

Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2022

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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.

President Biden's FY2022 budget proposed increasing discretionary funding for THUD agencies by 10% (+\$7.5 billion) from FY2021 levels. The bulk of that increase in funding was directed to HUD (+\$7.1 billion), primarily for increased funding for HUD rental assistance programs (+\$6.1 billion).

On July 20, 2021, the House Appropriations Committee reported its version of a THUD appropriations bill (H.R. 4550; H.Rept. 117-99). It included a larger increase in funding for THUD agencies than the President's budget request (+11.5%; +\$8.7 billion over FY2021). It proposed a larger increase for DOT (+7.3% over FY2021) than the President had requested (+1.6%). The text of the House Appropriations Committee-reported THUD bill was included as Division G in a broader appropriations measure, H.R. 4502, which combined the text of several appropriations bills, and was passed by the House on July 29.

While the Senate never formally considered its own FY2022 THUD legislation, on October 18, 2021, Senator Leahy, Chair of the Senate Appropriations Committee, released a majority draft of the THUD bill and accompanying draft report language. According to the Chair, the purpose of this release was to further negotiations toward enacting final full-year appropriations. Less than a week later, on October 21, 2021, THUD Subcommittee Chair Schatz introduced S. 3045, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2022, which appeared to be identical to the draft text released by the full committee chair.

On November 15, 2021, Congress passed H.R. 3684 (P.L. 117-59), the Infrastructure Investment and Jobs Act (IIJA, commonly referred to as the bipartisan infrastructure bill or bipartisan infrastructure act). Divisions A-C of this bill included authorizations for surface transportation programs, and Division J provided \$184.1 billion in a supplemental FY2022 DOT appropriations bill (as well as supplemental appropriations for many other federal agencies); this mandatory funding was divided into five roughly equal portions, to be made available in each fiscal year between FY2022 and FY2026.

Since final full-year FY2022 appropriations were not enacted before the start of the fiscal year on October 1, 2021, a series of continuing resolutions were enacted to maintain government operations. On March 9, 2022, the House, followed by the Senate the next day, passed H.R. 2471, the Consolidated Appropriations Act, 2022; it was signed into law on March 15, 2022 (P.L. 117-103). Division L contains the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022. In total, it provided \$81 billion in discretionary funding for THUD agencies in FY2022, an increase of 8% over FY2021. It also made available \$76 billion in mandatory funding for DOT, an increase of 24% over FY2021, for a total of \$157 billion in non-emergency funding for THUD agencies. DOT received \$102.9 billion (18.7% over FY2021), and HUD received \$53.7 billion.

In addition, DOT is slated to receive \$39.5 billion in emergency budget authority for FY2022 from the IIJA Division J supplemental, for a total net new budget authority of \$142.5 billion for FY2022. That is down from \$156.9 billion in new budget authority in FY2021, due to DOT having received \$70.2 billion in emergency funding in FY2021, mostly to help the aviation and transit sectors endure the economic impacts of the pandemic.

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This report describes action on FY2022 annual appropriations for THUD, including detailed tables for each major agency and a brief overview of selected issues.

FY2022 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, followed by adoption of congressional spending limits (generally, in a budget resolution) that set the overall level of spending for that fiscal year's appropriations bills.

The President's budget request for the upcoming fiscal year is due to be submitted to Congress by the first Monday in February. However, the FY2022 budget submission occurred during a presidential transition year—from the presidency of Donald J. Trump to Joseph R. Biden on January 20, 2021. Recent Presidents have not submitted detailed budget proposals until April or May of their first year in office, although each has advised Congress regarding the general contours of their economic and budgetary policies in special messages submitted to Congress prior to that submission.¹ This delay allows time to prepare a proposal that reflects the priorities of the new administration. On April 9, 2021, President Biden submitted to Congress an outline of his discretionary funding priorities for FY2022.² This preliminary document provided early highlights for numerous policy areas. The full budget request was submitted on May 28, almost

¹ CRS Insight IN11655, *Budget Submission After a Presidential Transition: Contextualizing the Biden Administration's FY2022 Request*.

² Office of Management and Budget (OMB), *The President's FY2022 Discretionary Request*, April 9, 2021, at <https://www.whitehouse.gov/omb/fy-2022-discretionary-request/>.

four months after its due date.³ As a result, the start of annual appropriations decision-making for FY2022 also was delayed to allow time for Congress to consider this request.

The framework for budget enforcement under the congressional budget process for the past decade has had both statutory and procedural elements. The statutory elements have included limits on discretionary spending established by the Budget Control Act of 2011, as amended (BCA; P.L. 112-25). However, those discretionary spending limits extended only through FY2021, meaning no statutory limits on discretionary spending are currently in place for FY2022.

The procedural elements of budget enforcement are primarily associated with the budget resolution. They 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”).

An FY2022 budget resolution was agreed to by the House and the Senate. S.Con.Res. 14 was adopted by the Senate on August 11, 2021, and by the House (without amendment) on August 24, 2021. To provide for 302(a) allocations associated with S.Con.Res. 14, Section 4006 of the budget resolution provided the Chair of the Senate Budget Committee the authority to enter into the *Congressional Record* allocations consistent with the levels in the budget resolution. Those levels were filed in the Senate on September 23, 2021.⁴ Section 4006 provided similar authority to the Chair of the House Budget Committee, and those allocations were filed on October 27, 2021.⁵ In addition, S.Con.Res. 14 allowed adjustments to those allocations for emergency requirements, and other purposes.

Earlier in 2021, the House provided for budget enforcement in the absence of a budget resolution prior to initial floor consideration of the FY2022 appropriations measures by adopting a deeming resolution, H.Res. 467, on June 14, 2021.⁶ This resolution provided for 302(a) allocations to the House Appropriations Committee at a specified level, provided limits on advance appropriations,⁷ and allowed adjustments to those allocations for emergency requirements and other purposes. Pursuant to this resolution, the Chair of the House Budget Committee, Representative Yarmuth, published in the *Congressional Record* the House Appropriations Committee allocations on June 24, 2021.⁸ The House Appropriations Committee reported initial 302(b) suballocations for all 12 subcommittees on July 1 (H.Rept. 117-78).⁹ **Table 1** shows the suballocation to the THUD Subcommittee, compared to the comparable FY2021 enacted and President’s budget figures.

³ See <https://www.whitehouse.gov/omb/budget/>.

⁴ “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 167, No. 165 (September 23, 2021), pp. S6667-S6668.

⁵ “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 167, No. 189 (October 27, 2021), pp. H5956-H5957.

⁶ For a discussion of budget enforcement through methods such as H.Res. 467, see CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*.

⁷ *Advance appropriations* become available for obligation one or more fiscal years after the budget year covered by the appropriations act. The FY2022 LHHHS appropriations bill generally would contain advance appropriations for FY2023 and FY2024 for certain programs and activities. For further information, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*.

⁸ “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 167, No. 110 (June 24, 2021), p. H3130.

⁹ Suballocations are commonly adjusted through the appropriations cycle to account for changing priorities. For FY2022, the House Appropriations Committee reported revised suballocations on July 16 (H.Rept. 117-91).

Table 1. FY2022 THUD 302(b) Suballocations in Context

(dollars in billions)

	FY2021 Enacted	President's FY2022 Request	House FY2022 302(b)	Senate FY2022 302(b)	FY2022 Enacted
THUD Totals	74.658 ^a	82.913	84.062	—	81.038

Source: FY2021 enacted from CBO Status of Discretionary Appropriations, FY2021, February 1, 2021 (<https://www.cbo.gov/system/files?file=2021-02/FY2021-House-2021-02-01.pdf>); President's FY2022 request taken from Comparative Statement of Budget Authority, p. 306 of H.Rept. 117-99; House FY2022 302(b) from H.Rept. 117-91. Final FY2022 figure taken from the funding tables included in the explanatory statement accompanying the Consolidated Appropriations Act, 2021, as published in the *Congressional Record* on March 9, 2022, beginning on page H3184.

- a. An additional \$718 million provided for THUD by P.L. 116-260 was deemed an emergency requirement, and is thus excluded for purposes of calculating the total subject to discretionary spending limits under the BCA, as amended, and is not shown in this table.

FY2022 THUD Appropriations Process

Two factors made the FY2022 THUD appropriations process different than in most years. One was the ongoing COVID-19 pandemic. The FY2021 Consolidated Appropriations Act provided supplemental coronavirus relief funding, including \$27 billion for DOT in FY2021. Additionally, the American Rescue Plan Act of 2021 (ARPA; P.L. 117-2) appropriated \$54 billion in mandatory COVID-19 relief and response via programs and activities typically funded in the THUD appropriations bill. These funds affected total spending on activities normally funded by the THUD appropriations bill, but were provided outside of the annual appropriations process, and thus are outside the scope of this report. (For more information on ARPA funding, see Appendix A-1 of CRS Report R46465, *Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2021*.)

Second, the Biden Administration announced a proposed infrastructure investment package—referred to as the American Jobs Plan—that would have provided significant additional funding for housing and transportation programs and activities. A portion of that package was included in the IIJA, which was enacted on November 15, 2021; Division J of the act provided supplemental emergency appropriations for FY2022 for a number of agencies, including (in Title VIII) \$36.8 billion for DOT. Other provisions from the American Jobs Plan were included in the Build Back Better Act, which proposes nearly \$150 billion in additional mandatory funding for various HUD-administered housing programs and activities. The Build Back Better Act passed the House (H.R. 5376), but, as of the cover date of this report, had not been considered by the Senate.

These additional mandatory funds are outside of the regular annual appropriations process, and are thus not discussed in this report. (For more information about the American Jobs Plan, see <https://www.whitehouse.gov/american-jobs-plan/>.)

President's Budget

On May 28, 2021, the President's FY2022 budget request was released. It included an increase of 10% (+\$7.5 billion) in discretionary funding for THUD agencies relative to FY2021, with HUD proposed to receive the vast majority of that increased funding (+\$7.1 billion). (For more information about the President's budget request for HUD, see CRS Report R46849, *Department of Housing and Urban Development (HUD): FY2022 Budget Request Fact Sheet*.)

House Action

The House Committee on Appropriations ordered reported its FY2022 THUD appropriations bill on July 16, 2021, following subcommittee markup on July 12. The bill was reported as H.R. 4550, accompanied by H.Rept. 117-99, on July 20. It included a larger increase in funding for THUD agencies than requested by the President (+\$8.6 billion, +11.5% relative to FY2021).

The text of H.R. 4550, as reported, was included in an amended version of H.R. 4502 that combined several other appropriations acts for House floor consideration (THUD is Division G).¹⁰ A number of THUD-related amendments were approved before the bill was passed by the House on July 29, 2021.

Senate Action

Senator Leahy, Chair of the Senate Appropriations Committee, released a majority draft and accompanying draft report language for each of the FY2022 appropriations bills (including THUD) on October 18, 2021. According to the Chair, the purpose of this release was to further negotiations toward final enactment of FY2022 full-year appropriations.¹¹ On October 21, Senator Schatz, Chair of the Senate Appropriations THUD Subcommittee, introduced an FY2022 THUD bill (S. 3045). This bill, which appears identical to the Chair's draft, was referred to the Senate Appropriations Committee, but was never considered in committee.¹²

Continuing Resolutions

Because final FY2022 appropriations were not enacted before the start of the fiscal year on October 1, government spending, including for those agencies typically funded under the THUD appropriations bill, were continued under a series of continuing resolutions (CRs). The first CR was signed into law on September 30, 2021 (Division A of H.R. 5305; P.L. 117-43). It provided continuing appropriations for all 12 annual appropriations acts (including THUD) through December 3, 2021. Division B of the act provided supplemental disaster funding, including \$2.7 billion for DOT and \$5 billion for HUD Community Development Block Grant-Disaster Recovery grants.

A second CR was enacted on December 3, 2021, extending the provisions of the first CR through February 18, 2022 (Division A of H.R. 6119; P.L. 117-70). A third CR, which modified and extended the previous CR through March 11, 2022, was signed into law on February 18, 2022 (P.L. 117-86). As Congress was considering final full year appropriations, it enacted a last CR (H.J.Res. 75; P.L. 117-95), which extended the prior CR through March 15.

¹⁰ House Committee On Rules, "Amendment Process Announcement for LHHS, Agriculture, Energy and Water, FSGG, Interior, Environment, MilCon/VA, and THUD Appropriations Act, 2022," press release, July 17, 2021, at <https://rules.house.gov/news/announcement/amendment-process-announcement-lhhs-agriculture-energy-and-water-fsgg-interior>.

¹¹ The text of the Senate majority draft THUD bill and accompanying committee report is linked to the press release, "Chairman Leahy Releases Remaining Nine Senate Appropriations Bills," October 18, 2021, at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>. See also "Shelby: Democrats' Partisan Bills Threaten FY22 Appropriations Process," October 18, 2021, <https://www.appropriations.senate.gov/news/shelby-democrats-partisan-bills-threaten-fy22-appropriations-process>.

¹² Because the draft figures released by the Chair may have been used for purposes of negotiations on FY2022 full-year appropriations, they are provided in this report, although they are labeled "draft."

Final Enacted Full-Year FY2022 Appropriations

The Consolidated Appropriations Act, 2022 (P.L. 117-103) was signed into law on March 15, 2022. It originated as a House amendment to the Senate amendment to H.R. 2471, a bill previously related to assistance efforts for Haiti. Specifically, on March 9, 2022, the House agreed to a special rule (H.Res. 973) that provided for the consideration of the House amendment to the Senate amendment, which consisted of all 12 regular appropriations acts for FY2022 (Divisions A-L; THUD as Division L), the Ukraine Supplemental Appropriations Act, 2022 (Division N), and several other matters (Divisions O-HH). Division L included \$81 billion in discretionary funding for THUD agencies, an increase of 8% over the prior year. The legislation was approved by the House on March 9, 2022, and the Senate the following day, and signed into law March 15, 2022 (P.L. 117-103).

Return of Earmarks

In the 112th Congress (2011-2012), the House and Senate began observing what has been referred to as an “earmark moratorium” or “earmark ban,” which was articulated in party rules and committee protocols. This ban limited the ability to use appropriations acts for directing spending, tax, or tariff benefits to specific entities outside of statutory or administrative formulas or competitive award processes. Prior to the instatement of the earmark ban, accounts in both DOT’s and HUD’s budgets were frequent sources of congressionally directed spending, or earmarks. The earmark ban was effectively lifted in the 117th Congress, although earmark disclosure requirements adopted by both the House and the Senate during the 110th Congress remain in effect.

For a list of disclosed earmarks, see the following:

- the “Incorporation of Community Project Funding” table, beginning on page 167 of H.Rept. 117-99;
- the “Congressionally Directed Spending Items” table, beginning on page 196 of the Senate Appropriations Committee Chair’s draft report (available at https://www.appropriations.senate.gov/imo/media/doc/THUDREPT_FINAL4.pdf); and
- the “Community Project Funding/Congressionally Directed Spending” table beginning on page 3050 of the explanatory statement accompanying the Consolidated Appropriations Act, 2022, as published in the *Congressional Record* on March 9, 2022.

For more information about earmark disclosure rules, see CRS Report RS22866, *Earmark Disclosure Rules in the House: Member and Committee Requirements*; and CRS Report RS22867, *Earmark Disclosure Rules in the Senate: Member and Committee Requirements*.

Table 2 tracks FY2022 THUD funding at the bill title level.

Table 2. THUD Appropriations by Bill Title, FY2021-FY2022

(dollars in millions)

	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte. Chair Draft	FY2022 Enacted
Title I: DOT	86,709	87,047	105,740	90,453	102,947
Discretionary	25,317	25,728	27,175	29,127	26,946
Mandatory	61,392	61,320	78,565	61,326	76,002
Title II: HUD	49,648 ^a	56,714	56,471	53,419	53,694
Title III: Other Independent Agencies	388	400	416	400	398

	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte. Chair Draft	FY2022 Enacted
Title IV: General Provisions	23 ^b	—	-5 ^c	— ^d	—
Total Discretionary	75,376	82,842	84,062	82,946	81,038
<i>Total Discretionary (excluding emergency designated funding)</i>	74,658 ^e	82,842	84,062	82,946	81,038
Total Mandatory	61,392	61,320	78,565	61,326	76,002
Total	136,768	144,232	162,627	144,272	157,040
<i>Emergency Appropriations (discretionary)</i>	27,718 ^f	—	—	—	7,700 ^g
<i>Emergency Appropriations (mandatory)</i>	54,040 ^h	—	—	—	36,836 ⁱ

Source: FY2021 enacted, FY2022 President's Request and FY2022 House figures are taken from Comparative Statement of Budget Authority table, beginning on page 288 of H.Rept. 117-99; Senate majority draft figures taken from Comparative Statement of Budget Authority table, beginning on p. 225 of the Senate Appropriations Committee Chair's draft report, available at https://www.appropriations.senate.gov/imo/media/doc/THUDREPT_FINAL4.pdf; final FY2022 figures taken from the funding tables included in the explanatory statement accompanying the Consolidated Appropriations Act, 2022, as published in the *Congressional Record* on March 9, 2022, beginning on page H3184.

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).

- Of this amount, \$695 million for the tenant-based rental assistance account was designated as being for an emergency requirement by Section 420 of Division L.
- This additional amount for Essential Air Services under DOT was provided in Section 421 of Division L, instead of Title I, and was designated as being for an emergency requirement.
- This rescission from "the unobligated balances from amounts made available under the heading 'Maritime Administration—Maritime Security Program' in any prior Act" was added as part of H.Amdt. 79 to H.R. 4502.
- While Title IV of the Senate Appropriations Committee Chair's draft bill does not include any appropriations of funding, Section 419 does contain a reauthorization of the HUD housing programs authorized under the Native American Housing and Self-Determination Act (NAHASDA) through FY2023. The draft also contains a Title V, which is text of the Reforming Disaster Recovery Act, to authorize the use of Community Development Block Grants for disaster recovery.
- As noted in Table Notes b and c, \$718 million of the total provided for THUD was deemed an emergency requirement and was thus excluded from the total for purposes of calculating the total subject to discretionary spending limits under the BCA, as amended.
- Of this amount, \$27 billion is for coronavirus-related supplemental emergency funding for DOT, as provided in Division M of P.L. 116-260. The remaining \$718 million is designated "emergency" for budget enforcement purposes, as described in Table Notes b-c, but is not related to COVID-19.
- Reflects FY2022 disaster relief supplemental funds provided to DOT and HUD by Division B, Title VII of the Extending Funding and Delivery Emergency Assistance Act, 2021 (P.L. 117-43).
- Provided in Titles III, VII, and XI of ARPA (P.L. 117-2) to "prevent, prepare for, and respond to coronavirus." This legislation was enacted through the budget reconciliation process; as a result, funding provided in this act is classified as mandatory spending, and does not appear in accounts showing

discretionary appropriations. See CRS Insight IN11641, *Housing Funding in the American Rescue Plan Act of 2021*, by Katie Jones, Maggie McCarty, and Libby Perl for details on the HUD portion of the funding.

- i. FY2022 supplemental funds provided to DOT by Division J, Title VIII of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), which was passed via budget reconciliation, and thus the appropriations are categorized as emergency mandatory funding. The actual total appropriated in FY2022 is \$184.1 billion; Congress divided that total into five roughly equal portions to be made available in each of fiscal years 2022 through 2026, and \$36.836 billion is the amount available in FY2022.

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 appearance of COVID-19 in the United States in the spring of 2020 disrupted the finances of airlines and transit agencies. Airline and transit patronage dropped to a fraction of its usual level, as did passenger fare revenues. This was due not only to the impact of the pandemic on the economy, but also to public concern about the risk of transmission of the virus in the confined spaces of airplanes and transit vehicles.

Administration Budget Request

The Administration's FY2022 budget requested nearly the same amount of funding (less than 1% increase) for DOT as it received through the FY2021 appropriations process. Within that nearly level funding, the notable variations in funding requested compared to FY2021 appropriations include

- Federal Highway Administration: a 4% (+\$2 billion) decrease in discretionary funding;
- Federal Railroad Administration: a 72% (+\$418 million) increase in funding for rail grants programs, including a new Passenger Rail Improvement, Modernization, and Expansion (PRIME) program;
- Amtrak: a 35% (+\$700 million) increase in funding for grants to Amtrak; and
- Federal Transit Administration: a 23% (+\$460 million) increase in funding for capital investment grants (including New Starts and Small Starts projects).

Agency Funding

The House Appropriations Committee recommended \$105.7 billion for DOT, a 22% (+\$19 billion) increase over the FY2021 enacted amount of \$86.709 billion (which was virtually the same as the FY2020 enacted amount). Every agency within the department was to receive an increase compared with FY2021. The Senate Appropriations Committee Chair's draft proposed a 4.3% (\$3.7 billion) increase over FY2021. The final bill provided a 19% (\$16 billion) increase over FY2021, more than the request or Senate proposal, but less than recommended by the House. Details can be found in **Table 3**.

Table 3. Department of Transportation, FY2021-FY2022 Detailed Budget Table
(dollars in millions)

Department of Transportation Selected Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
Office of the Secretary (OST)					
National Infrastructure Investment (BUILD/TIGER)	1,000	1,000	1,200	1,090	775
Thriving Communities	—	110	100	—	25
Cyber Security Initiatives	22	39	39	39	39
Payments to Air Carriers (Essential Air Service) ^a	142	248	248	318	350
Transportation Demonstration Program	100	—	—	—	—
Electric Vehicle Fleet	—	11	11	11	—
Building Resilient Infrastructure Through Innovative Solutions	—	—	—	300	—
Safe and Accessible Roadways for All	—	—	—	50	—
RRIF Cohort 3 Modifications Cost	—	—	—	10	10
All other accounts	183	190	206	245	248
Total, OST	1,443	1,634	1,847	2,063	1,447
Federal Aviation Administration (FAA)					
Operations	11,002	11,434	11,434	11,434	11,414
Facilities & Equipment	3,015	3,410	3,416	3,200	2,893
Research, Engineering, & Development	198	259	261	259	249
Grants-in-aid for Airports (Airport Improvement Program) (Limitation on obligations)	3,350	3,350	3,350	3,350	3,350
Grants-in-aid for Airports (General Fund)	400	—	400	603	554
Total, FAA	17,965	18,453	18,861	18,846	18,460
Federal Highway Administration (FHWA)					
Federal-Aid Highways (limitation on obligations + exempt contract authority)	47,104	47,104	61,882	47,104	58,212
Highway Infrastructure Programs (General Fund)	2,000	—	592	2,840	2,445
Total, FHWA	49,104	47,104	62,474	49,944	60,657
Federal Motor Carrier Safety Administration (FMCSA)					
Motor Carrier Safety Operations and Programs	328	288	380	288	360
Motor Carrier Safety Grants to States	390	388	506	394	496
Total, FMCSA	748	676	886	682	856

Department of Transportation Selected Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
National Highway Traffic Safety Administration (NHTSA)					
Operations and Research	349	401	426	376	393
Highway Traffic Safety Grants to states (limitation on obligations)	623	623	855	623	774
Impaired Driving	17	—	7	—	—
Total, NHTSA	989	1,024	1,289	999	1,167
Federal Railroad Administration (FRA)					
Safety and Operations	235	248	248	243	241
Railroad Research and Development	41	59	54	41	43
Passenger Rail Improvement, Modernization, and Expansion	—	625	625	—	—
Federal-state Partnership for State of Good Repair	200	—	—	220	100
Consolidated Rail Infrastructure and Safety Improvements	375	375	500	523	625
Magnetic Levitation Program	2	—	5	—	—
Restoration and Enhancement grants	5	—	—	2	—
Amtrak					
Northeast Corridor grants	700	1,300	1,200	969	875
National Network	1,300	1,400	1,500	1,731	1,457
Subtotal, Amtrak grants	2,000	2,700	2,700	2,700	2,331
Rescission	—	—	-15	-15	-15
Total, FRA	2,821	4,007	4,116	3,714	3,325
Federal Transit Administration (FTA)					
Administrative Expenses	121	132	133	132	—
Formula Grants (mandatory)	10,150	10,150	12,150	10,150	13,355
Transit Infrastructure Grants	516	550	580	757	504
Transit Research	—	30	—	18	—
Technical Assistance and Training	8	8	8	8	8
Capital Investment Grants (New Starts)	2,014	2,473	2,473	2,248	2,248
Grants to Washington Metropolitan Area Transit Authority	150	150	150	150	150
Rescission	-2	—	-7	-7	-7
Total, FTA	12,957	13,492	15,487	13,456	16,258
Saint Lawrence Seaway Development Corporation	38	38	40	38	38

Department of Transportation Selected Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
Maritime Administration (MARAD)					
Maritime Security Program	314	318	318	318	318
Cable Security Fleet	10	—	10	10	10
Tanker Security Program	—	60	60	60	60
Operations and Training	156	172	171	172	172
State Maritime Academy Operations	433	358	363	433	423
Assistance to Small Shipyards	20	20	20	20	20
Ship Disposal	4	10	8	10	10
Maritime Guaranteed Loan Program	3	3	3	3	3
Port Infrastructure Development Program	230	230	300	240	234
Total, MARAD	1,170	1,130	1,253	1,225	1,251
Pipeline and Hazardous Materials Safety Administration (PHMSA)					
Subtotal	260	282	278	279	279
Emergency Preparedness Grants (mandatory)	28	—	28	28	28
Offsetting user fees	-145	-155	-155	-155	-155
Total, PHMSA	288	282	306	307	307
Office of Inspector General	98	103	103	103	103
DOT Totals					
Appropriation (discretionary funding)	25,696	25,770	27,196	29,191	26,967
Limitations on obligations (mandatory)	61,392	61,320	78,565	61,326	76,002
Subtotal—new funding	87,088	87,089	105,762	90,517	102,969
Rescissions	-379	-42	-22	-64	-22
Net new discretionary funding	25,317	25,728	27,175	29,127	26,946
Net new budget authority	86,709	87,047	105,740	90,453	102,947
Supplemental emergency funding	27,000 ^b	—	—	—	39,536 ^c
Additional appropriations (mandatory)	43,170 ^d	—	—	—	—
Net new budget authority (incl. emergency)	156,879	87,047	105,740	90,453	142,483

Sources: Comparative Statement of New Budget Authority, pp. 264-273 in H.Rept. 117-99 accompanying H.R. 4550; Division G of H.R. 4502, as passed by the House; and Senate majority draft bill and report as posted at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>; House Committee Print 47-047/47-048, the FY2022 Consolidated Appropriations Act: Book II, Div. L, Table of New Budget Authority, pp. 2763-2772 and 2781-2794.

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 FY2021, those fees were expected to provide an additional \$153 million to the program, and the CARES

- Act (Division M of P.L. 116-260) provided an additional \$23 million, for a total of \$338 million. Due to the pandemic's effects on aviation the FY2022 estimate for overflight fees is down to \$116 million; the proposed increased appropriation would provide a total of \$364 million for the program.
- b. Provided in the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Division M of P.L. 116-260).
 - c. FY2022 supplemental funds provided to DOT by Division B of P.L. 117-43 and Division J, Title VIII of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), which was passed via budget reconciliation and thus the appropriations are categorized as emergency mandatory funding. Title VIII appropriated a total of \$184.1 billion for DOT in FY2022, but divided that total into five equal portions, to be made available to DOT annually over the period FY2022-FY2026; \$39,536 billion is the amount available in FY2022.
 - d. Provided in Title VII of ARPA (P.L. 117-2) to “prevent, prepare for, and respond to coronavirus.” This legislation was enacted through the budget reconciliation process; as a result, funding provided in this act is classified as mandatory spending, and does not appear in accounts showing discretionary appropriations.

Selected DOT Issues

Authorization of Surface Transportation Programs

Funding authorizations for the federal highway, transit, and passenger rail programs¹³ were scheduled to expire at the end of FY2020, and were extended at the FY2020 levels through FY2021, then through FY2022. The Administration requested funding for FY2022 based on those levels. The House Committee on Appropriations recommended increased funding based on levels proposed in pending surface transportation reauthorization legislation, the INVEST in America Act (H.R. 3684, passed by the House on July 1, 2021). The House had recommended similar levels of funding for surface transportation programs in FY2021 based on reauthorization legislation introduced in the 116th Congress; that reauthorization legislation was not enacted, and the final FY2021 funding levels for surface transportation programs were in line with those in FY2020.

The Senate passed its version of H.R. 3684, the Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the “bipartisan infrastructure bill” (and, after enactment, the “bipartisan infrastructure law” or BIL) on August 10, 2021, as Senate Amendment 2137. Divisions A-C of the bill contained the text of surface transportation reauthorization legislation that differed from that passed by the House. Title VIII of Division J of the bill provided supplemental appropriations for many DOT programs. In the House, passage of the Senate version of the bill was for a time made contingent on Senate passage of a budget reconciliation bill still in process that would provide significant funding for social programs, but on November 5, 2021, the House passed the Senate version of H.R. 3684, and it was signed into law on November 15, 2021 (P.L. 117-58).

The supplemental appropriations provided for several DOT programs in Title VIII of Division J that were appropriated in FY2022 but were divided into portions made available over the authorization period for DOT programs in Divisions A-C (FY2022-FY2026). The total amount provided in Title VIII of Division J was \$184.1 billion, apportioned at \$36.8 billion for each of FY2022-FY2026. That \$36.8 billion in supplemental funding represented slightly over one-third of the total amount provided for DOT in the THUD FY2022 appropriations act. **Table 4** shows the distribution of the supplemental funding that is available to DOT during FY2022.

¹³ The authorizations were included in the Fixing American’s Surface Transportation (FAST) Act, P.L. 114-94.

Table 4. DOT Appropriations Provided Outside the FY2022 THUD Act that Are Available in FY2022

(dollars in millions)

Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43)	
Division B: Disaster Relief Supplemental Appropriations Act, 2022	
FAA Facilities and Equipment	\$100.0
FHWA Emergency Relief Program	2,600.0
Total DOT	2,700.0
Infrastructure Investment and Jobs Act (P.L. 117-58)	
Division J: Appropriations	
DOT: Office of the Secretary (OST)	
National Infrastructure Investments	2,500.0
Safe Streets and Roads for All grants	1,000.0
National Culvert Removal, Replacement, and Restoration grants	200.0
Strengthening Mobility and Revolutionizing Transportation Grant Program	100.0
Total OST	3,800.0
DOT: Federal Aviation Administration (FAA)	
Facilities and Equipment	1,000.0
Airport Infrastructure Grants	3,000.0
Airport Terminal Program	1,000.0
Total FAA	5,000.0
Federal Highway Administration (FHWA)	
Highway Infrastructure Program	9,454.4
Federal Motor Carrier Safety Administration (FMCSA)	
Motor Carrier Safety Operations and Program	10.0
Motor Carrier Safety Grants	124.5
Total FMCSA	134.5
National Highway Traffic Safety Administration (NHTSA)	
Crash Data	150.0
Vehicle Safety and Behavioral Research Programs	109.7
Supplemental Highway Traffic Safety Programs	62.0
Total, NHTSA	321.7
Federal Railroad Administration (FRA)	
Consolidated Rail Infrastructure and Safety Improvements	1,000.0
Northeast Corridor Grants to Amtrak	1,200.0
National Network Grants to Amtrak	3,200.0
Railroad Crossing Elimination Program	600.0
Federal-State Partnership for Intercity Passenger Rail Grants	7,200.0
Total, FRA	13,200.0

Federal Transit Administration (FTA)

Transit Infrastructure Grants	2,050.0
Capital Investment Grants	1,600.0
All Stations Accessibility Program	350.0
Electric or Low-Emitting Ferry Program	50.0
Ferry Service for Rural Communities	200.0
Total, FTA	4,250.0

Maritime Administration (MARAD)

Operations and Training	25.0
Port Infrastructure Development Program	450.0
Total MARAD	475.0

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Natural Gas Distribution Infrastructure Safety and Modernization Grant Program	200.0
Subtotal, IIJA	36,835.6
Total Other Appropriations	39,535.6

Source: House Committee Print 47-047/47-048, the FY2022 Consolidated Appropriations Act: Book II, Div. L, Table of Combined Budget Authority, “Other Appropriations,” pp. 2781-2794.

The RAISE Multi-modal Grant Program

Most DOT funding is provided by mode. The vast majority goes to programs focused on highways, with lesser amounts dedicated to the aviation, transit, rail, and maritime sectors. One of the few grant programs for which project eligibility is not limited to a single mode is the national infrastructure investment program, popularly known as the RAISE discretionary grant program (previously called TIGER and then BUILD).¹⁴ This program is popular in part because it is one of the few transportation grant programs that offer communities an opportunity to obtain federal funding directly for local projects without state government involvement, and in part because virtually any transportation project eligible for federal funding is eligible for a grant under this program. The House committee bill would have increased funding for the program by 20%, from \$1.0 billion in FY2021 to \$1.2 billion in FY2022, including \$40 million for planning grants. The House Appropriations Committee commended DOT for revising the selection criteria for the FY2021 round of grants to include climate change, environmental justice, and racial equity considerations, and included in its recommendations a direction to prioritize projects that improve race and social equity and reduce greenhouse gas emissions in the distribution of funds in FY2022. The Senate draft committee bill would have increased funding for the RAISE discretionary grant program by 9%, from \$1.00 billion in FY2021 to \$1.09 billion in FY2022.

Separately, the IIJA provided supplemental funding of \$1.5 billion for RAISE grants in FY2022, and DOT issued a grant solicitation for that funding on January 28, 2022.¹⁵ The final THUD bill

¹⁴ In previous years, the THUD bill line item “National Infrastructure Investment” funded the TIGER/BUILD/RAISE program. Sections 21201 and 21202 of the IIJA (P.L. 117-58) created two statutory grant programs, the funding for which comes from the THUD bill line item “National Infrastructure Investment”: National Infrastructure Project Assistance (§21201) and Local and Regional Project Assistance (§21202). The latter is now also called the RAISE grant program.

¹⁵ United States Department of Transportation, “U.S. Department of Transportation Announces Availability of \$1.5

provided an additional \$775 million for the RAISE grant program; DOT issued a revised grant solicitation reflecting the new total of \$2.275 billion.

Highway Safety

The House-passed bill recommended an increase of 37% (\$232 million) in NHTSA highway safety grants to states, divided between formula safety grants and national priority safety incentive grant programs. This increased funding was to be drawn from the Highway Trust Fund, and is thus dependent on enactment of surface transportation reauthorization legislation as noted above. The Senate draft committee bill recommended no increase. The final bill provided an increase of 24% (\$151 million) over the FY2021 level.

Passenger Rail

The House-passed bill recommended an increase of 46% (\$1.3 billion) in funding for passenger rail. This was to provide \$2.7 billion for Amtrak and \$1.1 billion for grants to states and other entities for improvements in passenger rail service. This funding is not drawn from the Highway Trust Fund. The Senate draft committee bill recommended an increase of 32%, mostly for additional Amtrak funding. The final bill provided an increase of 19% (\$481 million) over the comparable FY2021 level, a total of \$3.1 billion. Division J of the IIJA provided an additional \$12.6 billion for FY2022.

Commercial Truck Safety

The congressional mandate¹⁶ 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 2017.¹⁷ The purpose was to improve safety by reducing the incidence of commercial drivers driving while fatigued; this would be achieved by improving compliance with (and enforcement of) the federal hours-of-service limits that limit the amount of time a driver can drive each day and each week. ELDs make it harder for drivers to exceed the limits without detection. Objections from certain sectors of the trucking industry have led Congress to repeatedly bar enforcement of the ELD mandate with respect to livestock haulers in the annual THUD appropriations act. This action has been opposed by safety advocates. The FY2021 House version of the THUD bill did not include this waiver, though the enacted FY2021 THUD act did; the waiver was added to the FY2022 THUD bill by amendment in the House Appropriations Committee markup of the bill, was included in the draft Senate committee bill, and was included in the enacted bill (§132).

Department of Housing and Urban Development

Overview

HUD is the nation's housing agency. The programs and activities it administers are designed primarily to address housing problems faced by households with very low incomes or other

Billion in RAISE Grants Made Possible by President Biden's Bipartisan Infrastructure Law," January 28, 2022, <https://www.transportation.gov/RAISEgrants>.

¹⁶ Section 32301(b) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), P.L. 112-141.

¹⁷ 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>.

special housing needs and to expand access to homeownership.¹⁸ The largest share of HUD's budget is devoted to its rental assistance programs: Section 8 Housing Choice Vouchers; project-based rental assistance via Section 8, Section 202 and Section 811; and public housing. These programs, which serve nearly 4.6 million households, provide subsidies to allow low-income recipients to pay below-market, income-based rent.

Two flexible block grant programs—the HOME Investment Partnerships grant program and the Community Development Block Grant (CDBG) program—help states and local governments finance a variety of housing and community development activities designed to serve low-income families. Native American tribes receive their own direct housing grants through the Native American Housing Block Grant program.

Other more specialized grant programs help communities meet the needs of homeless persons (through the Homeless Assistance Grants, namely the Continuum of Care and Emergency Solutions Grants programs), including those living with HIV/AIDS (through the Housing Opportunities for Persons with AIDS program). Additional programs fund fair housing enforcement activities and healthy homes activities, including lead-based paint hazard identification and remediation.

HUD's Federal Housing Administration (FHA) insures mortgages made by lenders to homebuyers with low down payments and to developers of multifamily rental buildings containing relatively affordable units. FHA collects fees from borrowers with FHA-insured mortgages, which are used to sustain its insurance funds.

Agency Funding

Nearly all of HUD's funding is provided via discretionary appropriations generally contained in the annual Transportation, HUD, and Related Agencies appropriations legislation. (HUD programs may also receive additional resources from supplemental or other funding measures in some years, most often in response to disasters.) The annual THUD bill provides gross appropriations for HUD programs and activities for a fiscal year. The "cost" of those appropriations, as determined by the Congressional Budget Office's scorekeeping process, is generally reduced by offsetting receipts from the FHA's loan programs and the Government National Mortgage Association (GNMA) securitization of government loans. To a lesser extent, rescissions of prior-year appropriations can also create savings. The gross appropriations provided to HUD, minus savings from offsets and rescissions, is the net budget authority total, which is used for budget enforcement purposes.

Status of FY2022 HUD Appropriations

As shown in **Table 5**, the President's FY2022 budget request proposed an increase of \$8.3 billion (+13.8%) in gross (regular, nonemergency) appropriations for HUD programs and activities relative to FY2021. (Because of an estimated increase in offsets in FY2022, *net* discretionary budget authority—used for budget enforcement purposes—would see a smaller total increase (+\$7.1 billion) than gross budget authority. However, gross appropriations is a more accurate measure of the resources available to HUD's programs and activities.) Most of the requested increase (\$6.1 billion) is directed to HUD's primary rental assistance programs, which, combined, serve nearly 4.6 million low-income households. However, nearly all HUD programs are

¹⁸ For more information about federal housing assistance programs, see CRS Report RL34591, *Overview of Federal Housing Assistance Programs and Policy*.

proposed for increases, including HUD grant programs that had been targeted for elimination in budget requests from the Trump Administration.

The House bill proposed increasing gross appropriations for HUD relative to FY2021, but slightly less than was requested by the President (a difference of \$250 million, or less than 1%). The Senate Appropriations Committee Chair's draft proposed providing HUD with an increase over FY2021 (+8.4%) but less than requested by the President or proposed by the House. The final FY2022 appropriations law included \$65.7 billion in gross appropriations for HUD, an increase of 9% over FY2021, but less than was requested by the President's budget. Accounting for offsets, HUD's net discretionary total for FY2022 is nearly \$53.7 billion.

**Table 5. Department of Housing and Urban Development,
FY2021-FY2022 Detailed Appropriations**
(dollars in millions)

Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
Appropriations					
Salaries and Expenses (Mgmt. & Adm.)	1,499	1,681	1,558 ^a	1,595	1,588
Tenant-Based Rental Assistance (Sec. 8 Housing Choice Vouchers)	25,777 ^b	30,442	29,216	27,719	27,370
<i>Voucher Renewals (non-add)</i>	23,080	25,001	24,951	24,527	24,095
<i>Administrative Fees (non-add)</i>	2,159	2,790	2,465 ^a	2,474	2,410
<i>Veterans Affairs Supportive Housing (VASH) incremental vouchers (non-add)</i>	40	0	20	50	50
<i>Family Unification Program (FUP) incremental vouchers</i>	25	0	25	30	30
<i>Other Incremental Vouchers (non-add)</i>	43	1,552	1,005 ^a	75	200
<i>Mobility services (non-add)</i>	0	491	150	0	25
Public Housing Fund	7,806	8,575	8,640	8,838	8,452
<i>Operating Grants (non-add)</i>	4,839	4,887	4,897	5,019	5,038
<i>Capital Grants (non-add)</i>	2,765	3,200	3,400	3,616	3,200
<i>Climate Resiliency/Utility Grants (non-add)</i>	—	245	100	0	0
<i>Energy and Water Efficiency (non-add)</i>	—	55	50	0	0
Choice Neighborhoods	200	250	400	200	350
Self Sufficiency Programs	155	175	202 ^a	170	159
Native American Programs	825	1,000	950	1,000	1,002
<i>Native American Housing Block Grants (Formula) (non-add)</i>	647	723	722	772	772
<i>Native American Housing Block Grants (Competitive) (non-add)</i>	100	100	150	150	150

Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
<i>Native American Housing Block Grants (competitive) for energy efficiency and climate resiliency (non-add)</i>	—	100	0	0	0
<i>Indian Community Development Block Grants (non-add)</i>	70	70	70	70	72
Indian Housing Loan Guarantee	2	4	4	4	4
Native Hawaiian Block Grant	2	7	4	15	22
Housing, Persons with AIDS (HOPWA)	430	450	600	450	450
Community Development Fund	3,475	3,770	4,688	4,190	4,841
<i>CDBG Formula Grants</i>	3,450	3,745 ^c	3,728 ^d	3,550	3,300
<i>SUPPORT for Patients and Communities</i>	25	25	25	25	25
<i>Economic Development Initiatives^e</i>	—	—	936 ^d	615	1,516
HOME Investment Partnerships	1,350	1,850	1,850	1,450	1,500
<i>Formula Grants (inc. insular areas)</i>	1,350	1,750	1,800	1,450	1,500
<i>Downpayment Assistance</i>	—	100	50	0	0
Self-Help Homeownership	60	60	65	65	63
<i>Self-Help and Assisted Homeownership Opportunity Program</i>	10	10	15	15	13
<i>Section 4 Capacity Building</i>	41	41	45	41	41
<i>Rural Capacity Building</i>	5	5	5	5	5
<i>Veterans Home Rehabilitation and Modification Pilot Program</i>	4	4	0	4	4
Homeless Assistance Grants	3,000	3,500	3,420	3,260	3,213
Project-Based Rental Assistance (Sec. 8)	13,465	14,060	14,010	13,970	13,940
<i>Contract Renewals</i>	13,115	13,675	13,625	13,615	13,585
<i>Contract Administrators</i>	350	355	355	355	355
<i>Service coordinators for the elderly</i>	—	30	30	0	0
Housing for the Elderly (Section 202)	855	928	1,033	956	1,033
Housing for Persons with Disabilities (Section 811)	227	272	352	227	352
Housing Counseling Assistance	78	86	100	58	58
Manufactured Housing Fees Trust Fund ^f	13	14	14	14	14
Green Retrofit for Multifamily	—	250	0	0	0
Federal Housing Administration (FHA) Expenses ^f	130	180 ^g	150	150	150
Government National Mortgage Assn. (GNMA) Expenses ^f	35	40	36	37	35

Accounts	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
Research and Technology	105	145	185	105	145
Fair Housing Activities	73	85	85	85	85
<i>Fair Housing Assistance Program (non-add)</i>	24	25	25	25	25
<i>Fair Housing Initiatives Program (non-add)</i>	46	56	56	56	56
Lead Hazard Reduction	360	400	460	400	415
Information Technology Fund	300	323	278	300	323
Inspector General	137	147	145	140	140
<i>Gross Appropriations Subtotal</i>	60,358	68,694	68,444	65,398	65,702
Offsetting Collections and Receipts					
Manufactured Housing Fees Trust Fund	-13	-14	-14	-14	-14
FHA	-9,244	-9,596	-9,596	-9,596	-9,596
GNMA	-1,439	-2,364 ^h	-2,363	-2,363	-2,363
<i>Offsets Subtotal</i>	-10,696	-11,974	-11,973	-11,973	-11,973
Rescissions					
Rental Housing Assistance	-14	—	—	—	—
Native Hawaiian Housing Loan Guarantee Fund rescission	—	-6	0	-6	-6
Executive and Administrative Support Offices rescission	—	—	—	—	-29 ⁱ
<i>Rescissions Subtotal</i>	-14	-6	0	-6	-35
Total Net Discretionary Budget Authority	49,648ⁱ	56,714	56,471	53,419	53,694
Supplemental Disaster Relief Funding					5,000^k

Sources: HUD FY2022 Congressional Budget Justifications; H.Rept. 117-99; Division G of H.R. 4502, as passed by the House; and Senate majority draft bill and report as posted at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>; final FY2022 figures taken from the funding tables included in the explanatory statement accompanying the Consolidated Appropriations Act, 2022, as published in the *Congressional Record* on March 9, 2022, beginning on page H3184.

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

- a. Amount adjusted for floor amendment.
- b. Of this amount, \$695 million is designated as being for an emergency requirement by Section 420 of Division L of P.L. 116-260.
- c. This amount includes \$295 million “for activities targeted to the revitalization of deteriorating or deteriorated neighborhoods and places with the greatest need, as determined by the Secretary,” by a separate formula.
- d. The bill allows for up to \$935.5 million to be set aside within the account for Economic Development Initiative projects. If less than this amount is set aside, then more may be available for formula grants.
- e. All funding contained in this set-aside is earmarked for congressionally-requested projects, as described in the text box “Return of Earmarks” earlier in this report.

- 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. Part of this increase would support a temporary expansion of the Good Neighbor Next Door program and a new Home Equity Accelerator Loan pilot. See pp. 28-1 and 28-2 of HUD's FY2022 budget justifications.
- h. Includes estimated receipts attributable to a general provision (§230) included in the President's request to allow GNMA to securitize certain state housing finance agency risk-sharing loans. The requested provision was not included in the House bill, Senate draft, or final law.
- i. Section 238 of the HUD General Provisions includes a rescission of unobligated balances from the Executive Office and Management Support Office within the Management and Administration account, which CBO estimated at \$29 million.
- j. P.L. 117-2 provided \$10.770 billion in additional mandatory funding for HUD programs for COVID-19 response and relief purposes in FY2021. Those funds are not reflected in this table.
- k. Division B of the Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43) provided \$5 billion in emergency supplemental FY2022 funding for HUD's Community Development Block Grant disaster recovery grants.

Selected FY2022 HUD Appropriations Issues

Rental Assistance Funding

Through various programs utilizing different mechanisms, the federal government subsidizes the rents of nearly 4.6 million low-income households, allowing them to pay affordable, below-market rents, generally set at 30% of a family's income. The vast majority of HUD funding each year is devoted to maintaining these rental assistance programs, which include (from largest to smallest in terms of households served in FY2020):

- Housing Choice Vouchers (2.3 million households (HHs));
- Section 8 project-based rental assistance (1.2 million HHs);
- public housing (880,000 HHs);
- Section 202 Housing for the Elderly (124,000 HHs); and
- Section 811 Housing for Persons with Disabilities (32,000 HHs).¹⁹

Funding for these rental assistance programs accounts for roughly 80% of HUD's total (gross) appropriations, most of which is used to maintain assistance for currently assisted families.

Although it is estimated that roughly one in four eligible households receives rental assistance, leading to waiting lists for assistance in most communities, expansions of these programs to serve new families have been limited. For many years, new Housing Choice Vouchers (referred to as incremental vouchers) have been funded only for homeless veterans, via the Veterans Affairs Supportive Housing (VASH) program, and for child welfare-involved families and former foster youth, via the Family Unification Program (FUP). While some funding for new Section 202 and Section 811 units has been provided, HUD has no funding or authority to expand the public housing or Section 8 project-based rental assistance programs. One challenge with expanding rental assistance programs has been the need for funding to renew newly created subsidies in subsequent years. In light of caps on domestic discretionary spending, growing renewal costs can lead to difficult trade-offs in the appropriations process.

In response to the COVID-19 pandemic, some of the largest expansions in rental assistance in recent years were funded in FY2021, with mandatory ARPA funding for 70,000 new (albeit

¹⁹ HUD FY2022 Congressional Budget Justifications, *Overview of Rental Assistance Programs*, p. 2-1, https://www.hud.gov/sites/dfiles/CFO/documents/5_2022CJ-OverviewofRentalAssistancePrograms.pdf.

temporary) vouchers in response to the COVID-19 pandemic, as well as additional discretionary funding of \$43 million in the Consolidated Appropriations Act, 2021, for new incremental vouchers for persons who are homeless or at-risk of homelessness.

For FY2022, the President's budget proposed directing \$6.1 billion of the total \$7.5 billion in increased funding requested over FY2021 to rental assistance programs. In addition to maintaining assistance to the 4.6 million currently assisted households, part of this increase is intended to fund expansions in rental assistance.

Housing Choice Vouchers

The President's budget request included \$1.5 billion in the tenant-based rental assistance account for new incremental Housing Choice Vouchers. Budget documents stated this would allow the program to serve an additional 200,000 families, the largest increase since the program was authorized.

The request also included an increase in administrative fee funding (\$2.8 billion, or +29% over FY2021) and a new set-aside to fund mobility services to help families relocate to areas of opportunity (\$491 million).

The House bill proposed just over \$1 billion for new incremental vouchers, which H.Rept. 117-99 estimated would serve 125,000 additional families. While lower than the President's request, this expansion would still be the largest since the program's inception. Additionally, while the President's budget included no funding for new VASH or FUP vouchers, the House bill included \$20 million for VASH and \$25 million for FUP. The House bill proposed increased funding for administrative fees above the FY2021 level (+14%), but not as high as requested, and proposed to fund the new mobility services set-aside, but at a reduced level (\$150 million). The Senate Committee Chair's draft included increased funding for VASH and FUP relative to FY2021 and the House bill, but less for other new incremental vouchers (\$75 million, for families with young children to move to low-poverty neighborhoods). The final FY2022 appropriations law matched the Senate draft funding levels for FUP and VASH and included \$200 million for other incremental vouchers.

Section 202 and Section 811

The President's budget also proposed funding increases for the Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities programs (+\$73 million and +\$45 million over FY2021, respectively). The President's budget documents noted the funding levels requested would be sufficient to create approximately 2,000 new units—1,100 for Section 202 and 900 for Section 811.

The House bill proposed more than the requested amount for each program (+\$178 million for Section 202 and +\$125 million for Section 811 relative to FY2021). H.Rept. 117-99 noted that the amounts provided would be sufficient to fund more than double the President's requested units (2,250 new units for Section 202; 1,800 new units for Section 811). The Senate Committee Chair's draft proposed level funding for Section 811 relative to FY2021; an increase above the President's request for Section 202, but less than the House bill (\$956 million). The final FY2022 appropriations law funded these programs at the House-passed level.

Public Housing

The President's budget request for public housing was estimated to cover the full cost of public housing operating expenses under the operating fund formula, and the amount requested for

capital grants was intended to be sufficient to meet the full estimated annual capital accrual needs in public housing (although not sufficient to address the backlog of capital needs in public housing, estimated to be as much as \$70 billion). The request also included requests for new funding for various energy efficiency, water efficiency, utility consumption reduction, and climate resiliency incentives/grants.

The House bill proposed to exceed the President's requested funding level for public housing both in terms of operating and capital funding; the Senate Committee Chair's draft proposed a larger increase in funding for public housing than the House bill. The final FY2022 funding law met or exceeded the President's request for operating and capital funding for public housing, but did not include any of the add-on grants/incentives the President's budget had requested.

Formula Grants

HUD's budget includes funding for a number of formula grants to states, municipalities, and tribes for a range of housing and community development purposes. These include the CDBG programs, which can be used by states and localities for a wide range of community development purposes; the HOME program, which can be used by states and localities for various affordable housing purposes; and the Native American Housing Block Grant (NAHBG) to tribes for affordable housing.

The President's budget request included funding increases relative to FY2021 for each of these programs. Specifically, it proposed to increase CDBG formula grants by \$295 million (+8.6%);²⁰ HOME formula grants by \$400 million (+30%); and NAHBG formula grants by \$76 million (+11.7%).

The House bill also included increases for each of these formula grants relative to FY2021. It proposed increasing CDBG formula grants relative to FY2021 by somewhat less than the President's request (+\$289 million, or +8.4%),²¹ HOME formula grants relative to FY2021 by more than the President's request (+\$450 million, or +33%), and NAHBG formula grants relative to FY2021 by slightly less than the request (+\$75 million, or +11.6%). The Senate Committee Chair's draft proposed funding above the President's request for NAHBG formula grants but below the President's requested level for CDBG and HOME formula grants (though an increase over FY2021). The final FY2022 appropriations law cut funding for CDBG formula grants (-4%), but increased funding for HOME formula grants (+11%) and NAHBG formula grants relative to FY2021 (+19%).

Additionally, for the HOME program, the President's budget requested \$100 million for a new down payment assistance grant program; the House bill proposed \$50 million for this purpose. The Senate Committee Chair's draft did not include funding for this down payment initiative, and it was not funded in the final FY2022 law.

Homelessness

In addition to the broader-purpose formula grants previously mentioned, HUD's budget includes funding for formula and competitive grants specifically to address homelessness through two accounts: the Homelessness Assistance Grants account, which funds the Continuum of Care

²⁰ The Congressional Budget Justifications note that this requested increase would fund more geographically targeted activities for historically underserved areas, via a separate allocation format in which communities would opt in. For more information, see https://www.hud.gov/sites/dfiles/CFO/documents/18_2022CJ-CommunityDevelopmentFund.pdf#page=4.

²¹ The bill did not include the alternate funding formula requested by the President and discussed in footnote 20.

program and the Emergency Shelter Grants, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

For FY2022, the President’s budget requested funding increases relative to FY2021 for both Homeless Assistance Grants (+\$500 million, or +17%) and HOPWA (+\$20 million, or +5%). The House bill proposed a smaller increase relative to FY2021 than requested for the Homeless Assistance Grants (+\$420 million, or +14%), but a larger increase relative to FY2021 than requested for HOPWA (+\$170 million or +40%). The committee report noted that its recommended HOPWA funding increase is designed to allow HUD to hold harmless communities that might otherwise receive a decrease as the agency implements an updated HOPWA formula in FY2022. The Senate Committee Chair’s draft included increased funding for Homeless Assistance Grants relative to FY2021, but less than the request; it proposed to match the request for HOPWA. The final FY2022 appropriations law included an increase for the Homeless Assistance Grants relative to FY2021, but less than was requested or proposed by the House or Senate draft bills. It met the President’s request for HOPWA.

Climate Initiative

The Administration attributes \$800 million of the \$7.1 billion in increased funding it requested for HUD relative to FY2021 to a new climate initiative. The department’s budget documents state that the funding will be used for “targeted investments to improve the quality of housing through climate resilience and energy efficiency.”²²

The \$800 million is composed of a request for \$250 million for a new energy and green retrofit grant program for multifamily housing funded in a new account, as well as set-asides for new or expanded initiatives in a number of existing accounts.

As shown in **Table 6**, the House bill proposed to partially fund two of the elements of the climate initiative proposed by the President; the Senate Committee Chair’s draft contained no funding for any of these initiatives. The proposals were not funded in the final FY2022 appropriations law.

Table 6. HUD Climate Initiative Funding

(dollars in millions)

Account	Activity	President’s Request	House Bill	Senate Cmte Chair Draft	Enacted
Public Housing Fund	Utility Conservation and Climate Resilience	245	100	0	0
Public Housing Fund	Energy Performance Contracts	55	50	0	0
Choice Neighborhoods	Climate Grants	50	0	0	0
Native American Programs	Energy and Water efficiency competitive grants	100	0	0	0
Green and Resilient Retrofit Program	Green and Resilient Retrofit Program	250	0	0	0

²² HUD FY2022 Congressional Budget Justifications, *Climate Initiative*, p. 3-1, https://www.hud.gov/sites/dfiles/CFO/documents/6_2022CJ_ClimateInitiative.pdf.

Account	Activity	President's Request	House Bill	Senate Cmte Chair Draft	Enacted
Tenant Based Rental Assistance	Rental Assistance Demonstration	50	0	0	0
Project Based Rental Assistance	Rental Assistance Demonstration	50	0	0	0

Sources: HUD FY2022 Congressional Budget Justifications, Climate Initiative, p. 3-1; H.Rept. 117-99; and Division G of H.R. 4502, as passed by the House; Senate majority draft bill and report as posted at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>; final FY2022 figures taken from the funding tables included in the explanatory statement accompanying the Consolidated Appropriations Act, as published in the *Congressional Record* on March 9, 2022, beginning on p. H3184.

THUD Related Agencies

As shown in **Table 7**, most of the related agencies funded in the THUD bill would have received level or slightly increased funding relative to the prior year under the President's FY2022 budget request, and these requests were supported by the House. The notable exception is the Neighborhood Reinvestment Corporation, for which a 3% (\$5 million) increase was requested, and for which the House recommended a 12% (\$20 million) increase over FY2021. The Senate Committee Chair's draft proposed providing the same amount as requested overall, although with funds distributed somewhat differently across the related agencies. The final FY2022 appropriations law included \$398 million for related agencies, nearly the same as the President requested.

Table 7. THUD Independent Agencies, FY2021-FY2022

(dollars in millions)

Related Agencies	FY2021 Enacted	FY2022 Request	FY2022 House	FY2022 Senate Cmte Chair Draft	FY2022 Enacted
Access Board	9	10	10	10	10
Federal Maritime Commission	30	31	31	33	33
National Railroad Passenger Corporation (Amtrak) Office of Inspector General	25	26	27	26	26
National Transportation Safety Board	118	121	121	123	121
Neighborhood Reinvestment Corporation (NeighborWorks)	165	170	185	166	166
Surface Transportation Board	38	39	39	39	39
Offsetting Collections	-1	-1	-1	-1	-1
U.S. Interagency Council on Homelessness	4	4	4	4	4
Total	388	400	416	400	398

Sources: Division G of H.R. 4502, as passed by the House and H.Rept. 117-99; Senate majority draft bill and report as posted at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>; final FY2022 figures taken from the funding tables included in the explanatory statement accompanying the Consolidated Appropriations Act, 2022, as published in the *Congressional Record* on March 9, 2022, beginning on page H3184.

Note: Totals may not add due to rounding.

Selected Related Agencies Issues

NeighborWorks America

The Neighborhood Reinvestment Corporation (commonly known as NeighborWorks America) was created via federal charter in 1978 to support affordable housing and neighborhood revitalization nationwide through a network of affiliated local organizations. From FY2018-FY2021, the Trump Administration's budget requests to Congress requested only enough funding for NeighborWorks to allow the organization to wind down existing commitments until it ceased operations. Despite these proposals, Congress continued to fund the organization in the annual appropriations acts. The first budget request of the Biden Administration requested a \$5 million increase over the FY2021 enacted level for NeighborWorks. The House bill included a larger increase (\$20 million), and designated \$25 million of the total funding for a competitive grant program to fund revitalization in areas with concentrations of abandoned or distressed properties.²³ The Senate Committee Chair's draft proposed an increase over FY2021 (+\$1 million), but less than requested or proposed by the House. The final FY2022 appropriations law adopted the Senate draft level.

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²³ See pp. 161-162 of H.Rept. 117-99.