents:
8 *Provided further*, That the Secretary may only pro-
9 vide replacement vouchers for units that were occu-
10 pied within the previous 24 months that cease to be
11 available as assisted housing, subject only to the
12 availability of funds: *Provided further*, That of the
13 amounts made available under this paragraph,
14 \$5,000,000 may be available to provide tenant pro-
15 tection assistance, not otherwise provided under this
16 paragraph, to residents residing in low vacancy
17 areas and who may have to pay rents greater than
18 30 percent of household income, as the result of: (A)
19 the maturity of a HUD-insured, HUD-held or sec-
20 tion 202 loan that requires the permission of the
21 Secretary prior to loan prepayment; (B) the expira-
22 tion of a rental assistance contract for which the
23 tenants are not eligible for enhanced voucher or ten-
24 ant protection assistance under existing law; or (C)
25 the expiration of affordability restrictions accom-

1 panying a mortgage or preservation program admin-
2 istered by the Secretary: *Provided further*, That such
3 tenant protection assistance made available under
4 the previous proviso may be provided under the au-
5 thority of section 8(t) or section 8(o)(13) of the
6 United States Housing Act of 1937 (42 U.S.C.
7 1437f(t)): *Provided further*, That any tenant protec-
8 tion voucher made available from amounts under
9 this paragraph shall not be reissued by any public
10 housing agency, except the replacement vouchers as
11 defined by the Secretary by notice, when the initial
12 family that received any such voucher no longer re-
13 ceives such voucher, and the authority for any public
14 housing agency to issue any such voucher shall cease
15 to exist: *Provided further*, That the Secretary may
16 provide section 8 rental assistance from amounts
17 made available under this paragraph for units as-
18 sisted under a project-based subsidy contract funded
19 under the “Project-Based Rental Assistance” head-
20 ing under this title where the owner has received a
21 Notice of Default and the units pose an imminent
22 health and safety risk to residents: *Provided further*,
23 That to the extent that the Secretary determines
24 that such units are not feasible for continued rental
25 assistance payments or transfer of the subsidy con-

1 tract associated with such units to another project
2 or projects and owner or owners, any remaining
3 amounts associated with such units under such con-
4 tract shall be recaptured and used to reimburse
5 amounts used under this paragraph for rental assist-
6 ance under the preceding proviso;

7 (3) \$1,550,000,000 shall be for administrative
8 and other expenses of public housing agencies in ad-
9 ministering the section 8 tenant-based rental assist-
10 ance program, of which up to \$10,000,000 shall be
11 available to the Secretary to allocate to public hous-
12 ing agencies that need additional funds to admin-
13 ister their section 8 programs, including fees associ-
14 ated with section 8 tenant protection rental assist-
15 ance, the administration of disaster related vouchers,
16 Veterans Affairs Supportive Housing vouchers, and
17 other special purpose incremental vouchers: *Pro-*
18 *vided*, That no less than \$1,540,000,000 of the
19 amount provided in this paragraph shall be allocated
20 to public housing agencies for the calendar year
21 2018 funding cycle based on section 8(q) of the Act
22 (and related Appropriation Act provisions) as in ef-
23 fect immediately before the enactment of the Quality
24 Housing and Work Responsibility Act of 1998 (Pub-
25 lic Law 105–276): *Provided further*, That if the

1 amounts made available under this paragraph are
2 insufficient to pay the amounts determined under
3 the previous proviso, the Secretary may decrease the
4 amounts allocated to agencies by a uniform percent-
5 age applicable to all agencies receiving funding
6 under this paragraph or may, to the extent nec-
7 essary to provide full payment of amounts deter-
8 mined under the previous proviso, utilize unobligated
9 balances, including recaptures and carryovers, re-
10 maining from funds appropriated to the Department
11 of Housing and Urban Development under this
12 heading from prior fiscal years, excluding special
13 purpose vouchers, notwithstanding the purposes for
14 which such amounts were appropriated: *Provided*
15 *further*, That all public housing agencies partici-
16 pating in the MTW demonstration shall be funded
17 pursuant to their MTW agreements, and in accord-
18 ance with the requirements of the MTW program
19 and shall be subject to the same uniform percentage
20 decrease as under the previous proviso: *Provided fur-*
21 *ther*, That amounts provided under this paragraph
22 shall be only for activities related to the provision of
23 tenant-based rental assistance authorized under sec-
24 tion 8, including related development activities;

1 (4) \$150,000,000 for the renewal of tenant-
2 based assistance contracts under section 811 of the
3 Cranston-Gonzalez National Affordable Housing Act
4 (42 U.S.C. 8013), including necessary administra-
5 tive expenses: *Provided*, That administrative and
6 other expenses of public housing agencies in admin-
7 istering the special purpose vouchers in this para-
8 graph shall be funded under the same terms and be
9 subject to the same pro rata reduction as the per-
10 cent decrease for administrative and other expenses
11 to public housing agencies under paragraph (3) of
12 this heading: *Provided further*, That any amounts
13 provided under this paragraph in this Act or prior
14 Acts, remaining available after funding renewals and
15 administrative expenses under this paragraph, shall
16 be available for incremental tenant-based assistance
17 contracts under such section 811, including nec-
18 essary administrative expenses;

19 (5) the Secretary shall separately track all spe-
20 cial purpose vouchers funded under this heading, in-
21 cluding the renewal, from amounts provided under
22 paragraph (1) under this heading, of HUD-VASH
23 vouchers, funded under this heading in prior Acts to
24 address veterans' homelessness, of no less than
25 \$577,000,000;

1 (6) \$7,000,000 shall be for renewal grants, in-
2 cluding rental assistance and associated administra-
3 tive fees for Tribal HUD–VA Supportive Housing to
4 serve Native American veterans that are homeless or
5 at-risk of homelessness living on or near a reserva-
6 tion or Indian areas: *Provided*, That such amount
7 shall be made available for renewal grants to the re-
8 cipients that received assistance under the rental as-
9 sistance and supportive housing demonstration pro-
10 gram for Native American veterans authorized under
11 the heading “Tenant-Based Rental Assistance” in
12 title II of division K of the Consolidated and Fur-
13 ther Continuing Appropriations Act, 2015 (Public
14 Law 113–235, 128 Stat. 2733): *Provided further*,
15 That the Secretary shall be authorized to specify cri-
16 teria for renewal grants, including data on the utili-
17 zation of assistance reported by grant recipients
18 under the demonstration program: *Provided further*,
19 That renewal grants under this paragraph shall be
20 administered by block grant recipients in accordance
21 with program requirements under the Native Amer-
22 ican Housing Assistance and Self-Determination Act
23 of 1996: *Provided further*, That assistance under
24 this paragraph shall be modeled after, with nec-
25 essary and appropriate adjustments for Native

1 American grant recipients and veterans, the rental
2 assistance and supportive housing program known
3 as HUD–VASH program, including administration
4 in conjunction with the Department of Veterans Af-
5 fairs and overall implementation of section 8(o)(19)
6 of the United States Housing Act of 1937: *Provided*
7 *further*, That the Secretary of Housing and Urban
8 Development may waive, or specify alternative re-
9 quirements for any provision of any statute or regu-
10 lation that the Secretary administers in connection
11 with the use of funds made available under this
12 paragraph (except requirements related to fair hous-
13 ing, nondiscrimination, labor standards, and the en-
14 vironment), upon a finding by the Secretary that
15 any such waiver or alternative requirements are nec-
16 essary for the effective delivery and administration
17 of such assistance: *Provided further*, That grant re-
18 cipients shall report to the Secretary on utilization
19 of such rental assistance and other program data, as
20 prescribed by the Secretary and;

21 (7) \$10,000,000 shall be available to support
22 modernization of public housing agency (PHA) in-
23 formation technology systems with respect to admin-
24 istration of program data and funding provided
25 under this heading, including related expenses; Pro-

1 vided, That the Secretary may transfer up to
 2 \$10,000,000 of the amounts provided under this
 3 paragraph to the “Public Housing Capital Fund”
 4 heading under this title to support modernization of
 5 PHA information technology systems with respect to
 6 administration of program data and funding under
 7 such heading, including related expenses.

8 HOUSING CERTIFICATE FUND

9 (INCLUDING RESCISSIONS)

10 Unobligated balances, including recaptures and car-
 11 ryover, remaining from funds appropriated to the Depart-
 12 ment of Housing and Urban Development under this
 13 heading, the heading “Annual Contributions for Assisted
 14 Housing” and the heading “Project-Based Rental Assist-
 15 ance”, for fiscal year 2018 and prior years may be used
 16 for renewal of or amendments to section 8 project-based
 17 contracts and for performance-based contract administra-
 18 tors, notwithstanding the purposes for which such funds
 19 were appropriated: *Provided*, That any obligated balances
 20 of contract authority from fiscal year 1974 and prior that
 21 have been terminated shall be rescinded: *Provided further*,
 22 That amounts heretofore recaptured, or recaptured during
 23 the current fiscal year, from section 8 project-based con-
 24 tracts from source years fiscal year 1975 through fiscal
 25 year 1987 are hereby rescinded, and an amount of addi-

1 tional new budget authority, equivalent to the amount re-
2 scinded is hereby appropriated, to remain available until
3 expended, for the purposes set forth under this heading,
4 in addition to amounts otherwise available.

5 PUBLIC HOUSING CAPITAL FUND

6 For the Public Housing Capital Fund Program to
7 carry out capital and management activities for public
8 housing agencies, as authorized under section 9 of the
9 United States Housing Act of 1937 (42 U.S.C. 1437g)
10 (the “Act”) \$1,850,000,000, to remain available until
11 September 30, 2021: *Provided*, That notwithstanding any
12 other provision of law or regulation, during fiscal year
13 2018, the Secretary of Housing and Urban Development
14 may not delegate to any Department official other than
15 the Deputy Secretary and the Assistant Secretary for
16 Public and Indian Housing any authority under paragraph
17 (2) of section 9(j) regarding the extension of the time peri-
18 ods under such section: *Provided further*, That for pur-
19 poses of such section 9(j), the term “obligate” means, with
20 respect to amounts, that the amounts are subject to a
21 binding agreement that will result in outlays, immediately
22 or in the future: *Provided further*, That up to \$8,300,000
23 shall be to support ongoing public housing financial and
24 physical assessment activities: *Provided further*, That up
25 to \$1,000,000 shall be to support the costs of administra-

1 tive and judicial receiverships: *Provided further*, That of
2 the total amount provided under this heading, not to ex-
3 ceed \$20,000,000 shall be available for the Secretary to
4 make grants, notwithstanding section 203 of this Act, to
5 public housing agencies for emergency capital needs in-
6 cluding safety and security measures necessary to address
7 crime and drug-related activity as well as needs resulting
8 from unforeseen or unpreventable emergencies and nat-
9 ural disasters excluding Presidentially declared emer-
10 gencies and natural disasters under the Robert T. Stafford
11 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
12 seq.) occurring in fiscal year 2018: *Provided further*, That
13 of the amount made available under the previous proviso,
14 not less than \$5,000,000 shall be for safety and security
15 measures: *Provided further*, That of the total amount pro-
16 vided under this heading \$35,000,000 shall be for sup-
17 portive services, service coordinator and congregate serv-
18 ices as authorized by section 34 of the Act (42 U.S.C.
19 1437z-6) and the Native American Housing Assistance
20 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
21 seq.): *Provided further*, That of the total amount made
22 available under this heading, up to \$15,000,000 shall be
23 for a Jobs-Plus initiative modeled after the Jobs-Plus
24 demonstration: *Provided further*, That funding provided
25 under the previous proviso shall be available for competi-

1 tive grants to partnerships between public housing au-
2 thorities, local workforce investment boards established
3 under section 117 of the Workforce Investment Act of
4 1998, and other agencies and organizations that provide
5 support to help public housing residents obtain employ-
6 ment and increase earnings: *Provided further*, That appli-
7 cants must demonstrate the ability to provide services to
8 residents, partner with workforce investment boards, and
9 leverage service dollars: *Provided further*, That the Sec-
10 retary may allow public housing agencies to request ex-
11 emptions from rent and income limitation requirements
12 under sections 3 and 6 of the United States Housing Act
13 of 1937 as necessary to implement the Jobs-Plus program,
14 on such terms and conditions as the Secretary may ap-
15 prove upon a finding by the Secretary that any such waiv-
16 ers or alternative requirements are necessary for the effec-
17 tive implementation of the Jobs-Plus initiative as a vol-
18 untary program for residents: *Provided further*, That the
19 Secretary shall publish by notice in the Federal Register
20 any waivers or alternative requirements pursuant to the
21 preceding proviso no later than 10 days before the effec-
22 tive date of such notice: *Provided further*, That for funds
23 provided under this heading, the limitation in section
24 9(g)(1) of the Act shall be 25 percent: *Provided further*,
25 That the Secretary may waive the limitation in the pre-

1 vious proviso to allow public housing agencies to fund ac-
 2 tivities authorized under section 9(e)(1)(C) of the Act:
 3 *Provided further*, That the Secretary shall notify public
 4 housing agencies requesting waivers under the previous
 5 proviso if the request is approved or denied within 14 days
 6 of submitting the request: *Provided further*, That from the
 7 funds made available under this heading, the Secretary
 8 shall provide bonus awards in fiscal year 2018 to public
 9 housing agencies that are designated high performers:
 10 *Provided further*, That the Department shall notify public
 11 housing agencies of their formula allocation within 60
 12 days of enactment of this Act.

13 PUBLIC HOUSING OPERATING FUND

14 For 2018 payments to public housing agencies for the
 15 operation and management of public housing, as author-
 16 ized by section 9(e) of the United States Housing Act of
 17 1937 (42 U.S.C. 1437g(e)), \$4,400,000,000, to remain
 18 available until September 30, 2019.

19 CHOICE NEIGHBORHOODS INITIATIVE

20 For competitive grants under the Choice Neighbor-
 21 hoods Initiative (subject to section 24 of the United States
 22 Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise
 23 specified under this heading), for transformation, rehabili-
 24 tation, and replacement housing needs of both public and
 25 HUD-assisted housing and to transform neighborhoods of

1 poverty into functioning, sustainable mixed income neigh-
2 borhoods with appropriate services, schools, public assets,
3 transportation and access to jobs, \$20,000,000, to remain
4 available until September 30, 2020: *Provided*, That grant
5 funds may be used for resident and community services,
6 community development, and affordable housing needs in
7 the community, and for conversion of vacant or foreclosed
8 properties to affordable housing: *Provided further*, That
9 the use of funds made available under this heading shall
10 not be deemed to be public housing notwithstanding sec-
11 tion 3(b)(1) of such Act: *Provided further*, That grantees
12 shall commit to an additional period of affordability deter-
13 mined by the Secretary of not fewer than 20 years: *Pro-*
14 *vided further*, That grantees shall provide a match in
15 State, local, other Federal or private funds: *Provided fur-*
16 *ther*, That grantees may include local governments, tribal
17 entities, public housing authorities, and nonprofits: *Pro-*
18 *vided further*, That for-profit developers may apply jointly
19 with a public entity: *Provided further*, That for purposes
20 of environmental review, a grantee shall be treated as a
21 public housing agency under section 26 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437x), and
23 grants under this heading shall be subject to the regula-
24 tions issued by the Secretary to implement such section:
25 *Provided further*, That of the amount provided, not less

1 than \$10,000,000 shall be awarded to public housing
2 agencies: *Provided further*, That such grantees shall create
3 partnerships with other local organizations including as-
4 sisted housing owners, service agencies, and resident orga-
5 nizations: *Provided further*, That the Secretary shall con-
6 sult with the Secretaries of Education, Labor, Transpor-
7 tation, Health and Human Services, Agriculture, and
8 Commerce, the Attorney General, and the Administrator
9 of the Environmental Protection Agency to coordinate and
10 leverage other appropriate Federal resources: *Provided*
11 *further*, That no more than \$1,000,000 of funds made
12 available under this heading may be provided as grants
13 to undertake comprehensive local planning with input
14 from residents and the community: *Provided further*, That
15 unobligated balances, including recaptures, remaining
16 from funds appropriated under the heading “Revitaliza-
17 tion of Severely Distressed Public Housing (HOPE VI)”
18 in fiscal year 2011 and prior fiscal years may be used for
19 purposes under this heading, notwithstanding the pur-
20 poses for which such amounts were appropriated.

21 FAMILY SELF-SUFFICIENCY

22 For the Family Self-Sufficiency program to support
23 family self-sufficiency coordinators under section 23 of the
24 United States Housing Act of 1937, to promote the devel-
25 opment of local strategies to coordinate the use of assist-

1 ance under sections 8(o) and 9 of such Act with public
2 and private resources, and enable eligible families to
3 achieve economic independence and self-sufficiency,
4 \$75,000,000, to remain available until September 30,
5 2019: *Provided*, That the Secretary may, by Federal Reg-
6 ister notice, waive or specify alternative requirements
7 under sections b(3), b(4), b(5), or c(1) of section 23 of
8 such Act in order to facilitate the operation of a unified
9 self-sufficiency program for individuals receiving assist-
10 ance under different provisions of the Act, as determined
11 by the Secretary: *Provided further*, That owners of a pri-
12 vately owned multifamily property with a section 8 con-
13 tract may voluntarily make a Family Self-Sufficiency pro-
14 gram available to the assisted tenants of such property
15 in accordance with procedures established by the Sec-
16 retary: *Provided further*, That such procedures established
17 pursuant to the previous proviso shall permit participating
18 tenants to accrue escrow funds in accordance with section
19 23(d)(2) and shall allow owners to use funding from resid-
20 ual receipt accounts to hire coordinators for their own
21 Family Self-Sufficiency program.

22 NATIVE AMERICAN HOUSING BLOCK GRANTS

23 For the Native American Housing Block Grants pro-
24 gram, as authorized under title I of the Native American
25 Housing Assistance and Self-Determination Act of 1996

1 (NAHASDA) (25 U.S.C. 4111 et seq.), \$654,000,000, to
2 remain available until September 30, 2022: *Provided*,
3 That, notwithstanding NAHASDA, to determine the
4 amount of the allocation under title I of such Act for each
5 Indian tribe, the Secretary shall apply the formula under
6 section 302 of such Act with the need component based
7 on single-race census data and with the need component
8 based on multi-race census data, and the amount of the
9 allocation for each Indian tribe shall be the greater of the
10 two resulting allocation amounts: *Provided further*, That
11 of the amounts made available under this heading,
12 \$3,500,000 shall be contracted for assistance for national
13 or regional organizations representing Native American
14 housing interests for providing training and technical as-
15 sistance to Indian housing authorities and tribally des-
16 igned housing entities as authorized under NAHASDA:
17 *Provided further*, That of the funds made available under
18 the previous proviso, not less than \$2,000,000 shall be
19 made available for a national organization as authorized
20 under section 703 of NAHASDA (25 U.S.C. 4212): *Pro-*
21 *vided further*, That of the amounts made available under
22 this heading, \$3,500,000 shall be to support the inspection
23 of Indian housing units, contract expertise, training, and
24 technical assistance related to funding provided under this
25 heading and other headings under this Act for the needs

1 of Native American families and Indian country: *Provided*
2 *further*, That of the amount provided under this heading,
3 \$2,000,000 shall be made available for the cost of guaran-
4 teed notes and other obligations, as authorized by title VI
5 of NAHASDA: *Provided further*, That such costs, includ-
6 ing the costs of modifying such notes and other obliga-
7 tions, shall be as defined in section 502 of the Congres-
8 sional Budget Act of 1974, as amended: *Provided further*,
9 That these funds are available to subsidize the total prin-
10 cipal amount of any notes and other obligations, any part
11 of which is to be guaranteed, not to exceed \$17,391,304:
12 *Provided further*, That the Department will notify grantees
13 of their formula allocation within 60 days of the date of
14 enactment of this Act: *Provided further*, That notwith-
15 standing section 302(d) of NAHASDA, if on the date of
16 enactment of this Act, a recipient's total amount of
17 undisbursed block grant funds in the Department's line
18 of credit control system is greater than the sum of its prior
19 3 years' initial formula allocation calculations, the Sec-
20 retary shall adjust that recipient's formula allocation that
21 it would otherwise receive down by the difference between
22 its total amount of undisbursed block grant funds in the
23 Department's line of credit control system on the date of
24 enactment of this Act, and the sum of its prior 3 years'
25 initial formula allocation calculations: *Provided further*,

1 That grant amounts not allocated to a recipient pursuant
 2 to the previous proviso shall be allocated under the need
 3 component of the formula proportionately among all other
 4 Indian tribes not subject to an adjustment under such pro-
 5 viso: *Provided further*, That the second proviso shall not
 6 apply to any Indian tribe that would otherwise receive a
 7 formula allocation of less than \$5,000,000: *Provided fur-*
 8 *ther*, That to take effect, the three previous provisos do
 9 not require issuance or amendment of any regulation, shall
 10 not be subject to a formula challenge by an Indian tribe,
 11 and shall not be construed to confer hearing rights under
 12 any section of NAHASDA or its implementing regula-
 13 tions.

14 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
 15 ACCOUNT

16 For the cost of guaranteed loans, as authorized by
 17 section 184 of the Housing and Community Development
 18 Act of 1992 (12 U.S.C. 1715z-13a), \$5,500,000, to re-
 19 main available until expended: *Provided*, That such costs,
 20 including the costs of modifying such loans, shall be as
 21 defined in section 502 of the Congressional Budget Act
 22 of 1974: *Provided further*, That these funds are available
 23 to subsidize total loan principal, any part of which is to
 24 be guaranteed, up to \$1,486,486,486, to remain available
 25 until expended: *Provided further*, That up to \$750,000 of

1 this amount may be for administrative contract expenses
2 including management processes and systems to carry out
3 the loan guarantee program: *Provided further*, That an ad-
4 ditional \$1,727,000 shall be available until expended for
5 such costs of guaranteed loans authorized under such sec-
6 tion 184 issued to tribes and Indian housing authorities
7 for the construction of rental housing for law enforcement,
8 healthcare, educational, technical and other skilled work-
9 ers: *Provided further*, That the funds specified in the pre-
10 vious proviso are available to subsidize total loan principal,
11 any part of which is to be guaranteed, up to \$466,756,757
12 to remain available until expended: *Provided further*, That
13 the Secretary may specify any additional program require-
14 ments with respect to the previous two provisos through
15 publication of a Mortgagee Letter or Notice.

16

17 COMMUNITY PLANNING AND DEVELOPMENT

18 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

19 For carrying out the Housing Opportunities for Per-
20 sons with AIDS program, as authorized by the AIDS
21 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
22 \$356,000,000, to remain available until September 30,
23 2019, except that amounts allocated pursuant to section
24 854(c)(5) of such Act shall remain available until Sep-
25 tember 30, 2020: *Provided*, That the Secretary shall renew

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

9 COMMUNITY DEVELOPMENT FUND

10 For assistance to units of State and local govern-
 11 ment, and to other entities, for economic and community
 12 development activities, and for other purposes,
 13 \$2,960,000,000, to remain available until September 30,
 14 2020, unless otherwise specified: *Provided*, That of the
 15 total amount provided, \$2,900,000,000 is for carrying out
 16 the community development block grant program under
 17 title I of the Housing and Community Development Act
 18 of 1974, as amended (“the Act” herein) (42 U.S.C. 5301
 19 et seq.): *Provided further*, That unless explicitly provided
 20 for under this heading, not to exceed 20 percent of any
 21 grant made with funds appropriated under this heading
 22 shall be expended for planning and management develop-
 23 ment and administration: *Provided further*, That a metro-
 24 politan city, urban county, unit of general local govern-
 25 ment, or Indian tribe, or insular area that directly or indi-

1 rectly receives funds under this heading may not sell,
2 trade, or otherwise transfer all or any portion of such
3 funds to another such entity in exchange for any other
4 funds, credits or non-Federal considerations, but must use
5 such funds for activities eligible under title I of the Act:
6 *Provided further*, That notwithstanding section 105(e)(1)
7 of the Act, no funds provided under this heading may be
8 provided to a for-profit entity for an economic develop-
9 ment project under section 105(a)(17) unless such project
10 has been evaluated and selected in accordance with guide-
11 lines required under subparagraph (e)(2): *Provided fur-*
12 *ther*, That the Department shall notify grantees of their
13 formula allocation within 60 days of enactment of this Act:
14 *Provided further*, That of the total amount provided under
15 this heading \$60,000,000 shall be for grants to Indian
16 tribes notwithstanding section 106(a)(1) of such Act, of
17 which, notwithstanding any other provision of law (includ-
18 ing section 203 of this Act), up to \$4,000,000 may be
19 used for emergencies that constitute imminent threats to
20 health and safety.

21 COMMUNITY DEVELOPMENT LOAN GUARANTEES

22 PROGRAM ACCOUNT

23 Subject to section 502 of the Congressional Budget
24 Act of 1974, during fiscal year 2018, commitments to
25 guarantee loans under section 108 of the Housing and

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

11 HOME INVESTMENT PARTNERSHIPS PROGRAM

12 For the HOME Investment Partnerships program, as
 13 authorized under title II of the Cranston-Gonzalez Na-
 14 tional Affordable Housing Act, as amended,
 15 \$850,000,000, to remain available until September 30,
 16 2021: *Provided*, That notwithstanding the amount made
 17 available under this heading, the threshold reduction re-
 18 quirements in sections 216(10) and 217(b)(4) of such Act
 19 shall not apply to allocations of such amount: *Provided*
 20 *further*, That the requirements under provisos 2 through
 21 6 under this heading for fiscal year 2012 and such re-
 22 quirements applicable pursuant to the “Full-Year Con-
 23 tinuing Appropriations Act, 2013”, shall not apply to any
 24 project to which funds were committed on or after August
 25 23, 2013, but such projects shall instead be governed by

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

7 SELF-HELP AND ASSISTED HOMEOWNERSHIP

8 OPPORTUNITY PROGRAM

9 For the Self-Help and Assisted Homeownership Op-
10 portunity Program, as authorized under section 11 of the
11 Housing Opportunity Program Extension Act of 1996, as
12 amended, \$45,000,000, to remain available until Sep-
13 tember 30, 2020: *Provided*, That of the total amount pro-
14 vided under this heading, \$10,000,000 shall be made
15 available to the Self-Help and Assisted Homeownership
16 Opportunity Program as authorized under section 11 of
17 the Housing Opportunity Program Extension Act of 1996,
18 as amended: *Provided further*, That of the total amount
19 provided under this heading, \$30,000,000 shall be made
20 available for the second, third, and fourth capacity build-
21 ing activities authorized under section 4(a) of the HUD
22 Demonstration Act of 1993 (42 U.S.C. 9816 note), of
23 which not less than \$5,000,000 shall be made available
24 for rural capacity building activities: *Provided further*,
25 That of the total amount provided under this heading,

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

7 HOMELESS ASSISTANCE GRANTS

8 For the Emergency Solutions Grants program as au-
 9 thorized under subtitle B of title IV of the McKinney-
 10 Vento Homeless Assistance Act, as amended; the Con-
 11 tinuum of Care program as authorized under subtitle C
 12 of title IV of such Act; and the Rural Housing Stability
 13 Assistance program as authorized under subtitle D of title
 14 IV of such Act, \$2,383,000,000, to remain available until
 15 September 30, 2020: *Provided*, That any rental assistance
 16 amounts that are recaptured under such Continuum of
 17 Care program shall remain available until expended: *Pro-*
 18 *vided further*, That not less than \$270,000,000 of the
 19 funds appropriated under this heading shall be available
 20 for such Emergency Solutions Grants program: *Provided*
 21 *further*, That not less than \$2,106,000,000 of the funds
 22 appropriated under this heading shall be available for such
 23 Continuum of Care and Rural Housing Stability Assist-
 24 ance programs: *Provided further*, That up to \$7,000,000
 25 of the funds appropriated under this heading shall be

1 available for the national homeless data analysis project:
2 *Provided further*, That all funds awarded for supportive
3 services under the Continuum of Care program and the
4 Rural Housing Stability Assistance program shall be
5 matched by not less than 25 percent in cash or in kind
6 by each grantee: *Provided further*, That for all match re-
7 quirements applicable to funds made available under this
8 heading for this fiscal year and prior years, a grantee may
9 use (or could have used) as a source of match funds other
10 funds administered by the Secretary and other Federal
11 agencies unless there is (or was) a specific statutory prohi-
12 bition on any such use of any such funds: *Provided further*,
13 That the Secretary shall collect system performance meas-
14 ures for each continuum of care, and that relative to fiscal
15 year 2015, under the Continuum of Care competition with
16 respect to funds made available under this heading, the
17 Secretary shall base an increasing share of the score on
18 performance criteria: *Provided further*, That none of the
19 funds provided under this heading shall be available to
20 provide funding for new projects, except for projects cre-
21 ated through reallocation, unless the Secretary determines
22 that the continuum of care has demonstrated that projects
23 are evaluated and ranked based on the degree to which
24 they improve the continuum of care's system performance:
25 *Provided further*, That the Secretary shall prioritize fund-

1 ing under the Continuum of Care program to continuums
2 of care that have demonstrated a capacity to reallocate
3 funding from lower performing projects to higher per-
4 forming projects: *Provided further*, That all awards of as-
5 sistance under this heading shall be required to coordinate
6 and integrate homeless programs with other mainstream
7 health, social services, and employment programs for
8 which homeless populations may be eligible: *Provided fur-*
9 *ther*, That any unobligated amounts remaining from funds
10 appropriated under this heading in fiscal year 2012 and
11 prior years for project-based rental assistance for rehabili-
12 tation projects with 10-year grant terms may be used for
13 purposes under this heading, notwithstanding the pur-
14 poses for which such funds were appropriated: *Provided*
15 *further*, That all balances for Shelter Plus Care renewals
16 previously funded from the Shelter Plus Care Renewal ac-
17 count and transferred to this account shall be available,
18 if recaptured, for Continuum of Care renewals in fiscal
19 year 2018: *Provided further*, That the Department shall
20 notify grantees of their formula allocation from amounts
21 allocated (which may represent initial or final amounts al-
22 located) for the Emergency Solutions Grant program with-
23 in 60 days of enactment of this Act: *Provided further*, That
24 youth aged 24 and under seeking assistance under this
25 heading shall not be required to provide third party docu-

1 mentation to establish their eligibility under 42 U.S.C.
 2 11302(a) or (b) to receive services: *Provided further*, That
 3 unaccompanied youth aged 24 and under or families head-
 4 ed by youth aged 24 and under who are living in unsafe
 5 situations may be served by youth-serving providers fund-
 6 ed under this heading.

7 HOUSING PROGRAMS

8 PROJECT-BASED RENTAL ASSISTANCE

9 For activities and assistance for the provision of
 10 project-based subsidy contracts under the United States
 11 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
 12 Act”), not otherwise provided for, \$10,682,000,000, to re-
 13 main available until expended, shall be available on Octo-
 14 ber 1, 2017 (in addition to the \$400,000,000 previously
 15 appropriated under this heading that became available Oc-
 16 tober 1, 2017), and \$400,000,000, to remain available
 17 until expended, shall be available on October 1, 2018: *Pro-*
 18 *vided*, That the amounts made available under this head-
 19 ing shall be available for expiring or terminating section
 20 8 project-based subsidy contracts (including section 8
 21 moderate rehabilitation contracts), for amendments to sec-
 22 tion 8 project-based subsidy contracts (including section
 23 8 moderate rehabilitation contracts), for contracts entered
 24 into pursuant to section 441 of the McKinney-Vento
 25 Homeless Assistance Act (42 U.S.C. 11401), for renewal

1 of section 8 contracts for units in projects that are subject
2 to approved plans of action under the Emergency Low In-
3 come Housing Preservation Act of 1987 or the Low-In-
4 come Housing Preservation and Resident Homeownership
5 Act of 1990, and for administrative and other expenses
6 associated with project-based activities and assistance
7 funded under this paragraph: *Provided further*, That
8 amounts recaptured under this heading, the heading “An-
9 nual Contributions for Assisted Housing”, or the heading
10 “Housing Certificate Fund”, may be used for renewals of
11 or amendments to section 8 project-based contracts, not-
12 withstanding the purposes for which such amounts were
13 appropriated: *Provided further*, That, notwithstanding any
14 other provision of law, upon the request of the Secretary
15 of Housing and Urban Development, project funds that
16 are held in residual receipts accounts for any project sub-
17 ject to a section 8 project-based Housing Assistance Pay-
18 ments contract that authorizes HUD or a Housing Fi-
19 nance Agency to require that surplus project funds be de-
20 posited in an interest-bearing residual receipts account
21 and that are in excess of an amount to be determined by
22 the Secretary, shall be remitted to the Department and
23 deposited in this account, to be available until expended:
24 *Provided further*, That amounts deposited pursuant to the
25 previous proviso shall be available in addition to the

1 amount otherwise provided by this heading for uses au-
2 thorized under this heading.

3 HOUSING FOR THE ELDERLY

4 For amendments to capital advance contracts, for
5 housing for the elderly, as authorized by section 202 of
6 the Housing Act of 1959, as amended, and for project
7 rental assistance for the elderly under section 202(c)(2)
8 of such Act, including amendments to contracts for such
9 assistance and renewal of expiring contracts for such as-
10 sistance for up to a 1-year term, and for senior preserva-
11 tion rental assistance contracts, including renewals, as au-
12 thorized by section 811(e) of the American Housing and
13 Economic Opportunity Act of 2000, as amended, and for
14 supportive services associated with the housing,
15 \$573,000,000 to remain available until September 30,
16 2021: *Provided*, That of the amount provided under this
17 heading, up to \$90,000,000 shall be for service coordina-
18 tors and the continuation of existing congregate service
19 grants for residents of assisted housing projects: *Provided*
20 *further*, That amounts under this heading shall be avail-
21 able for Real Estate Assessment Center inspections and
22 inspection-related activities associated with section 202
23 projects: *Provided further*, That the Secretary may waive
24 the provisions of section 202 governing the terms and con-
25 ditions of project rental assistance, except that the initial

1 contract term for such assistance shall not exceed 5 years
2 in duration: *Provided further*, That upon request of the
3 Secretary of Housing and Urban Development, project
4 funds that are held in residual receipts accounts for any
5 project subject to a section 202 project rental assistance
6 contract, and that upon termination of such contract are
7 in excess of an amount to be determined by the Secretary,
8 shall be remitted to the Department and deposited in this
9 account, to be available until September 30, 2021: *Pro-*
10 *vided further*, That amounts deposited in this account pur-
11 suant to the previous proviso shall be available, in addition
12 to the amounts otherwise provided by this heading, for
13 amendments and renewals: *Provided further*, That unobli-
14 gated balances, including recaptures and carryover, re-
15 maining from funds transferred to or appropriated under
16 this heading shall be available for amendments and renew-
17 als notwithstanding the purposes for which such funds
18 originally were appropriated.

19 HOUSING FOR PERSONS WITH DISABILITIES

20 For amendments to capital advance contracts for
21 supportive housing for persons with disabilities, as author-
22 ized by section 811 of the Cranston-Gonzalez National Af-
23 fordable Housing Act (42 U.S.C. 8013), as amended, and
24 for project rental assistance for supportive housing for
25 persons with disabilities under section 811(d)(2) of such

1 Act and for project assistance contracts pursuant to sec-
2 tion 202(h) of the Housing Act of 1959 (Public Law 86–
3 372; 73 Stat. 667), including amendments to contracts for
4 such assistance and renewal of expiring contracts for such
5 assistance for up to a 1-year term, for project rental as-
6 sistance to State housing finance agencies and other ap-
7 propriate entities as authorized under section 811(b)(3)
8 of the Cranston-Gonzalez National Housing Act, and for
9 supportive services associated with the housing for persons
10 with disabilities as authorized by section 811(b)(1) of such
11 Act, \$147,000,000, to remain available until September
12 30, 2021: *Provided*, That amounts made available under
13 this heading shall be available for Real Estate Assessment
14 Center inspections and inspection-related activities associ-
15 ated with section 811 projects: *Provided further*, That, in
16 this fiscal year, upon the request of the Secretary of Hous-
17 ing and Urban Development, project funds that are held
18 in residual receipts accounts for any project subject to a
19 section 811 project rental assistance contract and that
20 upon termination of such contract are in excess of an
21 amount to be determined by the Secretary shall be remit-
22 ted to the Department and deposited in this account, to
23 be available until September 30, 2021: *Provided further*,
24 That amounts deposited in this account pursuant to the
25 previous proviso shall be available in addition to the

1 amounts otherwise provided by this heading for amend-
2 ments and renewals: *Provided further*, That unobligated
3 balances, including recaptures and carryover, remaining
4 from funds transferred to or appropriated under this
5 heading shall be used for amendments and renewals not-
6 withstanding the purposes for which such funds originally
7 were appropriated.

8 HOUSING COUNSELING ASSISTANCE

9 For contracts, grants, and other assistance excluding
10 loans, as authorized under section 106 of the Housing and
11 Urban Development Act of 1968, as amended,
12 \$50,000,000, to remain available until September 30,
13 2019, including up to \$4,500,000 for administrative con-
14 tract services: *Provided*, That grants made available from
15 amounts provided under this heading shall be awarded
16 within 180 days of enactment of this Act: *Provided further*,
17 That funds shall be used for providing counseling and ad-
18 vice to tenants and homeowners, both current and pro-
19 spective, with respect to property maintenance, financial
20 management/literacy, and such other matters as may be
21 appropriate to assist them in improving their housing con-
22 ditions, meeting their financial needs, and fulfilling the re-
23 sponsibilities of tenancy or homeownership; for program
24 administration; and for housing counselor training: *Pro-*
25 *vided further*, That for purposes of providing such grants

1 from amounts provided under this heading, the Secretary
2 may enter into multiyear agreements as appropriate, sub-
3 ject to the availability of annual appropriations.

4 RENTAL HOUSING ASSISTANCE

5 For amendments to contracts under section 101 of
6 the Housing and Urban Development Act of 1965 (12
7 U.S.C. 1701s) and section 236(f)(2) of the National
8 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-
9 insured rental housing projects, \$14,000,000, to remain
10 available until expended: *Provided*, That such amount, to-
11 gether with unobligated balances from recaptured
12 amounts appropriated prior to fiscal year 2006 from ter-
13 minated contracts under such sections of law, and any un-
14 obligated balances, including recaptures and carryover, re-
15 maining from funds appropriated under this heading after
16 fiscal year 2005, shall also be available for extensions of
17 up to one year for expiring contracts under such sections
18 of law.

19 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
20 FUND

21 For necessary expenses as authorized by the National
22 Manufactured Housing Construction and Safety Stand-
23 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
24 \$11,000,000, to remain available until expended, of which
25 \$11,000,000 is to be derived from the Manufactured

1 Housing Fees Trust Fund: *Provided*, That not to exceed
2 the total amount appropriated under this heading shall be
3 available from the general fund of the Treasury to the ex-
4 tent necessary to incur obligations and make expenditures
5 pending the receipt of collections to the Fund pursuant
6 to section 620 of such Act: *Provided further*, That the
7 amount made available under this heading from the gen-
8 eral fund shall be reduced as such collections are received
9 during fiscal year 2018 so as to result in a final fiscal
10 year 2018 appropriation from the general fund estimated
11 at zero, and fees pursuant to such section 620 shall be
12 modified as necessary to ensure such a final fiscal year
13 2018 appropriation: *Provided further*, That for the dispute
14 resolution and installation programs, the Secretary of
15 Housing and Urban Development may assess and collect
16 fees from any program participant: *Provided further*, That
17 such collections shall be deposited into the Fund, and the
18 Secretary, as provided herein, may use such collections,
19 as well as fees collected under section 620, for necessary
20 expenses of such Act: *Provided further*, That, notwith-
21 standing the requirements of section 620 of such Act, the
22 Secretary may carry out responsibilities of the Secretary
23 under such Act through the use of approved service pro-
24 viders that are paid directly by the recipients of their serv-
25 ices.

1 FEDERAL HOUSING ADMINISTRATION

2 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

3 New commitments to guarantee single family loans
4 insured under the Mutual Mortgage Insurance Fund shall
5 not exceed \$400,000,000,000, to remain available until
6 September 30, 2019: *Provided*, That during fiscal year
7 2018, obligations to make direct loans to carry out the
8 purposes of section 204(g) of the National Housing Act,
9 as amended, shall not exceed \$5,000,000: *Provided fur-*
10 *ther*, That the foregoing amount in the previous proviso
11 shall be for loans to nonprofit and governmental entities
12 in connection with sales of single family real properties
13 owned by the Secretary and formerly insured under the
14 Mutual Mortgage Insurance Fund: *Provided further*, That
15 for administrative contract expenses of the Federal Hous-
16 ing Administration, \$135,000,000, to remain available
17 until September 30, 2019: *Provided further*, That to the
18 extent guaranteed loan commitments exceed
19 \$200,000,000,000 on or before April 1, 2018, an addi-
20 tional \$1,400 for administrative contract expenses shall be
21 available for each \$1,000,000 in additional guaranteed
22 loan commitments (including a pro rata amount for any
23 amount below \$1,000,000), but in no case shall funds
24 made available by this proviso exceed \$30,000,000: *Pro-*
25 *vided further*, That during fiscal year 2018 the Secretary

1 may insure and enter into new commitments to insure
2 mortgages under section 255 of the National Housing Act
3 only to the extent that the net credit subsidy cost for such
4 insurance does not exceed zero.

5 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

6 New commitments to guarantee loans insured under
7 the General and Special Risk Insurance Funds, as author-
8 ized by sections 238 and 519 of the National Housing Act
9 (12 U.S.C. 1715z-3 and 1735c), shall not exceed
10 \$30,000,000,000 in total loan principal, any part of which
11 is to be guaranteed, to remain available until September
12 30, 2019: *Provided*, That during fiscal year 2018, gross
13 obligations for the principal amount of direct loans, as au-
14 thorized by sections 204(g), 207(l), 238, and 519(a) of
15 the National Housing Act, shall not exceed \$5,000,000,
16 which shall be for loans to nonprofit and governmental en-
17 tities in connection with the sale of single family real prop-
18 erties owned by the Secretary and formerly insured under
19 such Act.

20 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

21 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

22 GUARANTEE PROGRAM ACCOUNT

23 New commitments to issue guarantees to carry out
24 the purposes of section 306 of the National Housing Act,
25 as amended (12 U.S.C. 1721(g)), shall not exceed

1 \$500,000,000,000, to remain available until September
 2 30, 2019: *Provided*, That \$25,400,000 shall be available
 3 for necessary salaries and expenses of the Office of Gov-
 4 ernment National Mortgage Association: *Provided further*,
 5 That to the extent that guaranteed loan commitments ex-
 6 ceed \$155,000,000,000 on or before April 1, 2018, an ad-
 7 ditional \$100 for necessary salaries and expenses shall be
 8 available until expended for each \$1,000,000 in additional
 9 guaranteed loan commitments (including a pro rata
 10 amount for any amount below \$1,000,000), but in no case
 11 shall funds made available by this proviso exceed
 12 \$3,000,000: *Provided further*, That receipts from Commit-
 13 ment and Multiclass fees collected pursuant to title III of
 14 the National Housing Act, as amended, shall be credited
 15 as offsetting collections to this account.

16 POLICY DEVELOPMENT AND RESEARCH

17 RESEARCH AND TECHNOLOGY

18 For contracts, grants, and necessary expenses of pro-
 19 grams of research and studies relating to housing and
 20 urban problems, not otherwise provided for, as authorized
 21 by title V of the Housing and Urban Development Act
 22 of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying
 23 out the functions of the Secretary of Housing and Urban
 24 Development under section 1(a)(1)(i) of Reorganization
 25 Plan No. 2 of 1968, and for technical assistance,

1 \$85,000,000, to remain available until September 30,
2 2019: *Provided*, That with respect to amounts made avail-
3 able under this heading, notwithstanding section 203 of
4 this title, the Secretary may enter into cooperative agree-
5 ments funded with philanthropic entities, other Federal
6 agencies, or State or local governments and their agencies
7 for research projects: *Provided further*, That with respect
8 to the previous proviso, such partners to the cooperative
9 agreements must contribute at least a 50 percent match
10 toward the cost of the project: *Provided further*, That for
11 non-competitive agreements entered into in accordance
12 with the previous two provisos, the Secretary of Housing
13 and Urban Development shall comply with section 2(b) of
14 the Federal Funding Accountability and Transparency
15 Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu
16 of compliance with section 102(a)(4)(C) with respect to
17 documentation of award decisions: *Provided further*, That
18 prior to obligation of technical assistance funding, the Sec-
19 retary shall submit a plan, for approval, to the House and
20 Senate Committees on Appropriations on how it will allo-
21 cate funding for this activity.

22 FAIR HOUSING AND EQUAL OPPORTUNITY

23 FAIR HOUSING ACTIVITIES

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

1 Rights Act of 1968, as amended by the Fair Housing
 2 Amendments Act of 1988, and section 561 of the Housing
 3 and Community Development Act of 1987, as amended,
 4 \$65,300,000, to remain available until September 30,
 5 2019: *Provided*, That notwithstanding 31 U.S.C. 3302,
 6 the Secretary may assess and collect fees to cover the costs
 7 of the Fair Housing Training Academy, and may use such
 8 funds to provide such training: *Provided further*, That no
 9 funds made available under this heading shall be used to
 10 lobby the executive or legislative branches of the Federal
 11 Government in connection with a specific contract, grant,
 12 or loan: *Provided further*, That of the funds made available
 13 under this heading, \$300,000 shall be available to the Sec-
 14 retary of Housing and Urban Development for the cre-
 15 ation and promotion of translated materials and other pro-
 16 grams that support the assistance of persons with limited
 17 English proficiency in utilizing the services provided by
 18 the Department of Housing and Urban Development.

19 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
 20 HOMES

21 LEAD HAZARD REDUCTION

22 For the Lead Hazard Reduction Program, as author-
 23 ized by section 1011 of the Residential Lead-Based Paint
 24 Hazard Reduction Act of 1992, \$130,000,000, to remain
 25 available until September 30, 2019, of which \$25,000,000

1 shall be for the Healthy Homes Initiative, pursuant to sec-
2 tions 501 and 502 of the Housing and Urban Develop-
3 ment Act of 1970, that shall include research, studies,
4 testing, and demonstration efforts, including education
5 and outreach concerning lead-based paint poisoning and
6 other housing-related diseases and hazards: *Provided*,
7 That for purposes of environmental review, pursuant to
8 the National Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.) and other provisions of the law that further
10 the purposes of such Act, a grant under the Healthy
11 Homes Initiative, or the Lead Technical Studies program
12 under this heading or under prior appropriations Acts for
13 such purposes under this heading, shall be considered to
14 be funds for a special project for purposes of section
15 305(c) of the Multifamily Housing Property Disposition
16 Reform Act of 1994: *Provided further*, That of the total
17 amount made available under this heading, \$50,000,000
18 shall be made available on a competitive basis for areas
19 with the highest lead-based paint abatement needs: *Pro-*
20 *vided further*, That each recipient of funds provided under
21 the previous proviso shall contribute an amount not less
22 than 25 percent of the total: *Provided further*, That each
23 applicant shall certify adequate capacity that is acceptable
24 to the Secretary to carry out the proposed use of funds
25 pursuant to a notice of funding availability: *Provided fur-*

1 *ther*, That amounts made available under this heading in
2 this or prior appropriations Acts, and that still remain
3 available, may be used for any purpose under this heading
4 notwithstanding the purpose for which such amounts were
5 appropriated if a program competition is undersubscribed
6 and there are other program competitions under this head-
7 ing that are oversubscribed.

8 INFORMATION TECHNOLOGY FUND

9 For the development of, modifications to, and infra-
10 structure for Department-wide and program-specific infor-
11 mation technology systems, for the continuing operation
12 and maintenance of both Department-wide and program-
13 specific information systems, and for program-related
14 maintenance activities, \$150,000,000 shall remain avail-
15 able until September 30, 2019: *Provided*, That any
16 amounts transferred to this Fund under this Act shall re-
17 main available until expended: *Provided further*, That any
18 amounts transferred to this Fund from amounts appro-
19 priated by previously enacted appropriations Acts may be
20 used for the purposes specified under this Fund, in addi-
21 tion to any other information technology purposes for
22 which such amounts were appropriated.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary salaries and expenses of the Office of
25 Inspector General in carrying out the Inspector General

1 Act of 1978, as amended, \$128,082,000: *Provided*, That
2 the Inspector General shall have independent authority
3 over all personnel issues within this office.

4 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
5 URBAN DEVELOPMENT

6 (INCLUDING TRANSFER OF FUNDS)

7 (INCLUDING RESCISSION)

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

1 SEC. 202. None of the amounts made available under
2 this Act may be used during fiscal year 2018 to investigate
3 or prosecute under the Fair Housing Act any otherwise
4 lawful activity engaged in by one or more persons, includ-
5 ing the filing or maintaining of a nonfrivolous legal action,
6 that is engaged in solely for the purpose of achieving or
7 preventing action by a Government official or entity, or
8 a court of competent jurisdiction.

9 SEC. 203. 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. 204. 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. 205. 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. 206. 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 2018 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. 207. 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. 208. The President's formal budget request for
12 fiscal year 2019, 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. 209. No funds provided under this title may be
19 used for an audit of the Government National Mortgage
20 Association that makes applicable requirements under the
21 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

22 SEC. 210. (a) Notwithstanding any other provision
23 of law, subject to the conditions listed under this section,
24 for fiscal years 2018 and 2019, the Secretary of Housing
25 and Urban Development may authorize the transfer of

1 some or all project-based assistance, debt held or insured
2 by the Secretary and statutorily required low-income and
3 very low-income use restrictions if any, associated with one
4 or more multifamily housing project or projects to another
5 multifamily housing project or projects.

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

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

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

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

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

9 (2) The transferring project shall, as deter-
10 mined by the Secretary, be either physically obsolete
11 or economically nonviable.

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

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

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

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

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

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

22 (9) The transfer does not increase the cost (as
23 defined in section 502 of the Congressional Budget
24 Act of 1974, as amended) of any FHA-insured
25 mortgage, except to the extent that appropriations

1 are provided in advance for the amount of any such
2 increased cost.

3 (d) For purposes of this section—

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

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

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

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

18 (C) housing that is assisted under section
19 202 of the Housing Act of 1959, as amended
20 by section 801 of the Cranston-Gonzales Na-
21 tional Affordable Housing Act;

22 (D) housing that is assisted under section
23 202 of the Housing Act of 1959, as such sec-
24 tion existed before the enactment of the Cran-
25 ston-Gonzales National Affordable Housing Act;

1 (E) housing that is assisted under section
2 811 of the Cranston-Gonzales National Afford-
3 able Housing Act; or

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

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

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

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

15 (C) rent supplement payments under sec-
16 tion 101 of the Housing and Urban Develop-
17 ment Act of 1965;

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

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

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

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

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

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

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

23 SEC. 211. (a) No assistance shall be provided under
24 section 8 of the United States Housing Act of 1937 (42
25 U.S.C. 1437f) to any individual who—

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

5 (2) is under 24 years of age;

6 (3) is not a veteran;

7 (4) is unmarried;

8 (5) does not have a dependent child;

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

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

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

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

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

6 SEC. 212. The funds made available for Native Alas-
7 kans under the heading “Native American Housing Block
8 Grants” in title II of this Act shall be allocated to the
9 same Native Alaskan housing block grant recipients that
10 received funds in fiscal year 2005.

11 SEC. 213. Notwithstanding the limitation in the first
12 sentence of section 255(g) of the National Housing Act
13 (12 U.S.C. 1715z–20(g)), the Secretary of Housing and
14 Urban Development may, until September 30, 2018, in-
15 sure and enter into commitments to insure mortgages
16 under such section 255.

17 SEC. 214. Notwithstanding any other provision of
18 law, in fiscal year 2018, in managing and disposing of any
19 multifamily property that is owned or has a mortgage held
20 by the Secretary of Housing and Urban Development, and
21 during the process of foreclosure on any property with a
22 contract for rental assistance payments under section 8
23 of the United States Housing Act of 1937 or other Fed-
24 eral programs, the Secretary shall maintain any rental as-
25 sistance payments under section 8 of the United States

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

1 contract and allowable rent levels on such properties shall
2 be subject to the requirements under section 524 of
3 MAHRAA.

4 SEC. 215. The commitment authority funded by fees
5 as provided under the heading “Community Development
6 Loan Guarantees Program Account” may be used to guar-
7 antee, or make commitments to guarantee, notes, or other
8 obligations issued by any State on behalf of non-entitle-
9 ment communities in the State in accordance with the re-
10 quirements of section 108 of the Housing and Community
11 Development Act of 1974: *Provided*, That any State re-
12 ceiving such a guarantee or commitment shall distribute
13 all funds subject to such guarantee to the units of general
14 local government in non-entitlement areas that received
15 the commitment.

16 SEC. 216. Public housing agencies that own and oper-
17 ate 400 or fewer public housing units may elect to be ex-
18 empt from any asset management requirement imposed by
19 the Secretary of Housing and Urban Development in con-
20 nection with the operating fund rule: *Provided*, That an
21 agency seeking a discontinuance of a reduction of subsidy
22 under the operating fund formula shall not be exempt
23 from asset management requirements.

24 SEC. 217. With respect to the use of amounts pro-
25 vided in this Act and in future Acts for the operation, cap-

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

14 SEC. 218. No official or employee of the Department
15 of Housing and Urban Development shall be designated
16 as an allotment holder unless the Office of the Chief Fi-
17 nancial Officer has determined that such allotment holder
18 has implemented an adequate system of funds control and
19 has received training in funds control procedures and di-
20 rectives. The Chief Financial Officer shall ensure that
21 there is a trained allotment holder for each HUD sub-
22 office under the accounts “Executive Offices” and “Ad-
23 ministrative Support Offices,” as well as each account re-
24 ceiving appropriations for “Program Office Salaries and
25 Expenses”, “Government National Mortgage Associa-

1 tion—Guarantees of Mortgage-Backed Securities Loan
2 Guarantee Program Account”, and “Office of Inspector
3 General” within the Department of Housing and Urban
4 Development.

5 SEC. 219. The Secretary of the Department of Hous-
6 ing and Urban Development shall, for fiscal year 2018,
7 notify the public through the Federal Register and other
8 means, as determined appropriate, of the issuance of a no-
9 tice of the availability of assistance or notice of funding
10 availability (NOFA) for any program or discretionary
11 fund administered by the Secretary that is to be competi-
12 tively awarded. Notwithstanding any other provision of
13 law, for fiscal year 2018, the Secretary may make the
14 NOFA available only on the Internet at the appropriate
15 Government web site or through other electronic media,
16 as determined by the Secretary.

17 SEC. 220. Payment of attorney fees in program-re-
18 lated litigation shall be paid from the individual program
19 office and Office of General Counsel salaries and expenses
20 appropriations. The annual budget submission for the pro-
21 gram offices and the Office of General Counsel shall in-
22 clude any such projected litigation costs for attorney fees
23 as a separate line item request. No funds provided in this
24 title may be used to pay any such litigation costs for attor-
25 ney fees until the Department submits for review a spend-

1 ing plan for such costs to the House and Senate Commit-
2 tees on Appropriations.

3 SEC. 221. The Secretary is authorized to transfer up
4 to 10 percent or \$4,000,000, whichever is less, of funds
5 appropriated for any office under the heading “Adminis-
6 trative Support Offices” or for any account under the gen-
7 eral heading “Program Office Salaries and Expenses” to
8 any other such office or account: *Provided*, That no appro-
9 priation for any such office or account shall be increased
10 or decreased by more than 10 percent or \$4,000,000,
11 whichever is less, without prior written approval of the
12 House and Senate Committees on Appropriations: *Pro-*
13 *vided further*, That the Secretary shall provide notification
14 to such Committees three business days in advance of any
15 such transfers under this section up to 10 percent or
16 \$4,000,000, whichever is less.

17 SEC. 222. (a) Any entity receiving housing assistance
18 payments shall maintain decent, safe, and sanitary condi-
19 tions, as determined by the Secretary of Housing and
20 Urban Development (in this section referred to as the
21 “Secretary”), and comply with any standards under appli-
22 cable State or local laws, rules, ordinances, or regulations
23 relating to the physical condition of any property covered
24 under a housing assistance payment contract.

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

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

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

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

18 (c)(1) Within 15 days of the issuance of the REAC
19 inspection, the Secretary must provide the owner with a
20 Notice of Default with a specified timetable, determined
21 by the Secretary, for correcting all deficiencies. The Sec-
22 retary must also provide a copy of the Notice of Default
23 to the tenants, the local government, any mortgagees, and
24 any contract administrator. If the owner's appeal results

1 in a UPCS score of 60 or above, the Secretary may with-
2 draw the Notice of Default.

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

6 (A) require immediate replacement of project
7 management with a management agent approved by
8 the Secretary;

9 (B) impose civil money penalties, which shall be
10 used solely for the purpose of supporting safe and
11 sanitary conditions at applicable properties, as des-
12 ignated by the Secretary, with priority given to the
13 tenants of the property affected by the penalty;

14 (C) abate the section 8 contract, including par-
15 tial abatement, as determined by the Secretary, until
16 all deficiencies have been corrected;

17 (D) pursue transfer of the project to an owner,
18 approved by the Secretary under established proce-
19 dures, which will be obligated to promptly make all
20 required repairs and to accept renewal of the assist-
21 ance contract as long as such renewal is offered;

22 (E) transfer the existing section 8 contract to
23 another project or projects and owner or owners;

24 (F) pursue exclusionary sanctions, including
25 suspensions or debarments from Federal programs;

1 (G) seek judicial appointment of a receiver to
2 manage the property and cure all project deficiencies
3 or seek a judicial order of specific performance re-
4 quiring the owner to cure all project deficiencies;

5 (H) work with the owner, lender, or other re-
6 lated party to stabilize the property in an attempt
7 to preserve the property through compliance, trans-
8 fer of ownership, or an infusion of capital provided
9 by a third-party that requires time to effectuate; or

10 (I) take any other regulatory or contractual
11 remedies available as deemed necessary and appro-
12 priate by the Secretary.

13 (d) The Secretary shall also take appropriate steps
14 to ensure that project-based contracts remain in effect,
15 subject to the exercise of contractual abatement remedies
16 to assist relocation of tenants for major threats to health
17 and safety after written notice to the affected tenants. To
18 the extent the Secretary determines, in consultation with
19 the tenants and the local government, that the property
20 is not feasible for continued rental assistance payments
21 under such section 8 or other programs, based on consid-
22 eration of—

23 (1) the costs of rehabilitating and operating the
24 property and all available Federal, State, and local
25 resources, including rent adjustments under section

1 524 of the Multifamily Assisted Housing Reform
2 and Affordability Act of 1997 (“MAHRAA”); and

3 (2) environmental conditions that cannot be
4 remedied in a cost-effective fashion, the Secretary
5 may contract for project-based rental assistance pay-
6 ments with an owner or owners of other existing
7 housing properties, or provide other rental assist-
8 ance.

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

15 (1) the enforcement actions being taken to ad-
16 dress such conditions, including imposition of civil
17 money penalties and termination of subsidies, and
18 identify properties that have such conditions mul-
19 tiple times;

20 (2) actions that the Department of Housing
21 and Urban Development is taking to protect tenants
22 of such identified properties; and

23 (3) any administrative or legislative rec-
24 ommendations to further improve the living condi-

1 tions at properties covered under a housing assist-
2 ance payment contract.

3 SEC. 223. None of the funds made available by this
4 Act, or any other Act, for purposes authorized under sec-
5 tion 8 (only with respect to the tenant-based rental assist-
6 ance program) and section 9 of the United States Housing
7 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
8 any public housing agency for any amount of salary, in-
9 cluding bonuses, for the chief executive officer of which,
10 or any other official or employee of which, that exceeds
11 the annual rate of basic pay payable for a position at level
12 IV of the Executive Schedule at any time during any pub-
13 lic housing agency fiscal year 2018.

14 SEC. 224. None of the funds in this Act may be avail-
15 able for the doctoral dissertation research grant program
16 at the Department of Housing and Urban Development.

17 SEC. 225. Section 24 of the United States Housing
18 Act of 1937 (42 U.S.C. 1437v) is amended—

19 (1) in subsection (m)(1), by striking “fiscal
20 year” and all that follows through the period at the
21 end and inserting “fiscal year 2018.”; and

22 (2) in subsection (o), by striking “September”
23 and all that follows through the period at the end
24 and inserting “September 30, 2018.”.

1 SEC. 226. None of the funds in this Act provided to
2 the Department of Housing and Urban Development may
3 be used to make a grant award unless the Secretary noti-
4 fies the House and Senate Committees on Appropriations
5 not less than 3 full business days before any project,
6 State, locality, housing authority, tribe, nonprofit organi-
7 zation, or other entity selected to receive a grant award
8 is announced by the Department or its offices.

9 SEC. 227. None of the funds made available by this
10 Act may be used to require or enforce the Physical Needs
11 Assessment (PNA).

12 SEC. 228. None of the funds made available in this
13 Act shall be used by the Federal Housing Administration,
14 the Government National Mortgage Administration, or the
15 Department of Housing and Urban Development to in-
16 sure, securitize, or establish a Federal guarantee of any
17 mortgage or mortgage backed security that refinances or
18 otherwise replaces a mortgage that has been subject to
19 eminent domain condemnation or seizure, by a State, mu-
20 nicipality, or any other political subdivision of a State.

21 SEC. 229. None of the funds made available by this
22 Act may be used to terminate the status of a unit of gen-
23 eral local government as a metropolitan city (as defined
24 in section 102 of the Housing and Community Develop-

1 ment Act of 1974 (42 U.S.C. 5302)) with respect to
2 grants under section 106 of such Act (42 U.S.C. 5306).

3 SEC. 230. Amounts made available under this Act
4 which are either appropriated, allocated, advanced on a
5 reimbursable basis, or transferred to the Office of Policy
6 Development and Research in the Department of Housing
7 and Urban Development and functions thereof, for re-
8 search, evaluation, or statistical purposes, and which are
9 unexpended at the time of completion of a contract, grant,
10 or cooperative agreement, may be deobligated and shall
11 immediately become available and may be reobligated in
12 that fiscal year or the subsequent fiscal year for the re-
13 search, evaluation, or statistical purposes for which the
14 amounts are made available to that Office subject to re-
15 programming requirements in section 405 of this Act.

16 SEC. 231. Employees of the Department of Housing
17 and Urban Development who are subject to administrative
18 discipline in fiscal year 2018, including suspension from
19 work, shall not receive awards (including performance,
20 special act, or spot) for the remainder of fiscal year 2018
21 after the effective date of the disciplinary action.

22 SEC. 232. With respect to grant amounts awarded
23 under the heading “Homeless Assistance Grants” for fis-
24 cal years 2016, 2017, and 2018 for the continuum of care
25 (CoC) program as authorized under subtitle C of title IV

1 of the McKinney-Vento Homeless Assistance Act, costs
2 paid by program income of grant recipients may count to-
3 ward meeting the recipient's matching requirements, pro-
4 vided the costs are eligible CoC costs that supplement the
5 recipients CoC program.

6 SEC. 233. (a) From amounts made available under
7 this title under the heading "Homeless Assistance
8 Grants", the Secretary may award 1-year transition
9 grants to recipients of funds for activities under subtitle
10 C of the McKinney-Vento Homeless Assistance Act (42
11 U.S.C. 11381 et seq.) to transition from one Continuum
12 of Care program component to another.

13 (b) No more than 50 percent of each transition grant
14 may be used for costs of eligible activities of the program
15 component originally funded.

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

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

23 SEC. 234. None of the funds made available by this
24 Act may be used by the Department of Housing and
25 Urban Development to direct a grantee to undertake spe-

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

7 SEC. 235. Section 579 of the Multifamily Assisted
8 Housing Reform and Affordability Act of 1997 (42 U.S.C.
9 1437f note) is amended by striking “October 1, 2017”
10 each place it appears and inserting in lieu thereof “Octo-
11 ber 1, 2022”.

12 SEC. 236. None of the funds made available under
13 this Act for new guarantees of mortgages insured under
14 the Mutual Mortgage Insurance Fund may be used to
15 guarantee or insure any mortgage on a property that is
16 subject to a loan or other obligation, including those billed
17 as taxes or assessments, for the purpose of financing any
18 improvements under a Property Assessed Clean Energy
19 or substantially similar program, if any portion of such
20 loan or obligation is or has the potential to be in a lien
21 position superior to the mortgage to be insured or guaran-
22 teed under the Mutual Mortgage Insurance Fund.

23 SEC. 237. The matter under the heading “Rental As-
24 sistance Demonstration” in the Department of Housing

1 and Urban Development Appropriations Act, 2012 (42
2 U.S.C. 1437f note), as amended, is amended—

3 (1) in the 14th proviso—

4 (A) by inserting “or nonprofit” before “en-
5 tity, then a capable entity,”; and

6 (B) by striking “preserves its interest” and
7 inserting “or a nonprofit entity preserves an in-
8 terest”;

9 (2) by striking the 18th proviso and inserting
10 the following: “*Provided further*, That for fiscal year
11 2012 and hereafter, owners of properties assisted or
12 previously assisted under section 101 of the Housing
13 and Urban Development Act of 1965, section
14 236(f)(2) of the National Housing Act, or section
15 8(e)(2) of the United States Housing Act of 1937,
16 for which a contract expires or terminates due to
17 prepayment on or after October 1, 2006, has caused
18 or results in the termination of rental assistance or
19 affordability restrictions or both and the issuance of
20 tenant protection vouchers under section 8(o) or sec-
21 tion 8(t) of the Act, or with a project rental assist-
22 ance contract under section 202(c)(2) of Housing
23 Act of 1959, shall be eligible, subject to require-
24 ments established by the Secretary, including but
25 not limited to tenant consultation procedures, for

1 conversion of assistance available or provided for
2 such vouchers or assistance contracts, to assistance
3 under a long-term project-based subsidy contract
4 under section 8 of the Act, which shall have a term
5 of no less than 20 years, which shall have initial
6 rents set at comparable market rents for the market
7 area, with subsequent rent adjustments only by an
8 operating cost factor established by the Secretary,
9 and which shall be eligible for renewal under section
10 524 of the Multifamily Assisted Housing Reform
11 and Affordability Act of 1997 (42 U.S.C. 1437f
12 note), or, subject to agreement of the administering
13 public housing agency, to assistance under section
14 8(o)(13) of the Act, to which the limitation under
15 subparagraph (B) of section 8(o)(13) of the Act
16 shall not apply and for which the Secretary may
17 waive or alter the provisions of subparagraphs (C)
18 and (D) of section 8(o)(13) of the Act (“Second
19 Component’ herein:”;

20 (3) by inserting before the 19th proviso the fol-
21 lowing: “*Provided further*, That conversions of assist-
22 ance under the Second Component may not be the
23 basis for re-screening or termination of assistance or
24 eviction of any tenant family in a property partici-
25 pating in the demonstration:”;

1 (4) in the 20th proviso, as so reordered by the
2 amendments made by the preceding provisions of
3 this section, by striking “previous proviso” and all
4 that follows through the end of the proviso and in-
5 serting “Second Component, except for conversion of
6 section 202 project rental assistance contracts, shall
7 be available for project-based subsidy contracts en-
8 tered into pursuant to the Second Component.”;

9 (5) in the 21st proviso, as so reordered by the
10 amendments made by the preceding provisions of
11 this section, by striking “previous two provisos” and
12 inserting “Second Component, except for conversion
13 of section 202 project rental assistance contracts,”;

14 (6) in the 22nd proviso, as so reordered by the
15 amendments made by the preceding provisions of
16 this section, by striking “three previous provisos”
17 and inserting “Second Component, except for con-
18 version of section 202 project rental assistance con-
19 tracts,”;

20 (7) by inserting before the last proviso the fol-
21 lowing: “*Provided further*, That the Secretary may
22 transfer amounts made available under the heading
23 ‘Housing for the Elderly’ to the accounts under the
24 headings ‘Project-Based Rental Assistance’ or ‘Ten-
25 ant-Based Rental Assistance’ to facilitate any sec-

tion 202 project rental assistance contract conversions under the Second Component, and any increase in cost for ‘Project-Based Rental Assistance’ or ‘Tenant-Based Rental Assistance’ associated with such conversion shall be equal to amounts so transferred.”; and

(8) in the last proviso, by striking “previous four provisos” and inserting “Second Component, as applicable”.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2018”.

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

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

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Mer-

1 chant Marine Act, 1936, as amended (46 U.S.C. 307), in-
2 cluding services as authorized by 5 U.S.C. 3109; hire of
3 passenger motor vehicles as authorized by 31 U.S.C.
4 1343(b); and uniforms or allowances therefore, as author-
5 ized by 5 U.S.C. 5901–5902, \$27,490,000: *Provided*, That
6 not to exceed \$2,000 shall be available for official recep-
7 tion and representation expenses.

8 NATIONAL RAILROAD PASSENGER CORPORATION

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of Inspector
12 General for the National Railroad Passenger Corporation
13 to carry out the provisions of the Inspector General Act
14 of 1978, as amended, \$23,274,000: *Provided*, That the In-
15 spector General shall have all necessary authority, in car-
16 rying out the duties specified in the Inspector General Act,
17 as amended (5 U.S.C. App. 3), to investigate allegations
18 of fraud, including false statements to the government (18
19 U.S.C. 1001), by any person or entity that is subject to
20 regulation by the National Railroad Passenger Corpora-
21 tion: *Provided further*, That the Inspector General may
22 enter into contracts and other arrangements for audits,
23 studies, analyses, and other services with public agencies
24 and with private persons, subject to the applicable laws
25 and regulations that govern the obtaining of such services

1 within the National Railroad Passenger Corporation: *Pro-*
2 *vided further*, That the Inspector General may select, ap-
3 point, and employ such officers and employees as may be
4 necessary for carrying out the functions, powers, and du-
5 ties of the Office of Inspector General, subject to the appli-
6 cable laws and regulations that govern such selections, ap-
7 pointments, and employment within the Corporation: *Pro-*
8 *vided further*, That concurrent with the President's budget
9 request for fiscal year 2018, the Inspector General shall
10 submit to the House and Senate Committees on Appro-
11 priations a budget request for fiscal year 2018 in similar
12 format and substance to those submitted by executive
13 agencies of the Federal Government.

14 NATIONAL TRANSPORTATION SAFETY BOARD

15 SALARIES AND EXPENSES

16 For necessary expenses of the National Transpor-
17 tation Safety Board, including hire of passenger motor ve-
18 hicles and aircraft; services as authorized by 5 U.S.C.
19 3109, but at rates for individuals not to exceed the per
20 diem rate equivalent to the rate for a GS-15; uniforms,
21 or allowances therefor, as authorized by law (5 U.S.C.
22 5901-5902), \$106,000,000, of which not to exceed \$2,000
23 may be used for official reception and representation ex-
24 penses. The amounts made available to the National
25 Transportation Safety Board in this Act include amounts

1 necessary to make lease payments on an obligation in-
 2 curred in fiscal year 2001 for a capital lease.

3 NEIGHBORHOOD REINVESTMENT CORPORATION
 4 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
 5 CORPORATION

6 For payment to the Neighborhood Reinvestment Cor-
 7 poration for use in neighborhood reinvestment activities,
 8 as authorized by the Neighborhood Reinvestment Corpora-
 9 tion Act (42 U.S.C. 8101–8107), \$140,000,000, of which
 10 \$5,000,000 shall be for a multi-family rental housing pro-
 11 gram.

12 SURFACE TRANSPORTATION BOARD
 13 SALARIES AND EXPENSES

14 For necessary expenses of the Surface Transpor-
 15 tation Board, including services authorized by 5 U.S.C.
 16 3109, \$37,100,000: *Provided*, That notwithstanding any
 17 other provision of law, not to exceed \$1,250,000 from fees
 18 established by the Chairman of the Surface Transpor-
 19 tation Board shall be credited to this appropriation as off-
 20 setting collections and used for necessary and authorized
 21 expenses under this heading: *Provided further*, That the
 22 sum herein appropriated from the general fund shall be
 23 reduced on a dollar-for-dollar basis as such offsetting col-
 24 lections are received during fiscal year 2018, to result in

1 a final appropriation from the general fund estimated at
2 no more than \$35,850,000.

3 UNITED STATES INTERAGENCY COUNCIL ON
4 HOMELESSNESS
5 OPERATING EXPENSES

6 For closure of the United States Interagency Council
7 on Homelessness, \$570,000, notwithstanding section 209
8 of title II of the McKinney-Vento Homeless Assistance
9 Act, as amended.

10 TITLE IV
11 GENERAL PROVISIONS—THIS ACT
12 (INCLUDING RESCISSIONS)

13 SEC. 401. None of the funds in this Act shall be used
14 for the planning or execution of any program to pay the
15 expenses of, or otherwise compensate, non-Federal parties
16 intervening in regulatory or adjudicatory proceedings
17 funded in this Act.

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

22 SEC. 403. The expenditure of any appropriation
23 under this Act for any consulting service through a pro-
24 curement contract pursuant to section 3109 of title 5,
25 United States Code, shall be limited to those contracts

1 where such expenditures are a matter of public record and
2 available for public inspection, except where otherwise pro-
3 vided under existing law, or under existing Executive order
4 issued pursuant to existing law.

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

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

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

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

17 (4) contains any methods or content associated
18 with religious or quasi-religious belief systems or
19 “new age” belief systems as defined in Equal Em-
20 ployment Opportunity Commission Notice N-
21 915.022, dated September 2, 1988; or

22 (5) is offensive to, or designed to change, par-
23 ticipants’ personal values or lifestyle outside the
24 workplace.

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

4 SEC. 405. Except as otherwise provided in this Act,
5 none of the funds provided in this Act, provided by pre-
6 vious appropriations Acts to the agencies or entities fund-
7 ed in this Act that remain available for obligation or ex-
8 penditure in fiscal year 2018, or provided from any ac-
9 counts in the Treasury derived by the collection of fees
10 and available to the agencies funded by this Act, shall be
11 available for obligation or expenditure through a re-
12 programming of funds that—

13 (1) creates a new program;

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

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

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

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

1 (6) reduces existing programs, projects, or ac-
2 tivities by \$5,000,000 or 10 percent, whichever is
3 less; or

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

20 (A) a table for each appropriation with a
21 separate column to display the prior year en-
22 acted level, the President’s budget request, ad-
23 justments made by Congress, adjustments due
24 to enacted rescissions, if appropriate, and the
25 fiscal year enacted level;

1 (B) a delineation in the table for each ap-
2 propriation and its respective prior year enacted
3 level by object class and program, project, and
4 activity as detailed in the budget appendix for
5 the respective appropriation; and

6 (C) an identification of items of special
7 congressional interest.

8 SEC. 406. Except as otherwise specifically provided
9 by law, not to exceed 50 percent of unobligated balances
10 remaining available at the end of fiscal year 2018 from
11 appropriations made available for salaries and expenses
12 for fiscal year 2018 in this Act, shall remain available
13 through September 30, 2019, for each such account for
14 the purposes authorized: *Provided*, That a request shall
15 be submitted to the House and Senate Committees on Ap-
16 propriations for approval prior to the expenditure of such
17 funds: *Provided further*, That these requests shall be made
18 in compliance with reprogramming guidelines under sec-
19 tion 405 of this Act.

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

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

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

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

1 and has within 90 days after his or her release from such
2 service or from hospitalization continuing after discharge
3 for a period of not more than 1 year, made application
4 for restoration to his or her former position and has been
5 certified by the Office of Personnel Management as still
6 qualified to perform the duties of his or her former posi-
7 tion and has not been restored thereto.

8 SEC. 410. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with sections 2 through 4 of the Act of March 3, 1933
12 (41 U.S.C. 8301–8305, popularly known as the “Buy
13 American Act”).

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

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

22 SEC. 413. (a) None of the funds made available by
23 this Act may be used to approve a new foreign air carrier
24 permit under sections 41301 through 41305 of title 49,
25 United States Code, or exemption application under sec-

1 tion 40109 of that title of an air carrier already holding
2 an air operators certificate issued by a country that is
3 party to the U.S.-E.U.-Iceland-Norway Air Transport
4 Agreement where such approval would contravene United
5 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
6 way Air Transport Agreement.

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

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

1 of foreign governments, international organizations, or
2 nongovernmental organizations.

3 SEC. 415. None of the funds appropriated or other-
4 wise made available under this Act may be used by the
5 Surface Transportation Board to charge or collect any fil-
6 ing fee for rate or practice complaints filed with the Board
7 in an amount in excess of the amount authorized for dis-
8 trict court civil suit filing fees under section 1914 of title
9 28, United States Code.

10 SEC. 416. (a) All unobligated balances, including re-
11 captures and carryover, remaining from funds appro-
12 priated in division K of Public Law 115–31 for “Depart-
13 ment of Transportation-Office of the Secretary-Salaries
14 and Expenses”, “Department of Transportation-Office of
15 the Secretary-Office of Civil Rights”, “Department of
16 Transportation-Office of the Secretary-Small and Dis-
17 advantaged Business Utilization and Outreach”, “Depart-
18 ment of Transportation-Federal Transit Administration-
19 Administrative Expenses”, “Department of Transpor-
20 tation-Pipeline and Hazardous Materials Safety Adminis-
21 tration-Operational Expenses”, “Surface Transportation
22 Board-Salaries and Expenses”, “Access Board-Salaries
23 and Expenses”, “Federal Maritime Commission-Salaries
24 and Expenses”, “National Railroad Passenger Corpora-
25 tion-Office of Inspector General-Salaries and Expenses”,

1 “National Transportation Safety Board-Salaries and Ex-
2 penses”, and “United States Interagency Council on
3 Homelessness-Operating Expenses” are rescinded.

4 (b) All unobligated balances, including recaptures
5 and carryover, remaining from funds appropriated in divi-
6 sion K of Public Law 115–31 for accounts under the head-
7 ings “Department of Housing and Urban Development-
8 Management and Administration” and “Department of
9 Housing and Urban Development-Program Office Salaries
10 and Expenses” are rescinded.

11 SEC. 417. (a) None of the funds made available in
12 this Act may be used to maintain or establish a computer
13 network unless such network blocks the viewing,
14 downloading, and exchanging of pornography.

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

19 SPENDING REDUCTION ACCOUNT

20 SEC. 418. \$0.

21 This Act may be cited as the “Transportation, Hous-
22 ing and Urban Development, and Related Agencies Appro-
23 priations Act, 2018”.

Union Calendar No. 169

115TH CONGRESS
1ST Session

H. R. 3353

[Report No. 115-237]

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

JULY 21, 2017

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