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Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2021: In Brief

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The respective House and 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. This report describes action on FY2021 annual appropriations for THUD, including detailed tables for each major agency and a brief overview of selected issues.

Recent Developments

On July 31, 2020, the House approved H.R. 7617, a multiagency consolidated appropriations measure that included the text of H.R. 7616, the committee-reported FY2021 THUD appropriations bill, as Division G.

FY2021 Budget Process

Appropriations for DOT, HUD, and the related agencies typically funded in the THUD bill happen in the context of the broader annual congressional appropriations process. That process generally begins with the submission of the President's budget request in February and the adoption of the congressional spending limits (generally, in a budget resolution) that set the overall level of spending for that fiscal year's appropriations bills.

The framework for budget enforcement under the congressional budget process has both statutory and procedural elements. The statutory elements include limits on "defense" and "nondefense" discretionary spending established by the Budget Control Act of 2011 (BCA; P.L. 112-25); THUD appropriations are classified as nondefense spending. The procedural elements are primarily associated with the budget resolution and limit both total discretionary spending available to the Appropriations Committees (commonly referred to as "302(a) allocations") and spending under the jurisdiction of each appropriations subcommittee ("302(b) suballocations"). Certain spending, such as that designed as for an "emergency requirement," is effectively exempt from these limits (this type of exemption is commonly referred to as a "cap adjustment").[1]

On August 2, 2019, the FY2020 and FY2021 BCA spending limits were increased via the enactment of the Bipartisan Budget Act of 2019 (BBA 2019; P.L. 116-37).[2] The FY2021 nondefense limit ($626.5 billion) was 0.8% (+$5 billion) more than the FY2020 limit. In addition, BBA 2019 provided procedures to establish the spending allocations to the House and Senate Appropriations Committees via statements submitted to the *Congressional Record* by the chairs of the House and Senate Budget Committees, without the adoption of a budget resolution.[3] Among other requirements, these spending allocations must be consistent with the levels established by the statutory discretionary spending limits. These FY2021 committee-level spending allocations were submitted in the House on May 1, and in the Senate on May 4, 2020.[4]

[1] For further information, see CRS Report R45778, *Exceptions to the Budget Control Act's Discretionary Spending Limits*.

[2] For further information, see CRS Insight IN11148, *The Bipartisan Budget Act of 2019: Changes to the BCA and Debt Limit*.

[3] Ibid. For a general discussion of budget enforcement mechanisms that may be adopted in the absence of a budget resolution, see CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*.

[4] "Publication of Budgetary Material," *Congressional Record*, daily edition, Vol. 166, No. 82 (May 1, 2020), pp. H1968-H1969. "Budget Enforcement Levels for Fiscal Year 2021," *Congressional Record*, daily edition, Vol. 166, No. 83 (May 4, 2020), pp. S2205-S2206.

Generally, the next step in the appropriations process is for each of the Appropriations Committees to adopt "suballocations" from the total amount allocated to them. These 302(b) suballocations provide a limit on current-year (e.g., FY2021) appropriations within each subcommittee's jurisdiction and incorporate any applicable scorekeeping adjustments made by the Congressional Budget Office. The House Appropriations Committee adopted 302(b) suballocations for each of its 12 subcommittees on July 9.[5] The House THUD discretionary suballocation for FY2021 was set at $75.924 billion, a 2.2% increase over the FY2020 enacted level (excluding emergency funding). The Senate Appropriations Committee has not yet adopted its suballocations. Revisions to suballocations throughout the appropriations process are a common practice to reflect actual action on appropriations bills and changes in congressional priorities. However, if the House and Senate take divergent approaches with regard to the topline that each assumes for the THUD bill, complications may arise as the House and Senate seek to resolve their differences on appropriations.

FY2021 THUD Appropriations Process

The President's FY2021 budget request was submitted to Congress on February 10, 2020. Following the President's budget submission, appropriations decision-making has proceeded on the basis of procedures and budgetary limits enacted in the BBA 2019 (discussed in "FY2021 Budget Process"). In addition, congressional action on FY2021 appropriations may be influenced by the ongoing Coronavirus Disease 2019 (COVID-19) pandemic. A number of emergency FY2020 supplemental discretionary appropriations measures have been enacted in response to the pandemic; one, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136), increased available budgetary resources for DOT and HUD in FY2020. Further supplemental appropriations may be considered during the FY2021 cycle. **Table 1** tracks FY2021 THUD funding at the bill-title level.

President's Budget

The Administration's budget request would cut funding for THUD agencies by 20% (-$15 billion) from their FY2020 levels (regular discretionary appropriations, excluding supplemental CARES Act funding). Under the President's budget request, DOT discretionary funding would be reduced by 13% (-$3 billion), HUD funding would be reduced by 24% (-$12 billion), and the related agencies generally funded in the THUD bill would be reduced by 33% (-$122 million) (see **Table 1**).

DOT's discretionary funding reduction would be offset by a $4.9 billion increase in funding from DOT trust funds (classified as mandatory funding that does not count against THUD appropriation's 302(b) limit), producing an overall increase of 2% (+$1.7 billion) for DOT; among DOT agencies only Amtrak would experience a significant reduction in the President's budget, from $2 billion in FY2020 to $953 million for FY2021.

The reductions in HUD funding would come from zeroing out a half-dozen programs, the largest of which is the Community Development Block Grant (CDBG) program, and reducing funding

[5] House Appropriations Committee, "Appropriations Committee Approves FY2021 Subcommittee Allocations," press release, July 9, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fy-2021-subcommittee-allocations. Revised allocations were subsequently reported on July 16, but no changes were made to the THUD subcommittee allocation in that amendment. See https://appropriations.house.gov/events/markups/fy-2021-homeland-security-financial-services-and-general-government-appropriations.

for many more programs. One independent agency, the Neighborhood Reinvestment Corporation, is also proposed for reductions in the President's budget request.

CARES Act Pandemic Relief Funding

Following the declaration of a public health emergency related to the global pandemic of COVID-19, Congress enacted a series of supplemental appropriations and relief measures in the spring of FY2020. Division B of the CARES Act included $36.1 billion in additional FY2020 discretionary appropriations for DOT accounts and $12.4 billion in appropriations for HUD accounts. The law designated these funds as being for an emergency requirement, meaning they do not count toward enforceable spending limits.

House Action

The House Committee on Appropriations ordered reported its FY2021 THUD appropriations bill on July 14, 2020, following subcommittee markup the week prior. H.R. 7616 included a $1.7 billion increase (+2.2%) in non-emergency discretionary funding relative to FY2020 THUD annual appropriations (see **Table 1**). The largest discretionary dollar increase is directed to HUD ($1.5 billion), although the related agencies would receive the largest relative increase (+17%). DOT's discretionary funding would be essentially level, but its overall funding would increase by 24% ($21.1 billion), virtually all of which would come from DOT's trust funds and thus be classified as mandatory spending. In addition to regular appropriations, the bill includes $75 billion in emergency funding for transportation and housing infrastructure improvements. The total emergency discretionary appropriations proposed by the bill are nearly equal to the total regular discretionary funding provided in the bill ($75 billion vs. $76 billion). Thus, the funding in the House bill can be thought of as being divided into three categories: regular discretionary funding ($75.9 billion), DOT mandatory funding ($82.3 billion), and emergency discretionary funding ($75 billion).

On July 28, 2020, the House Rules Committee granted a rule for the House to consider H.R. 7617, a bill combining the text of several appropriations acts as reported by the House Appropriations Committee. The Rules Committee included the text of H.R. 7616 as Division G of H.R. 7617.[6] The House passed H.R. 7617 on July 31, 2020, with adoption of a number of THUD-related floor amendments. While some of the amendments moved money between accounts, they did not change the total funding level for any agency in Division G.

[6] House Committee on Rules, "Amendment Process Announcement for H.R. 7617—Defense, CJS, Energy and Water, FSGG, Homeland, Labor-HHS, and THUD Appropriations," press release, July 20, 2020, at https://rules.house.gov/news/announcement/amendment-process-announcement-hr-7617-defense-cjs-energy-and-water-fsgg-homeland.

Table 1. THUD Appropriations by Bill Title, FY2020-FY2021

(dollars in millions)

	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Title I: DOT	86,156	87,852	107,248		
Discretionary	*24,833*	*21,653*	*24,911*		
Mandatory	*61,323*	*66,199*	*82,337*		
Title II: HUD	49,087	37,261	50,581		
Title III: Other Independent Agencies	370	248	432		
Title IV: General Provisions	-20	-—	—		
Title V: Additional Infrastructure Investments (emergency)	—	—	75,000		
Total Discretionary (non-emergency)	**74,270**	**59,162**	**75,924**		
Total Mandatory	**61,323**	**66,199**	**82,332**		
Total (non-emergency)	**135,593**	**125,362**	**158,256**		
Emergency Appropriations	***48,508***	**—**	***75,000***		
Total (incl. emergency)	***184,101***	***125,362***	***233,256***		

Source: Comparative Statement of Budget Authority, beginning on p. 192, in H.Rept. 116-452.

Notes: Totals may not add or exactly match source materials due to rounding. The totals include both discretionary budget authority and contract authority (a type of mandatory budget authority provided to DOT that is not included in the bill's discretionary budget authority figure).

Department of Transportation

The majority of DOT's annual funding is established by two periodic authorization acts, one for surface transportation programs and one for aviation programs. Most of the funding for the programs in those acts is drawn from the DOT Highway Trust Fund and the Aviation and Airways Trust Fund, respectively. Highway Trust Fund revenues come largely from fuel taxes and increasingly from transfers from the general fund of the Treasury. Aviation and Airways Trust Fund revenues come largely from taxes on passenger tickets and aviation fuel and some general fund money. The current surface transportation authorizations run through FY2020, so the FY2021 funding levels for DOT's surface programs (highways, transit, and rail) have not been set.

The appearance of COVID-19 in the United States in the spring of 2020 devastated the finances of transportation agencies at every level of government. The initial lockdown of economic activity in an effort to slow the spread of the virus greatly reduced highway travel, and travel volume has remained below normal. This has resulted in a decrease in fuel tax revenues for the states and the federal Highway Trust Fund. Aviation and transit usage has dropped to a fraction of its usual level, as has the resulting passenger fare revenues (Congress has suspended the tax on

aviation passenger tickets and fuel for the balance of 2020). This is due not only to the impact of the pandemic on the economy, but also due to public concern about the risk of transmission of the virus in the confined spaces of airplanes and transit vehicles. That concern may continue to depress aviation and transit usage unless and until a vaccine is developed and is widely available.

The Administration's budget request was developed prior to the identification of the pandemic in the United States. Congress's funding decisions are being made in light of the pandemic, and with concerns to alleviate its impacts.

Administration Budget Request

The Administration's budget requested a 2% (+$1.7 billion) increase in DOT funding. This reflected relatively minor increases for most agencies, and relatively significant reductions to the Federal Railroad Administration (FRA) (-29%, -$800 million) and Maritime Administration (MARAD) (-30%, -$310 million) budgets. The major differences in the Administration's request compared to what Congress enacted in FY2020 included reductions to the following activities:

- Amtrak: requested $936 million, down from $2.0 billion (FY2020);
- Federal Aviation Administration (FAA) grants to airports: requested $3.35 billion, down from $3.75 billion;
- FRA Federal-state Partnership for State of Good Repair: no funding requested, down from $200 million;
- MARAD Port infrastructure development program: no funding requested, down from $225 million.

The Administration requested $1 billion for a new grant program for nationally significant freight projects and $550 million for a new grant program for rail (National Network Transformation; no details provided).

H.R. 7616/7617

The House Appropriations Committee recommended, and the House approved, $107.2 billion for DOT, a 24% (+$20 billion) increase over the FY2020 enacted amount of $86.156 billion (which was virtually the same as the FY2019 enacted amount). Every agency would receive an increase compared to FY2020. The largest percentage increases would be for the Federal Transit Administration (+46%, +$6.0 billion), the Federal Motor Carrier Safety Administration (+30%, +$207 million), the Federal Highway Administration (+28%, +$13.6 billion), and the National Highway Traffic Safety Administration (+27%, +268 million). The details of the recommended funding can be found in **Table 2**.

The House bill also included additional emergency funding for DOT (and HUD) in a new Title V. This title would provide an additional $25.7 billion in funding for DOT; see **Table 7** for details.

In April 2020, the CARES Act provided an additional $36.1 billion in emergency FY2020 funding for several DOT programs and activities to assist with the economic costs of the pandemic; see **Table 3** for details.

Table 2. Department of Transportation FY2020-FY2021 Detailed Budget Table

(dollars in millions)

Department of Transportation Selected Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Office of the Secretary (OST)					
National infrastructure investment (BUILD/TIGER)	1,000	1,000	1,001[a]		
Payments to air carriers (Essential Air Service)[b]	162	142	162		
Nationally significant freight projects	—	1,000	—		
Railroad Rehabilitation and Improvement Financing Program loan modifications	—	—	70		
All other accounts	183	190	206[a]		
Total, OST	1,345	2,332	1,438[a]		
Federal Aviation Administration (FAA)					
Operations	10,630	11,002	11,052		
Facilities & equipment	3,045	3,000	3,045		
Research, engineering, & development	193	170	193		
Grants-in-aid for airports (Airport Improvement Program) (limitation on obligations)	3,350	3,350	3,350		
Airport Discretionary Grants	400	—	500		
Total, FAA	17,618	17,522	18,139		
Federal Highway Administration (FHWA)					
Federal-Aid Highways (limitation on obligations + exempt contract authority)	47,104	50,721	61,869		
Federal-Aid Highways: discretionary funding	2,166	—	1,000		
Rescission of budget authority	—	*-138*	—		
Total, FHWA	49,270	50,583	62,869		
Federal Motor Carrier Safety Administration (FMCSA)					
Motor carrier safety operations and programs	288	299	380		
Motor carrier safety grants to states	391	403	506		
Total, FMCSA	679	702	886		
National Highway Traffic Safety Administration (NHTSA)					
Operations and research	349	317	385		
Highway traffic safety grants to states (limitation on obligations)	623	647	855		
Impaired driving/highway-rail grade crossing safety	17	—	17		
Total, NHTSA	989	965	1,257		

Department of Transportation Selected Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Federal Railroad Administration (FRA)					
Safety and Operations	224	226	236		
Research and Development	41	41	41		
Amtrak					
Northeast Corridor grants	700	325	750		
National Network	1,300	611	1,300		
Subtotal, Amtrak grants	2,000	936	2,050		
Consolidated Rail Infrastructure and Safety Improvements	325	330	500		
Federal-state Partnership for State of Good Repair	200	—	200		
Restoration and Enhancement grants	2	—	—		
Magnetic Levitation Program	2	—	5		
National Network Transformation Grants	—	550	—		
Rescission	—	*-92*	—		
Total, FRA	2,794	1,991	2,996		
Federal Transit Administration (FTA)					
Administrative Expenses	117	121	121		
Formula Grants (M)	10,150	11,046	15,945		
Technical Assistance and Training	5	—	7		
Capital Investment Grants (New Starts)	1,978	1,889	2,177[a]		
Transit Infrastructure Grants	510	—	510		
Transit Research	—	8	—		
Washington Metropolitan Area Transit Authority	150	150	150		
Rescission	—	*-2*	—		
Total, FTA	12,910	13,212	18,906		
Maritime Administration (MARAD)					
Maritime Security Program	300	314	314		
Operations and training	153	138	161		
State maritime academy operations	342	338	432		
Assistance to small shipyards	20	—	20		
Ship disposal	5	4	5		
Maritime Guaranteed Loan Program	3	—	3		
Port infrastructure development program	225	—	300		
Rescission	—	*-55*	—		
Total, MARAD	1,048	738	1,245		

Department of Transportation Selected Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Pipeline and Hazardous Materials Safety Administration (PHMSA)					
Subtotal	253	248	261		
Offsetting user fees	*-145*	*-141*	*-150*		
Emergency preparedness grants (M)	28	28	28		
Total, PHMSA	282	276	289		
Office of Inspector General	95	98	98		
Saint Lawrence Seaway Development Corporation	38	31	40		
DOT Totals					
Appropriation (discretionary funding)	24,833	21,940	24,950		
Limitations on obligations (M)	61,323	66,199	82,337		
Subtotal—new funding	**86,156**	**88,139**	**107,287**		
Rescissions	—	*-287*	*-39*		
Net new discretionary funding	**24,833**	**21,653**	**24,911**		
Net new budget authority	**86,156**	**87,852**	**107,248**		
Supplemental Emergency Funding	36,085[c]	—	25,689		
Net new budget authority (incl. emergency)	**122,241**	**87,852**	**132,937**		

Source: Comparative Statement of Budget Authority, pp. 187-212 in H.Rept. 116-452 accompanying H.R. 7616; Division G of H.R. 7617 and floor amendments; and P.L. 116-136.

Notes: Totals may not add due to rounding.

a. Amount adjusted to reflect House floor amendments.

b. In addition to its appropriation, the Essential Air Service program receives funding from overflight fees. For FY2020 and FY2021, those fees were estimated to provide an additional $150 million to the program, but due to the pandemic's effects on aviation that amount will be greatly reduced. The CARES Act included $56 million for the Essential Air Service program.

c. Includes $25 billion in emergency funding for transit systems through the Federal Transit Administration and $10 billion for airports through the Federal Aviation Administration provided by the CARES Act (P.L. 116-136).

Selected DOT Issues

Public Health While Traveling on Common Carriers

The House bill would require passengers and crew members on airlines, Amtrak trains, and transit vehicles[7] to wear a mask or protective face covering while on board.[8]

[7] Limited to transit vehicles in urban areas of 500,000 people or more.

[8] Title IV, §421.

Infrastructure Funding

The House bill would provide an increase of roughly $14 billion for transportation infrastructure.[9] The vast majority of that increase would go to the Federal Highway Administration, with smaller increases for FAA, FRA, and MARAD. This figure does not include the $5.8 billion increase recommended for the Federal Transit Administration's formula grant programs. In the context of transit agencies experiencing sudden declines in their revenues, the House bill would allow transit agencies to use their federal formula funding for operation and maintenance costs, as well as infrastructure investment, thus how much of that additional funding would be used for infrastructure is not known.

Commercial Truck Safety

The congressional mandate[10] 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.[11] The purpose was to improve safety by reducing violations of the 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 limits were not changed when ELDs became mandatory; ELDs make it harder for drivers to exceed the limits without detection. Objections from certain sectors of the trucking industry have led Congress and the President to repeatedly bar enforcement of the ELD mandate with respect to livestock haulers in the annual THUD appropriation act. This action has been opposed by safety advocates. The House bill does not include the waiver for livestock haulers.

CARES Act Supplemental Funding

Division B, Title XII of the CARES Act provided $36.1 billion in additional FY2020 funding for several DOT programs and activities.[12] Virtually all of the funding went to airports and transit agencies, entities whose revenues have dropped as usage of those modes has declined since the beginning of the pandemic, both in response to the general curtailment of economic activity and because of the public's concern about risk of transmission of the disease inside airplanes and transit vehicles.

Table 3. CARES Act Funding for DOT

(dollars in millions)

Account	FY2020 Enacted (emergency)
FAA—Airport Improvement Program grants (to maintain operations at airports)	$10,000
FMCSA—Motor Carrier Safety and Operations	<1
FRA—Safety and Operations	<1

[9] This figure does not include the proposed supplemental funding in Title V of the bill.

[10] §32301(b) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), P.L. 112-141.

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

[12] In addition to funding for DOT programs, Congress also provided assistance to the airline industry in the CARES Act, including $32 billion to air carriers for support of employment and up to $46 billion in business loans and loan guarantees.

Account	FY2020 Enacted (emergency)
FRA—Amtrak Northeast Corridor Grants	492
FRA—Amtrak National Network Grants (including funding to states to help them pay their share of the cost of state-supported routes)	526
FTA—Transit Infrastructure grants (for operating and capital expenses, to be distributed by existing formulas)	25,000
OST—Essential Air Services (to offset the reduction, due to canceled flights, in overflight fees that help pay for the EAS program)	56
DOT Office of the Secretary—Administration	2
DOT IG	5
MARAD—Operations and Training	3
MARAD—State Maritime Academy Operations	1
Total	**$36,085**

Source: Division B, Title XII of P.L. 116-136.

Note: Totals may not add due to rounding.

Department of Housing and Urban Development

As shown in **Table 4**, the President's FY2021 budget request for HUD would result in a decrease of $8.6 billion (-15%) in gross (regular, non-emergency) appropriations for HUD programs and activities. (Because of an estimated increase in offsets in FY2021, *net* discretionary budget authority—used for budget enforcement purposes—would see an even larger decline than gross budget authority. However, gross appropriations is a better measure of the resources available to HUD's programs and activities.) Most of the proposed reduction in funding is attributable to requests to eliminate funding for several HUD grant programs, although most other accounts would also receive a funding reduction under the request.

Conversely, the House-passed bill proposes to increase HUD funding relative to FY2020 regular appropriations. The bill would provide an increase of $4.8 billion (+8%) in gross appropriations for HUD programs and activities. (Because of the estimated increase in offsets, the increase in net budget authority is smaller ($1.5 billion; +3%.)

Table 4. Department of Housing and Urban Development, FY2020-FY2021

(dollars in millions)

Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Appropriations					
Salaries and Expenses (Mgmt. & Adm.)	1,425	1,497	1,516[a]		
Tenant-Based Rental Assistance (Sec. 8 Housing Choice Vouchers)	23,874	18,833[b]	25,739		
Voucher Renewals (non-add)	*21,502*	*16,958*[b]	*22,852*		
Administrative Fees (non-add)	*1,977*	*1,465*[b]	*2,155*		

Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Incremental (new) Veterans Affairs Supportive Housing (VASH) vouchers (non-add)	*40*	*0*	*20*		
Incremental (new) Family Unification Program (FUP) vouchers (non-add)	*25*	*0*	*25*		
Incremental (new) vouchers for veterans and domestic violence (non-add)	*0*	*0*	*250*		
Rental Assistance Demonstration	0	100	0		
Public Housing Capital Fund	2,870	0	3,183[a]		
Public Housing Operating Fund	4,549	3,572[c]	4,649		
Moving to Work[d]	-	5,185	0		
Choice Neighborhoods	175	0	250		
Self Sufficiency Programs	130	190	155		
Native American Programs	825	600	840[a]		
Native American Block Grants (Formula) (non-add)	*646*	*600*	*646*		
Native American Block Grants (Competitive) (non-add)	*100*	*0*	*110*		
Indian Community Development Block Grants (non-add)	*70*	*0*	*75*[a]		
Indian housing loan guarantee	2	2	2		
Native Hawaiian block grant	2	0	4		
Housing, persons with AIDS (HOPWA)	410	330	430		
Community Development Fund	3,425	0	3,525		
CDBG Formula Grants	*3,400*	*0*	*3,500*		
SUPPORT for Patients and Communities	*25*	*0*	*25*		
HOME Investment Partnerships	1,350	0	1,700		
Self-Help Homeownership (SHOP)	55[e]	0	60		
Self-Help and Assisted Homeownership Opportunity Program (non-add)	*10*	*0*	*10*		
Section 4 Capacity Building (non-add)	*36*	*0*	*45*		
Rural Capacity Building (non-add)	*5*	*0*	*5*		
Homeless Assistance Grants	2,777	2,773	3,415		
Project-Based Rental Assistance (Sec. 8)	12,570	12,642	13,451		
Contract Renewals	*12,225*	*12,292*	*13,101*		

Accounts	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Contract Administrators	*345*	*350*	*350*		
Housing for the Elderly (Section 202)	793	853	893		
Housing for Persons with Disabilities (Section 811)	202	252	227		
Housing Counseling Assistance	53	45	75		
Manufactured Housing Fees Trust Fund[f]	13	14	13		
Rental Housing Assistance	3	0	0		
Federal Housing Administration (FHA) Expenses[f]	130	130	131[a]		
Government National Mortgage Assn. (GNMA) Expenses[f]	32	31	57		
Research and technology	98	95	118		
Fair housing activities	70	65	80		
Fair Housing Assistance Program (non-add)	*24*	*24*	*27*		
Fair Housing Initiatives Program (non-add)	*45*	*40*	*51*		
Office, lead hazard control	290	360	340		
Information Technology Fund	280	258	293		
Inspector General	138	133	146		
Gross Appropriations Subtotal	*56,540*	*47,960*	*61,291*		
Offsetting Collections and Receipts					
Manufactured Housing Fees Trust Fund	-13	-14	-13		
FHA	-6,251	-9,244	-9,244		
GNMA	-1,182	-1,439	-1,439		
Offsets Subtotal	*-7,446*	*-10,697*	*-10,696*		
Rescissions					
Section 238 Rental Housing Assistance	0	0	-14		
Section 228 Native Hawaiian	0	-2	0		
Section 237 Rescission of Emergency Funds[g]	-7	0	0		
Rescissions Subtotal	*-7*	*-2*	*-14*		
Total Net Discretionary Budget Authority	**49,087**	**37,261**	**50,581**		
Emergency Funding	*12,423*[h]	-	*49,012*[i]		
Total with Emergency Funding	***61,510***	***37,261***	***99,592***		

Source: HUD FY2021 Congressional Budget Justifications, Division G of H.R. 7617, H.Rept. 116-452, including the Comparative Statement of Budget Authority, beginning on p. 192, and floor amendments.

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. Amount adjusted to reflect floor amendments.

b. The President's budget requests that funding for a portion of the Housing Choice Voucher program—for agencies participating in the Moving to Work (MTW) demonstration—be provided in a new Moving to Work account. Thus, the amount shown here is not fully comparable to the FY2020 funding level. The comparable figure, according to H.Rept. 116-452, is $23,346 million, including $21,131 million for renewals and $1,805 million for administrative fees.

c. The President's budget requests that funding for a portion of the public housing Operating Fund program—for agencies participating in the MTW demonstration—be provided in a new Moving to Work account. Thus, the amount shown here is not fully comparable to the FY2020 funding level. The comparable figure, according to H.Rept. 116-452, is $4,244 million.

d. The President's budget requests that funding for agencies participating in the MTW demonstration that is normally provided through the Tenant-Based Rental Assistance and Operating Fund accounts instead be provided through a new MTW account.

e. The FY2020 appropriation for the SHOP account also included $4 million for pilot program to rehabilitate the homes of disabled or low-income veterans.

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 law included a rescission of emergency funding provided in prior years to HUD's tenant-based and project-based rental assistance accounts. The scoring of these savings was determined by the Congressional Budget Office to not result in savings for purposes of discretionary spending limits. (See the Congressional Budget Office, Status of Discretionary Appropriations, House of Representatives, report dated January 29, 2020, Table 1, note h, available at https://www.cbo.gov/system/files?file=2020-02/FY2020-House-2020-1-29.pdf). However, the Comparative Statements of Budget Authority used to prepare this report reflect the rescission in prior year total. This table reflects the conventions of the source document used.

h. See **Table 5** for account-level information on CARES Act COVID-19 relief funding for HUD.

i. Title V of Division G of H.R. 7617 includes additional funding for infrastructure, designated as emergency funding for budget enforcement purposes. See **Table 7** for account-level information.

Selected HUD Issues

Grant Program Funding

The President's budget request for FY2021 again included a proposal to eliminate funding for several HUD grant programs that support various affordable housing and community development activities. 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). Additionally, the budget proposes to eliminate funding for the public housing Capital Fund, which provides formula grants for the repair and modernization of low-rent public housing properties. HUD's Congressional Budget Justifications state that the activities funded by these grant programs should be devolved to the state and local levels.

These grant programs were also slated for elimination in the President's FY2018, FY2019, and FY2020 budget requests, although they were ultimately funded in each of those fiscal years. In lieu of defunding these accounts, the House bill would increase funding for each relative to FY2020 regular appropriations level (excluding CARES Act supplemental funding).

Rental Assistance Funding

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 Budget In Brief states that the requested funding for the various rental assistance programs would be sufficient to continue to serve all currently assisted households.[13] However, the President's budget documents assume savings from a set of rent reforms designed to increase tenant rents and therefore reduce federal subsidies. These reforms have been proposed in each of the last several budget requests, but have seen no legislative action in Congress.[14]

The report accompanying H.R. 7616 states that the committee rejects the President's proposed rent reforms and instead increases the funding levels for each of the rental assistance programs sufficient to fully fund all existing subsidies. Additionally, the House bill would provide $295 million for new, incremental vouchers for specific populations, including homeless veterans, youth aging out of foster care, and survivors of domestic violence.

Policy Provisions

The House bill includes a number of General Provisions to block HUD's implementation of various administrative actions that have been considered controversial:

- Section 237 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.[15]
- Section 235 would block HUD from revising or repealing HUD rules related to equal access to housing based on sexual orientation and gender identity.
- Section 236 would codify other HUD guidance related to transgender persons' access to emergency shelters in accordance with gender identity.
- A new provision, added via floor amendment, would block the use of funding in the bill to implement a HUD rule related to the disparate impact standard under the Fair Housing Act.[16]

CARES Act Funding

Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136) provided $12.4 billion in additional FY2020 funding for several HUD programs and activities. The funds provided by the law are generally for one of three broad purposes: to provide additional resources to meet emerging needs, to support existing rental assistance programs, or to provide additional administrative capacity and oversight. Three-quarters of the funding can be considered new resources to meet emerging needs, with most of the remaining funding supporting

[13] HUD, *FY2021 Budget In Brief*, p. 4, available at https://www.hud.gov/sites/dfiles/CFO/documents/BudgetinBrief_2020-02_06_Online.pdf.

[14] See HUD FY2021 Congressional Budget Justifications, "Overview of Rental Assistance Programs," at https://www.hud.gov/sites/dfiles/CFO/documents/5_FY21CJ_OverviewofRentalAssistancePrograms.pdf.

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

[16] Included as a part of a set of amendments considered en bloc via H.Amdt. 868.

rental assistance programs. For more information on these funds and their use, see CRS Insight IN11319, *Funding for HUD in the CARES Act*.

Table 5. CARES Act Funding for HUD

(dollars in millions)

Accounts	FY2020 Enacted (emergency)
HUD Administrative Support Offices	35
HUD Program Offices	15
Tenant-Based Rental Assistance (Housing Choice Vouchers)	1,250
Administrative Fees	*850*
Housing Assistance Payments Adjustments	*400*
Public Housing Operating Fund	685
Native American Programs	300
Native American Housing Block Grant	*200*
Indian Community Development Block Grant	*100*
Housing for Persons with AIDS	65
Community Development Fund (CDBG)	5,000
Homeless Assistance Grants	4,000
Project-Based Rental Assistance (Project-based Section 8)	1,000
Housing for the Elderly (Section 202)	50
Housing for Persons with Disabilities (Section 811)	15
Fair Housing	3
Office of Inspector General (HUD OIG)	5
HUD Total	**12,423**

Source: Division B, Title XII of P.L. 116-136.

THUD Related Agencies

As shown in **Table 6**, most of the related agencies funded in the THUD bill would receive level or increased funding relative to the prior year under the President's FY2021 budget request. The exception is the Neighborhood Reinvestment Corporation, which would see a significant funding decrease. Conversely, the House bill proposes to increase funding for this agency.

Table 6. THUD Independent Agencies, FY2020-FY2021

(dollars in millions)

Related Agencies	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
Access Board	9	9	9		
Federal Maritime Commission	28	29	30		
National Railroad Passenger Corporation (Amtrak) Office of Inspector General	24	26	26		

Related Agencies	FY2020 Enacted	FY2021 Request	FY2021 House	FY2021 Senate	FY2021 Enacted
National Transportation Safety Board	110	116	118		
Neighborhood Reinvestment Corporation (NeighborWorks)	159	27	209		
Surface Transportation Board	37	38	38		
Offsetting Collections	-1	-1	-1		
U.S. Interagency Council on Homelessness	4	4	4		
Total	**370**	**248**	**431**		
Emergency Funding			*300*[a]		
Total with Emergency Funding	***370***	***248***	***731***		

Source: FY2021 President's budget materials, H.R. 7616, as incorporated into H.R. 7617, and H.Rept. 116-452, including the Comparative Statement of Budget Authority, beginning on p. 192.

Notes: Totals may not add due to rounding.

a. Title V of Division G of H.R. 7617 includes additional funding for infrastructure, designated as emergency funding for budget enforcement purposes. See **Table 7** for account-level information.

Selected Independent Agencies Issues

NeighborWorks America

As in FY2018, FY2019 and FY2020, the President's FY2021 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 was intended to cover personnel, administrative, and other costs associated with winding down existing commitments. H.R. 7616 rejects this proposal and proposes to instead fund NeighborWorks at an increased level relative to FY2020. Of the amount provided for NeighborWorks in the House bill, $25 million would be for competitive grants to support specified redevelopment activities in areas with high rates of abandoned or distressed properties.

Emergency Funding for Transportation and Housing Infrastructure

The House bill includes in the THUD division a new Title V—Additional Funding for Infrastructure Investments. As shown in **Table 7**, it would provide $75 billion in additional discretionary resources for various accounts at DOT and HUD, as well as one related agency. This funding, which nearly matches the total discretionary funding provided in the preceding titles of the bill, would be designated as an "emergency requirement" for budget enforcement purposes and would thus not count against the subcommittee spending limit (or 302(b)) or the overall discretionary spending limits established under the BBA.

The addition of this emergency spending package proved controversial. The bill was ordered reported by the committee on a party-line vote, with the ranking member stating: "Further, this bill includes $75 billion in new emergency spending including components of the infrastructure

bill that was pushed through the House without Republican involvement. I did not support that bill because it was a departure from years of bipartisan work on transportation and infrastructure priorities and I can't support this additional spending until there's a serious discussion with members on our side of the aisle"[17] A committee press release accompanying the bill's passage quotes the chairwoman as stating: "The emergency funding in this bill is pivotal to kickstart a strong and equitable recovery from the coronavirus pandemic and the ensuing economic collapse. After an unprecedented year of challenges, the investments in this bill lay the foundations for sustained economic growth and expanded opportunity for every American in every corner of our nation."[18]

Table 7. H.R. 7617, Division G, Title V-Additional Infrastructure Investments, by Account

(dollars in millions)

Accounts	Emergency FY2021 Funding
DOT	
National Infrastructure Investments (BUILD Grants)	3,000
Cyber Security Initiatives	11
FAA Facilities & Equipment	500
FAA Grants-in-Aid for Airports	2,500
FRA Consolidated Rail Infrastructure and Safety Improvements Grants	5,000
FRA Magnetic Levitation Technology Deployment Program	100
FRA Northeast Corridor Grants to Amtrak	5,000
FRA National Network Grants to Amtrak	3,000
FTA Capital Investment Grants (New Starts)	5,000
MARAD Operations & Training	125
MARAD State Maritime Academy Operations	356
MARAD Assistance to Small Shipyards	100
MARAD Port Infrastructure Development Program	1,000
DOT Inspector General Salaries and Expenses	8
DOT Total	**25,689**
HUD	
Public Housing Capital Fund	24,250
Choice Neighborhoods	300
Native American Programs	1,000
Native Hawaiian Housing Block Grant	20
Community Development Fund (CDBG)	4,000

[17] CQ Congressional Transcripts, "House Appropriations Committee Holds Markup of Fiscal 2021 Defense, Commerce-Justice-Science and Transportation-HUD Appropriations," Revised Final transcript, July 14, 2020, available at https://plus.cq.com/doc/congressionaltranscripts-5957344?3.

[18] House Committee on Appropriations, "Appropriations Committee Approves Fiscal Year 2021 Transportation-Housing and Urban Development Funding Bill," press release, July 14, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fiscal-year-2021-transportation-housing-and; https://plus.cq.com/doc/news-5955675?4.

HOME	17,500
SHOP/Capacity Building	55
Assisted Housing Investments/Project Based Rental Assistance	750
Housing for the Elderly	750
Housing for Persons with Disabilities	179
Lead Hazard Reduction	100
Cybersecurity and Information Technology Fund	100
HUD OIG	8
HUD Total	**49,012**
Related Agencies	
Neighborhood Reinvestment Corporation	300
Related Agencies Total	**300**
Title V Total (emergency)	**75,000**

Source: Comparative Statement of Budget Authority, beginning on p. 192, in H.Rept. 116-452.

Note: Totals may not add due to rounding.

Author Information

Maggie McCarty
Specialist in Housing Policy

David Randall Peterman
Analyst in Transportation Policy

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