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# **Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2019: In Brief**

February 4, 2019

**Congressional Research Service**

<https://crsreports.congress.gov>

R45487

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The House and the Senate Transportation, Housing and Urban Development, and Related Agencies (THUD) appropriations subcommittees are charged with providing annual appropriations for the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD), and certain related agencies.

Final FY2019 THUD appropriations have not been enacted. Instead, DOT, HUD, and the related agencies that are funded in the annual THUD appropriations act are currently funded under a continuing resolution (CR) through February 15, 2019 (H.J.Res. 28; P.L. 116-5). The CR generally funds THUD programs and activities at FY2018 levels. Prior to enactment of the CR on January 25, 2019, funding had lapsed for THUD and six other annual appropriations acts, resulting in a partial government shutdown beginning December 22, 2019 (see text box).

### FY2019 Funding Lapse

As a result of a funding lapse, portions of the operations of the departments and agencies funded under THUD, along with those generally funded under six other annual appropriations acts, were suspended for 35 days, ending late on January 25, 2019. In some cases, operations were simply suspended, and employees were furloughed without pay. In other cases, operations continued for reasons such as they were considered essential for protection of life or property, or because an agency had funding available to continue operations. Agency contingency plans, posted on the website of the Office of Management and Budget (<https://www.whitehouse.gov/omb/information-for-agencies/agency-contingency-plans/>), provided information about how agencies planned to handle a lapse in appropriations. In some cases, those plans were updated over the course of the funding lapse to reflect changes in policy or operations; in other cases they were not.

#### Department of Transportation

A portion of DOT funding comes from contract authority, a type of mandatory funding that is provided in authorizing laws rather than through the annual appropriations process. Thus, certain offices in DOT were funded and continued to operate during the appropriations funding lapse. Other offices were operating, at least in part, due to having responsibilities related to protection of life and safety issues.

#### Department of Housing and Urban Development

According to HUD's contingency plan dated 2018, during a funding lapse the majority of agency staff would be furloughed and operations would be suspended. However, the plan states that the operations of the Federal Housing Administration (FHA) related to insuring single family mortgages largely would continue unaffected. The plan further states that HUD's rental assistance programs, which serve roughly 5 million low-income families, would continue to receive funding for as long as the agency is able to identify available resources. Agency statements during the FY2019 funding lapse indicated funding would be available to provide federal payments through February, with the exception of expiring project-based rental assistance contracts.

## FY2019 Appropriations Actions

Tracing the status of the FY2019 THUD appropriation bill can be confusing because the process spans two Congresses (the 2<sup>nd</sup> session of the 115<sup>th</sup> Congress and the 1<sup>st</sup> session of the 116<sup>th</sup> Congress), and because more than one full-year FY2019 THUD bill has been passed by the House of Representatives in the 116<sup>th</sup> Congress. While the bills that were under consideration during the 115<sup>th</sup> Congress died with the end of that Congress, they may inform 116<sup>th</sup> congressional action. For example, the Explanatory Statement for one of the bills passed by the House (H.R. 648, 116<sup>th</sup> Congress) directs that:

Unless otherwise noted, the language and allocations set forth in the House report (H.Rept. 115-750) and the Senate report (S.Rept. 115-268) carry the same weight as language included in this statement and should be complied with unless specifically addressed to the contrary in this division or statement. House report language and Senate report language,

neither of which is changed by this statement, is a result of the 2019 appropriations agreement. (Explanatory Statement accompanying H.R. 648).

## Overview of Major Actions

### Actions Occurring During the 115<sup>th</sup> Congress

- On February 12, 2018, President Trump released his FY2019 budget request to Congress.
- On March 23, 2018, final FY2018 appropriations for THUD were enacted as a part of a FY2018 omnibus appropriations act (P.L. 115-114).
- On May 23, 2018, the House Appropriations Committee approved its FY2019 THUD appropriations bill (H.R. 6072; H.Rept. 115-750). This bill was not considered by the full House before the end of the 115<sup>th</sup> Congress.
- On June 7, 2018, the Senate Appropriations Committee approved its FY2019 THUD appropriations bill (S. 3023; S.Rept. 115-268).
- On August 1, 2018, the text of S. 3023, as reported, was incorporated as Division D into an amended version of H.R. 6147 (a House-passed bill that combined the texts of the Interior-Environment and Financial Services-General Government appropriations bills) and was passed by the full Senate. House and Senate conferees for H.R. 6147 were announced on September 6, 2018.
- On September 28, 2018, a CR through December 7, 2018, was enacted as part of a consolidated full-year Defense and Labor, Health and Human Services, and Education spending bill (P.L. 115-245, Division C). The CR covered the agencies and activities generally funded under seven regular FY2019 appropriations bills that had not been enacted before the end of the fiscal year, including THUD.
- On December 7, 2018, the previous CR was extended through December 21, 2018 (P.L. 115-298).
- No further funding action was completed before the expiration of the CR on December 21, 2018, and a funding lapse affecting the unfunded portions of the federal government, including those generally funded by the THUD bill, commenced on December 22, 2018.

### Actions Occurring During the 116<sup>th</sup> Congress

- Following the start of the 116<sup>th</sup> Congress and during the funding lapse, the House passed several full-year THUD funding bills, none of which have been taken up in the Senate. These include the following:
  - H.R. 21, an omnibus funding bill, which included THUD language identical to that which had passed the Senate in the 115<sup>th</sup> Congress in H.R. 6147;
  - H.R. 267, a standalone THUD bill, again containing language identical to the 115<sup>th</sup> Congress Senate-passed THUD language; and
  - H.R. 648, an omnibus funding bill containing language characterized by the Chairwoman of the House Appropriations Committee as reflecting House-Senate conference negotiations on H.R. 6147 from the 115<sup>th</sup> Congress.
- On January 16, 2019, the House passed H.R. 268, a supplemental appropriations bill. As passed by the House, the bill would provide supplemental appropriations

to DOT and HUD (as well as other agencies) in response to the major disasters of 2018. The bill also contained CR provisions to extend regular appropriations through February 8 for agencies and programs affected by the funding lapse.

- On January 24, 2019, the Senate considered H.R. 268, the supplemental appropriations bill that previously passed the House. One amendment, S.Amdt. 5 offered by Senator Shelby, included additional funding for border security, as well as full-year appropriations for those agencies affected by the funding lapse. The THUD provisions in Division G were identical to those that had passed the Senate in the 115<sup>th</sup> Congress in H.R. 6147. The Senate voted not to invoke cloture on S.Amdt. 5 on January 24, 2019, and no subsequent action has occurred with regard to this amendment as of the date of this report.
- Late on January 25, 2019, a CR (H.J.Res. 28; P.L. 116-5) was enacted, providing funding for THUD and the six other funding acts that have not received full-year funding, through February 15, 2019.

**Table 1** provides an overview of funding levels under each of the relevant appropriations bills.

**Table I. THUD Appropriations, FY2018-FY2019**

(in billions of dollars)

Title	FY2018 Enacted	FY2019 Request	FY2019		FY2019 House (H.R. 21)	FY2019 House (H.R. 267)	FY2019 House (H.R. 648)	FY2019 Enacted
			House Cmte.	Senate				
			<b>115<sup>th</sup> Congress</b>		<b>116<sup>th</sup> Congress</b>			
Title I: Transportation	\$27.3	\$16.1	\$27.8	\$26.6	\$26.6	\$26.6	\$26.5	
Title II: Housing and Urban Development	\$42.7	\$31.7	\$43.7	\$44.5	\$44.5	\$44.5	\$44.2	
Title III: Related Agencies	\$0.3	\$0.2	\$0.4	\$0.4	\$0.4	\$0.4	\$0.4	
Title IV: General Provisions	<sup>a</sup>	–	–	–	–	–	<sup>a</sup>	
<b>Total: Discretionary Budget Authority</b>	<b>\$70.3</b>	<b>\$48.0</b>	<b>\$71.8</b>	<b>\$71.4</b>	<b>\$71.4</b>	<b>\$71.4</b>	<b>\$71.1</b>	
<b>Total: Budgetary Resources (inc. mandatory funding)<sup>b</sup></b>	<b>\$129.2</b>	<b>\$108.0</b>	<b>\$131.8</b>	<b>\$131.4</b>	<b>\$131.4</b>	<b>\$131.4</b>	<b>\$131.1</b>	

**Source:** Table prepared by CRS based on P.L. 115-141, and accompanying Explanatory Statement, as published in the *Congressional Record*, March 22, 2018, beginning on p. H2872; HUD FY2019 Congressional Budget Justifications; H.R. 6072 (115<sup>th</sup> Congress) and H.Rept. 115-750; S. 3023 (115<sup>th</sup> Congress) and S.Rept. 115-268; H.R. 6147 (115<sup>th</sup> Congress); H.R. 21; H.R. 267; and H.R. 648 and Explanatory Statement as published in the *Congressional Record*, January 18, 2019, beginning on p. H927.

**Notes:** Excludes emergency funding. Totals may not sum due to rounding.

a. Amount rounds to less than \$100 million.

b. More than half of DOT's budget comes from contract authority, a form of mandatory funding.

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