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Transportation, Housing and Urban Development, and Other Independent Agencies (THUD) Appropriations for FY2020: In Brief

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Introduction

House Floor Action

On Wednesday, June 19, 2019, the House Rules Committee approved a rule amending H.R. 3055 by adding several other appropriations bills, including the FY2020 Transportation, Housing and Urban Development, and Other Independent Agencies (THUD) bill (H.R. 3163), to create a minibus that may be taken up on the House floor on June 19, 2019.

The annual congressional appropriations process generally begins with the submission of the President's budget request and the adoption of the congressional budget resolution that sets the overall level of spending for that year's appropriations bills. For FY2020, the first step was delayed, and the second step has not yet occurred.

The President's budget submission for FY2020 was submitted on March 11, 2019, about five weeks after the statutory deadline. The delay was, in part, attributable to extended negotiations over a number of the FY2019 annual appropriations bills (including THUD), during which there was a five-week government shutdown. Ultimately, appropriations for these annual bills were enacted on February 15, 2019, completing FY2019 annual appropriations almost five months after the start of FY2019.

The annual adoption of a congressional budget resolution by its target date of April 15 is meant to provide an opportunity for Congress to consider and agree on an overall budget framework for that year's appropriations bills. For FY2020, the House and Senate have not yet agreed to a budget resolution.

In the absence of agreement on a budget resolution, on April 9, 2019, the House adopted a deeming resolution for FY2020 (H.Res. 293), which gave the House Appropriations Committee a spending allocation of approximately $1.295 trillion for FY2020. This is about $176 billion (+16%) more than the combined FY2020 statutory discretionary spending limits for defense and nondefense spending under the Budget Control Act (BCA), as amended.[1] The current law BCA limits come to $1.119 trillion, with $576 billion allocated to defense spending and $543 billion allocated to nondefense spending. Because the House allocation of $1.295 trillion exceeds amounts available under the statutory discretionary spending limits and because the Senate has not agreed to the same allocation, complications may arise as the House and Senate seek to resolve their differences on appropriations.

This report describes and tracks action on FY2020 annual appropriations for THUD, including detailed tables for each major agency.

FY2020 THUD Appropriations Status

The Administration's budget request proposed cutting funding for THUD agencies by 8.6% ($11.3 billion) from their FY2019 levels. The Department of Housing and Urban Development (HUD) would have been reduced by 17% (-$7.6 billion), DOT by 4% (-$3.6 billion), and the independent agencies in Title III of the THUD bill by 35% (-$127 million) (see **Table 1**). The reductions in HUD funding would have come from zeroing out a half-dozen programs, the largest

[1] The House deeming resolution H.Res. 293. See also the Congressional Budget Office's Status of Discretionary Appropriations: FY20 House, available at https://www.cbo.gov/system/files?file=2019-06/FY2020-House-2019-05-20_0.pdf.

of which was the Community Development Block Grant (CDBG) program, and reducing funding for many more programs. The reductions in DOT funding would have come primarily from reducing funding for highways, new transit lines, and Amtrak. Two independent agencies, the Interagency Council on Homelessness and the Neighborhood Reinvestment Corporation, are also proposed for significant reductions in the President's Budget request.

The House Committee on Appropriations reported out H.R. 3163, the THUD FY2020 Appropriations Act, on June 6, 2019. The committee recommended a 4.6% ($6 billion) increase in funding over the comparable FY2019 figure, with most of the increase going to HUD (see **Table 1**), though that increase is partially offset by a reduction in offsetting receipts from HUD's mortgage insurance program.

Table 1. THUD Bill Appropriations by Title, FY2019-FY2020

(dollars in millions)

	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Title I: DOT					
Discretionary	26,493	21,585	25,327		
Mandatory	59,987	61,320	61,321		
DOT Total	86,481	82,904	86,648		
Title II: HUD	44,208	36,649	50,064		
Title III: Other Independent Agencies	361	234	380		
Title IV: General Provisions	17	—	—		
Total Discretionary	71,079	58,468	75,771		
Total Mandatory	59,987	61,320	61,321		
Total	131,066	119,788	137,092		

Source: Comparative Statement of Budget Authority, pp. 170-189, in H.Rept. 116-106.

Notes: The THUD totals include both discretionary budget authority and contract authority (a type of budget authority provided to DOT that is not included in the bill's discretionary budget authority figure). The total discretionary budget authority for the bill is $75.8 billion. The FY2019 THUD total excludes $5.8 billion in emergency appropriations.

Department of Transportation

The committee recommended virtually level funding (an increase of $167 million) for DOT for FY2020, relative to the comparable level for FY2019. The details of the recommended funding can be found in **Table 2**.

Table 2. Department of Transportation FY2019-FY2020 Detailed Budget Table

(dollars in millions)

Department of Transportation Selected Accounts	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Office of the Secretary (OST)					
National infrastructure investment (BUILD/TIGER)	900	1,000	1,000		
Payments to air carriers (Essential Air Service)[a]	175	125	175		
Nationally significant freight projects	—	1,035	—		
Total, OST	1,241[b]	2.353	1,386		
Federal Aviation Administration (FAA)					
Operations	10,411	10,340	10,678		
Facilities & equipment	3,000	3,295	3,000		
Research, engineering, & development	191	120	191		
Grants-in-aid for airports (Airport Improvement Program) (limitation on obligations)	3,350	3,350	3,350		
Airport Discretionary Grants	500	—	500		
Total, FAA	17,452	17,105	17,719		
Federal Highway Administration (FHWA)					
Federal-Aid Highways: limitation on obligations + exempt contract authority)	46,008	47,104	47,104		
Federal-Aid Highways: discretionary funding	3,250	300	1,750		
Rescission of budget authority	—	-210	—		
Total, FHWA	49,258	47,194	48,854		
Federal Motor Carrier Safety Administration (FMCSA)					
Motor carrier safety operations and programs	284	288	288		
Motor carrier safety grants to states	383	388	389		
Total, FMCSA	667	676	677		
National Highway Traffic Safety Administration (NHTSA)					
Operations and research	342	306	369		
Highway traffic safety grants to states (limitation on obligations)	610	623	623		
Impaired driving/highway-rail grade crossing safety	14	—	17		
Child safety and booster seat grants	—	—	1		
Total, NHTSA	966	929	1,010		

Department of Transportation Selected Accounts	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Federal Railroad Administration (FRA)					
Safety and operations	222	213	227		
Research and development	41	19	42		
Railroad Rehabilitation and Improvement Financing Program subsidy		—	—		
Amtrak					
Northeast Corridor grants	650	325	700		
National Network	1,292	611	1,292		
Subtotal, Amtrak grants	1,942	936	1,992		
Consolidated rail infrastructure and safety improvements	255	330	350		
Federal-state partnership for State of Good Repair	400	—	350		
Restoration and enhancement grants	5	550	—		
Magnetic Levitation Program	10	—	10		
Transportation Technology Center	—	100	—		
Rescission	—	-56	—		
Total, FRA	2,874	2,093	2,970		
Federal Transit Administration (FTA)					
Administrative Expenses	113	111	117		
Formula grants (M)	9,939	10,150	10,150		
Technical assistance and training	5	—	5		
Capital Investment Grants (New Starts)	2,553	1,505	2,302		
Transit Infrastructure grants	700	500	750		
Washington Metropolitan Area Transit Authority	150	150	150		
Rescission	-47	—	—		
Total, FTA	13,414	12,416	13,474		
Maritime Administration (MARAD)					
Maritime Security Program	300	300	300		
Operations and training	149	377	154		
State maritime academy operations	345	—	345		
Assistance to small shipyards	20	—	20		
Ship disposal	5	5	5		
Maritime Guaranteed Loan Program	3	—	3		
Port infrastructure development program	293	—	225		
Total, MARAD	1,115	657	1,053		

Department of Transportation Selected Accounts	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Pipeline and Hazardous Materials Safety Administration (PHMSA)					
Subtotal	247	226	253		
Offsetting user fees	-142	-127	-145		
Emergency preparedness grants (M)	28	28	28		
Total, PHMSA	275	255	281		
Office of Inspector General	93	92	97		
Saint Lawrence Seaway Development Corporation	36	28	40		
DOT Totals					
Appropriation (discretionary funding)	26,540	21,875	25,327		
Limitations on obligations (M)	59,987	61,320	61,321		
Subtotal—new funding	**86,185**	**76,165**	**87,758**		
Rescissions of discretionary funding	-47	-265	—		
Rescissions of contract authority	—	—	—		
Net new discretionary funding	**26,493**	**21,585**	**25,327**		
Net new budget authority	**86,481**	**82,904**	**86,648**		
Supplemental Emergency Funding	1,661[c]	—	—		
Net new budget authority (inc. emergency funding)	**88,142**	**82,904**	**86,648**		

Source: Comparative Statement of Budget Authority, pp. 170-184, in H.Rept. 116-106.

Notes: Totals may not add due to rounding.

a. In addition to its appropriation, the Essential Air Service program receives funding from overflight fees; for FY2020, those fees will provide an additional $150 million to the program.

b. The FY2019 figure does not include a one-time $17 million appropriation for the Railroad Rehabilitation and Infrastructure Finance program, provided in Title IV: General Provisions, to cover the cost of DOT defining "cohorts" of loans preparatory to refunding the credit risk premium to borrowers who have repaid their loans.

c. Includes $1.650 in emergency relief funding through the Federal Highway Administration and $11 million in Public Transportation emergency relief through the Federal Transit Administration provided by P.L. 116-20.

Selected DOT Issues

Infrastructure Funding

The bill would provide several boosts above the authorized levels of infrastructure funding: $1 billion for the BUILD competitive grant program (not an authorized program), $500 million for discretionary grants to airports (in addition to the $3.35 billion authorized), $3.25 billion for highway programs (in addition to the $46 billion authorized amount), and $750 million for transit infrastructure grants (in addition to the $3.5 billion authorized). Some of that funding could potentially go to Amtrak's Hudson Tunnel Replacement Project, a project cited as critical by DOT but which has been a source of contention between the Trump Administration and the States of New York and New Jersey.

Commercial Truck Safety

The congressional mandate for heavy trucks to be equipped with electronic logging devices (ELDs) to track the time worked by drivers went into effect at the end of 2017.[2] ELDs make it harder for drivers to exceed federal-hours-of service limits, which limit the amount of time a driver can drive each day and each week to reduce the risk of truckers driving while fatigued. The hours-of-service limits were not changed when ELDs became mandatory. However, objections from certain sectors of the trucking industry have led Congress and the President to repeatedly waive enforcement of the ELD mandate with respect to livestock haulers, and to consider amending the hours-of-service rules to provide more flexibility to drivers. These steps have been opposed by safety advocates. The THUD bill includes provisions that would extend the waiver for livestock haulers (§131).

In the committee report accompanying the bill, the committee directs the National Highway Traffic Safety Administration (NHTSA) to implement the recommendations in a recent Government Accountability Office report on truck underride guards[3] which are intended to prevent cars from "underriding" truck trailers in a crash. Underride refers to crashes in which the body of a car goes under a truck trailer, and the first contact between the two vehicles is the roof of the car being sheared off by contact with the trailer. In such crashes the safety features of passenger cars, such as crumple zones, safety belts, and air bags, are not able to protect the vehicle occupants.

California High Speed Rail Project

The Administration announced in February 2019 that it would cancel the remaining $929 million in federal funding for the California High Speed Rail Project after California's new governor announced that the project would be scaled back. Section 193 of the bill would bar DOT from canceling the funding, or from reallocating the money until any litigation concerning the funding is completed.

Automobile Fuel Economy Standards

Section 145 of the bill would prevent the Administration from suspending the higher corporate average fuel economy (CAFE) standards that are scheduled to go into effect applying to model year 2022-2025 vehicles.[4]

Department of Housing and Urban Development

As shown in **Table 3**, the President's FY2020 budget requested a reduction of 18% relative to FY2019 in gross appropriations available for programs and activities. Conversely, H.R. 3163 proposes to provide an increase of 6.9% in gross appropriations for HUD in FY2020 relative to FY2019.

[2] Federal Motor Carrier Safety Administration, "Final Rule: Electronic Logging Devices," 80 FR 78292, December 16, 2015, https://www.govinfo.gov/content/pkg/FR-2015-12-16/pdf/2015-31336.pdf.

[3] Government Accountability Office, *Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed*, GAO-19-264, March 14, 2019.

[4] See CRS In Focus IF10871, *Vehicle Fuel Economy and Greenhouse Gas Standards*, for more information.

Table 3. Department of Housing and Urban Development, FY2019-FY2020

(dollars in millions)

Accounts	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Appropriations					
Salaries and Expenses (Mgmt. & Adm.)	1,379	1,400	1,385		
Tenant-Based Rental Assistance (Sec. 8 Housing Choice Vouchers)	22,598	22,238	23,810		
Voucher Renewals (nonadd)	*20,313*	*20,116*	*21,400*		
Administrative Fees (nonadd)	*1,886*	*1,738*	*1,925*		
VASH	*40*	*0*	*40*		
FUP	*20*	*0*	*40*		
Mobility Demonstration	*25*	*0*	*25*		
Public Housing Capital Fund	2,775	0	2,855[a]		
Public Housing Operating Fund	4,653	2,863	4,753		
Choice Neighborhoods	150	0	300		
Family Self Sufficiency	80	75	[100][b]		
Self Sufficiency Programs[b]	NA	NA	150		
Native American Housing Block Grants	755	600	NA[c]		
Native American Housing Block Grants (nonadd)	*646*	*598*	*[671]*[c]		
Competitive Grants (nonadd)	*100*	*0*	*[100]*[c]		
Native American Programs[c]	NA	NA	855		
Indian housing loan guarantee	1	3	3		
Native Hawaiian block grant	2	0	3		
Housing, persons with AIDS (HOPWA)	393	330	410		
Community Development Fund	3,365	0	3,600		
CDBG Formula Grants	*3,300*	*0*	*3,600*		
Indian Tribes	*65*	*0*	*[75]*[c]		
HOME Investment Partnerships	1,250	0	1,750		
Self-Help Homeownership	54	0	55		
Self-Help and Assisted Homeownership Opportunity Program	*10*	*0*	*10*		
Section 4 Capacity Building	*35*	*0*	*40*		
Rural Capacity Building	*5*	*0*	*5*		
Veterans Home Rehabilitation Pilot Program	*4*	*0*	*0*		
Homeless Assistance Grants	2,636	2,599	2,800[d]		

Accounts	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Project-Based Rental Assistance (Sec. 8)	11,747	12,020	12,590		
Contract Renewals	*11,502*	*11,676*	*12,245*		
Contract Administrators	*245*	*345*	*345*		
Rental Assistance Demonstration	—	100	0		
Housing for the Elderly (Section 202)	678	644	803[e]		
Housing for Persons with Disabilities (Section 811)	184	157	259		
Housing Counseling Assistance	50	45	60		
Manufactured Housing Fees Trust Fund[f]	12	12	12		
Rental Housing Assistance	5	3	3		
Federal Housing Administration (FHA) Expenses[f]	130	150	130		
Government National Mortgage Assn. (GNMA) Expenses[f]	28	28	28		
Research and technology	96	87	98		
Fair housing activities	65	62	75		
Fair Housing Assistance Program (nonadd)	*24*	*24*	*27*		
Fair Housing Initiatives Program (nonadd)	*40*	*36*	*46*		
Office, lead hazard control	279	290	290		
Information Technology Fund	280	280	300		
Inspector General	128	129	132		
Gross Appropriations Subtotal	*53,774*	*44,114*	*57,508*		
Offsetting Collections and Receipts					
Manufactured Housing Fees Trust Fund	-12	-12	-12		
FHA	-7,550	-6,271	-6,251		
GNMA	-2,004	-1,182	-1,182		
Offsets Subtotal	*-9,566*	*-7,465*	*-7,445*		
Rescissions					
Section 237 (Indian Housing Loan Guarantee)	<1	0	0		
Rescissions Subtotal	<1	0	0		
Total Net Discretionary Budget Authority	**44,208**	**36,649**[g]	**50,064**		
Supplemental Disaster Relief Funding	4,111[h]	0	0		
Total w/ Disaster Funding	**48,319**	**36,649**	**50,064**		

Source: HUD FY2020 Congressional Budget Justifications and Comparative Statement of Budget Authority, pp. 170-189, in H.Rept. 116-106.

Notes: Totals may not add due to rounding. Only selected set-asides are presented in this table. Figures include advance appropriations available in the fiscal year, rather than provided in the bill.

a. H.R. 3163 would fund two set-asides generally funded in this account—Resident Opportunities for Self-Sufficiency and Jobs-Plus—in a new Self Sufficiency Programs account. See table note b.

b. H.R. 3163 would create a new "Self Sufficiency Programs" account and in it provide $100 million for the Family Self Sufficiency Program—$35 million for Resident Opportunities for Self Sufficiency and $15 million for Jobs Plus, both of which are generally funded through set-asides in the Public Housing Capital Fund account.

c. H.R. 3163 would create a new Native American Programs account, funding Native American Housing Block Grants, Indian CDBG, and the Tile VI Loan program.

d. The proposal in H.R. 3163 for the Homeless Assistance Grants includes $290 million for the Emergency Solutions Grants. The remainder of the funding, for the Continuum of Care program, includes set asides to assist survivors of domestic violence ($50 million) and homeless youth ($100 million, an increase over the $80 million appropriated in FY2019).

e. H.R. 3163 would provide $10 million in the Housing for the Elderly account to assist low-income elderly households with home modifications. This amount was also included in the FY2019 appropriation.

f. Some or all of the cost of funding these accounts is offset by the collection of fees or other receipts. Those offsets are shown later in this table.

g. The President's Budget request includes $7 million in rescissions of advance appropriations provided in the bill but not available until the subsequent fiscal year. Thus the total requested to be provided in the bill is $7 million less than the amount shown here.

h. Includes $1.68 billion provided by P.L. 115-254 and $2.431 billion provided by P.L. 116-20 to the Community Development Fund for CDBG-Disaster Relief grants.

Selected HUD Issues

Grant Funding

The President's budget request for FY2020 again included a proposal to eliminate funding for several HUD grant programs that support various affordable housing and community development activities. Most notable among these are HUD's two largest block grant programs for states and localities, CDBG and HOME Investment Partnerships (HOME), as well as competitive grants funded in the Self-Help Homeownership Opportunity Program (SHOP) account (i.e., funding for sweat-equity programs, like Habitat for Humanity, and certain capacity-building programs). The HUD press release accompanying the budget request suggests that the activities funded by these grant programs should be devolved to the state and local levels.[5]

These grant programs were also slated for elimination in the President's FY2018 and FY2019 budget requests, although they were ultimately funded in each of those fiscal years. H.R. 3163 includes funding for each program.

[5] HUD, "Trump Administration Proposes 2020 HUD Budget: Spending plan preserves rental subsidies; increases homeless assistance and healthy housing," press release, March 11, 2019, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_027.

Rental Assistance

Combined, HUD's rental assistance programs (tenant-based rental assistance, public housing, project-based rental assistance, and the Section 202 and Section 811 programs) serve roughly 4.7 million low-income individuals and families. Through the various programs, the federal government provides subsidies to allow families to pay low, income-based rents, generally set at 30% of a family's adjusted income.

The HUD press release accompanying the budget requests contends that the requested funding for the various rental assistance programs would be sufficient to continue to serve all currently assisted households.[6] However, the President's budget documents assume adoption of a set of rent reforms designed to increase tenant rents and therefore reduce federal subsidies that were proposed in 2018 but have seen no legislative action in Congress.[7] H.R. 3163 would not adopt the proposed rent reforms, and instead proposes to provide increased funding for each of these programs.

Policy Provisions

H.R. 3163 includes a number of new General Provisions to block HUD's implementation of various administrative actions that have been considered controversial

- Section 234 would block HUD's implementation of a proposed rule to restrict the eligibility of certain families composed of members with varied immigration statuses from receiving housing assistance.[8]
- Section 236 would block HUD from revising or repealing HUD rules related to equal access to housing based on sexual orientation and gender identity.
- Section 237 could codify other HUD guidance related to transgender persons' access to emergency shelters in accordance with gender identity; and
- Section 238 would prevent HUD from altering its Annual Contributions Contracts used in the public housing program without going through a notice-and-rulemaking process.

[6] Ibid.

[7] See HUD FY2020 Congressional Budget Justifications, "Overview of Rental Assistance Programs," available at https://www.hud.gov/sites/dfiles/CFO/documents/2020CJ-OverviewOfRentalAssistancePrograms.pdf.

[8] For more information, see CRS Insight IN11121, *HUD's Proposal to End Assistance to Mixed Status Families*.

THUD Independent Agencies

Table 4. THUD Independent Agencies, FY2019-FY2020

(dollars in millions)

Related Agencies	FY2019 Enacted	FY2020 Request	FY2020 House-Reported	FY2020 Senate	FY2020 Enacted
Access Board	8	8	8		
Federal Maritime Commission	28	28	28		
National Railroad Passenger Corporation (Amtrak) Office of Inspector General	23	23	23		
National Transportation Safety Board	110	110	110		
Neighborhood Reinvestment Corporation (NeighborWorks)	152	27	170		
Surface Transportation Board	37	37	37		
Offsetting Collections	-1	-1	-1		
U.S. Interagency Council on Homelessness	4	1	4		
Total	**361**	**234**	**380**		

Source: FY2020 President's Budget documents and Comparative Statement of Budget Authority, pp. 170-189, in H.Rept. 116-106.

Note: Totals may not add due to rounding.

Selected Independent Agencies Issues

USICH

As in FY2018 and FY2019, the President's FY2020 budget requested legislation to begin the process of winding down the Interagency Council on Homelessness (USICH), which was created in 1987 to coordinate across government agencies to reduce and end homelessness. The requested funding level was intended to cover salaries, benefits, and operational costs for permanently closing the agency. The USICH has a statutory sunset date—currently, October 1, 2028—that has generally been extended in annual appropriations acts. H.R. 3163 proposes to maintain level funding for the USICH and to extend the statutory sunset date.

NeighborWorks America

Similarly, and as in FY2018 and FY2019, the President's FY2020 budget included a request for legislation to begin the process of winding down federal funding for the Neighborhood Reinvestment Corporation (commonly known as NeighborWorks America), which was created via federal charter in 1978 to support affordable housing and neighborhood revitalization nationwide. The requested funding level of $27 million is intended to cover personnel, administrative, and other costs associated with winding down existing commitments. H.R. 3163 proposes to increase funding for NeighborWorks America relative to FY2019.

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