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Legislative Notice

No. 22

September 10, 2009

**H.R. 3288 – Transportation, Housing and Urban
Development, and Related Agencies Appropriations
Bill, 2010**

Calendar No. 153

On July 30, 2009, the Appropriations Committee reported H.R. 3288, with an amendment in the nature of a substitute, by a vote of 30-0; S. Report 111-69.

Noteworthy

- This Notice pertains to the Appropriations Committee-reported substitute amendment.
- As reported by the Appropriations Committee, H.R. 3288 provides \$67.79 billion in new budget authority including appropriations and rescissions, and \$54.24 billion in limitation on obligations, which are essentially funds that can be spent out of trust funds. Excluding the \$61.8 billion emergency stimulus funds appropriated in FY09, this is an increase of \$12.47 billion in budget authority, a 23 percent increase.
- H.R. 3288 provides \$1.55 billion for Amtrak, which is \$53 million more than the Administration's request and \$101 million more than the FY09 non-emergency level.
- H.R. 3288 provides \$75.8 billion in total budgetary resources for the Department of Transportation, which is \$3.4 billion more than the Administration's request and \$8.58 billion more than the FY09 non-emergency enacted level, a 13 percent increase.
- On July 23, the House passed H.R. 3288, its version of the Transportation, Housing and Urban Development, and Related Agencies Appropriations bill, by a vote of 256-168. The House bill contains \$1.7 billion in budgetary resources not contained in the Senate legislation, including \$2.8 billion in additional spending for high-speed rail and the creation of a national infrastructure bank requested by the President.

Highlights

(billions of dollars, amounts reflect total budgetary resources less emergencies as contained in the Appropriations Committee report unless otherwise noted)

Title	FY09 Budgetary Resources	FY09 Emergency Appropriations	President's Request	House	Senate Committee
Title I – DOT	67.2	48.12	72.4	76.4	75.8
Title II – HUD	41.5	13.7	45.5	47.1	45.8
Title III – Independent Agencies	0.303	--	5.296	0.329	0.393
Total	\$109.1	\$61.8	\$123.2	\$123.8	\$122.0
<i>Total Budget Authority</i>	<i>\$55.3</i>	<i>\$61.8</i>	<i>\$68.9</i>	<i>\$68.9</i>	<i>\$67.8</i>

Bill Provisions

Title I—Department of Transportation

Title I provides \$75.8 billion in net budgetary resources¹ for the Department of Transportation, which is \$3.38 billion more than the Administration's request, and \$8.58 billion more than the FY09 non-emergency enacted level. The Senate bill provides for new budget authority of \$21.564 billion. DOT received \$61.6 billion in budget authority in FY09, including \$48.1 billion in emergency appropriations through the ARRA. Significant FY10 accounts include:

Office of the Secretary: Provides \$1.35 billion for the Office of the Secretary, which is \$1.1 billion more than the Administration's request and \$1.15 billion above the non-emergency appropriation provided in FY09. The American Recovery and Reinvestment Act (ARRA) included an emergency FY09 appropriation of \$1.5 billion for grants to state and local governments for surface transportation. Although the Administration did not include a request for a continuation of these funds, the Committee included \$1.1 billion for FY10 grants to state and local governments to make investments in surface transportation.

Federal Aviation Administration (FAA): Provides \$15.6 billion in total budgetary resources for the FAA, which is \$35.4 million more than the Administration's request and \$521.4 million more than the non-emergency FY09 enacted level. Of this amount, \$12.1 billion is new budget authority and \$3.5 billion is limitations obligations.

¹ This total includes contract authority and limitations on obligations as defined in Appropriations Committee Report.

Federal Highway Administration (FHWA): Provides \$43.41 billion in total budgetary resources for the FHA, which is \$1.56 billion more than the Administration's request and \$1.65 billion more than the FY09 non-emergency enacted level. Most of this \$43.41 billion is in limitations on obligations, but the bill includes \$1.57 billion in new appropriations, a \$1.24 billion increase over FY09. Section 123 adds \$1.4 billion in additional highway investment out of general funds from the Treasury as opposed to the Highway Trust Fund.

Federal Motor Carrier Safety Administration (FMCSA): Provides \$549.9 million for the FMCSA, including the authority to obligate and liquidate \$548.6 million from the Highway Trust Fund and an appropriation of \$1.328 million from the general fund. This \$549.9 million is an increase of \$7.6 million over FY09 and \$1.3 million less than the Administration's request.

National Highway Traffic Safety Administration (NHTSA): Provides total budgetary resources of \$851.85 million for the NHTSA, which is \$15.4 million less than the Administration's request and \$67.5 million more than the FY09 enacted level. \$729 million of this is limitations on obligations. Provides \$610.5 million for highway safety grants, which is \$19.5 million less than the Administration's request and \$58.7 million more than the FY09 enacted level. The House included \$1.25 billion for highway safety grants.

Federal Railroad Administration (FRA): Provides \$3.035 billion for the FRA, which is \$331 million more than the Administration's request and \$1.2 billion more than the FY09 non-emergency enacted level. Of the funds provided to FRA, \$1.2 billion is provided for High Speed Rail, an increase of \$200 million over the President's request. \$8 billion was provided to High Speed Rail under ARRA in FY09. \$1.55 billion is provided for the **National Railroad Passenger Corporation (Amtrak)**, \$53 million more than the Administration's request and \$101.8 million more than the FY09 non-emergency enacted level. \$1.3 billion was provided to Amtrak in FY09 under ARRA.

Federal Transit Administration (FTA): Provides \$11.06 billion in total budgetary resources for the FTA, which is \$730 million more than the Administration's request and \$934.4 million more than the FY09 enacted level. The majority of this funding is contract authority, which is capped by the obligation level at \$8.34 billion. Included in this funding is \$8.3 billion for **Formula Grants** and \$2.30 billion for **Capital Investment Grants**. Provides \$150 million to the **Washington Metropolitan Area Transit Authority (WMATA)** for capital and preventive maintenance expenditures in response to the accident that killed nine passengers earlier this year.

Saint Lawrence Seaway Development Corporation (SLSDC): Provides \$32.3 million for the SLSDC, which is equal to the Administration's request and \$482,000 more than the FY09 enacted level.

Maritime Administration: Provides \$375.4 million for the Maritime Administration, which is \$29.8 million more than the Administration's request and \$42.0 million more than the FY09 enacted level. Among other functions, the Maritime Administration prioritizes the Department of Defense's use of ports and intermodal facilities during DOD mobilizations to guarantee the smooth flow of military cargo through commercial ports.

Pipeline and Hazardous Materials Safety Administration: Provides \$189.2 million for the Pipeline and Hazardous Materials Safety Administration, which is \$1 million more than the Administration's request and nearly \$16.2 million more than the FY09 enacted level.

Office of the Inspector General: Provides \$75.3 million for the Office of the Inspector General, which is \$550,000 more than the Administration's request and nearly \$4 million less than the FY09 enacted level. The bill maintains language that authorizes the Inspector General to investigate allegations of fraud and unfair practices of competition by air carriers and ticket agents.

Surface Transportation Board (STB): Provides a net of \$27.1 million for the STB (\$1.25 million is expected in offsetting collections), which is \$1.3 million more than the Administration's request and \$1.49 million more than the FY09 enacted level.

Title II—Department of Housing and Urban Development

Title II provides \$45.82 billion in discretionary funding for the Department of Housing and Urban Development (HUD), which is \$345.4 million more than the Administration's request and \$4.29 billion more than the FY09 non-emergency enacted level. Of the over \$55.18 billion provided in FY09, \$13.66 billion, or almost 24 percent of the total, were emergency funds. Significant accounts include:

Operations and Compensation Accounts: Provides \$1.35 billion for Executive Direction, Operations and Management, and Personnel, \$43 million more than the FY09 appropriation and the same as the Administration's request.

Tenant-based Rental Assistance: Provides \$18.2 billion for Tenant-based Rental Assistance for Public and Indian Housing, which is \$301.2 million more than the Administration's request and \$1.62 billion more than the FY09 enacted level. Included in this funding is \$4 billion for an advance appropriation. This account provides funding for the Section 8 tenant-based (voucher) program, which is one of the principal appropriations for federal housing assistance and provides rental housing assistance to over two million families.

Public Housing Capital Fund: Provides \$2.5 billion for the Public Housing Capital Fund, which is \$256.0 million more than the Administration's request and \$50 million more than the FY09 non-emergency enacted level. \$6.45 billion was provided to this account in FY09 including \$4 billion in funds through ARRA.

Public Housing Operating Fund: Provides \$4.75 billion for the Public Housing Operating Fund, which is \$150 million more than the Administration's request and \$295 million more than the FY09 enacted level.

Choice Neighborhoods: Provides \$250.0 million for Choice Neighborhoods, which is \$130 million more than the FY09 enacted level for the Revitalization of Severely Distressed Public Housing account and the same as the amount requested by the Administration.

Native American Housing Block Grants: Provides \$670 million for Native American Housing Block Grants, which is \$25 million more than the Administration's request and \$25 million more than the FY09 enacted level. The program was provided \$510 million in emergency funds in FY09.

Community Planning and Development: Provides \$8.55 billion for Community Planning and Development, which is \$99.2 million more than the Administration's request, and \$737 million more than the FY09 enacted level. In FY09, the program received \$6.75 billion in emergency appropriations through the ARRA. Included in the FY10 funding is \$320 million for **Housing Opportunities for Persons with AIDS**, which is \$10.0 million more than both the Administration's request and the FY09 non-emergency enacted level; \$4.45 billion for the **Community Development Fund**, which is \$550 million more than the FY09 non-emergency enacted level and equal to the budget request (\$3 billion in emergency funds were provided in FY09); \$1.825 billion for the **HOME Investment Partnerships Program**, which is equal to both the Administration's request and the FY09 non-emergency enacted level (\$2.25 billion in emergency funds were provided in FY09 through ARRA); and \$1.87 billion for **Homeless Assistance Grants**, which is \$81.28 million more than the Administration's request and \$198.0 million more than the FY09 non-emergency enacted level (\$1.5 billion in emergency funds were provided in FY09 through ARRA).

Housing Programs: Provides \$9.346 billion for Housing Programs, which is \$10 million more than the Administration's request and \$771 million more than the FY09 non-emergency enacted level. \$2.25 billion in emergency appropriations were provided for Housing Programs in FY09, all for a green retrofit program for multifamily housing. Included in this FY10 funding is \$8.1 billion for **Project-based Rental Assistance**, which is equal to the Administration's request, but \$600 million more than the FY09 non-emergency enacted level. Section 8 project-based rental assistance provides a rental subsidy to a private landlord that is tied to a specific housing unit as opposed to a voucher, which allows a recipient to seek a unit, subject primarily to certain rent caps. \$785 million is provided for **Housing for the Elderly**, which is \$20 million more than both the Administration's request and the FY09 enacted level. \$265 million is provided for **Housing for Persons with Disabilities**, which is \$15 million more than the Administration's request and the FY09 enacted level.

Federal Housing Administration (FHA): The FHA receives a total appropriation for contract expenses and credit subsidy of \$364 million. This supports the **Mutual Mortgage Insurance Program Account**, which provides a limitation on guaranteed loans of \$400.0 billion, \$85 billion more than the FY09 enacted level, and a \$50 million for a limitation on direct loans. The **General and Special Risk Program Account** receives a limitation on guaranteed loans of \$15 billion, which is \$30 billion less than the FY09 enacted level.

Government National Mortgage Association (GNMA): Provides a limitation on new commitments on mortgage-backed securities of \$500 billion, which is \$200 billion more than the FY09 enacted level. Offsetting receipts bring in \$718 million to GNMA.

Policy Research and Development: Provides \$48.0 million for Research and Technology, which is \$10 million less than the Administration's request and \$2 million more than the FY09 enacted level.

Fair Housing Activities: Provides \$72.0 million for Fair Housing Activities, which is equal to the Administration's request and \$18.5 million more than the FY09 enacted level.

Lead Hazard Reduction: Provides \$140 million for Lead Hazard Reduction, which is equal to the Administration's request and the FY09 non-emergency enacted level. \$100 million was provided for lead hazard reduction in ARRA for FY09.

Management and Administration: Provides \$346 million for Management and Administration, which is \$6 million more than the Administration's request and \$2 million more than the FY09 non-emergency enacted level. \$15 million in emergency funds were provided for management and administration in FY09 through ARRA.

Title III—Independent Agencies

Title VI provides \$393 million for Independent Agencies, which is \$4.90 billion less than the Administration's request and \$90 million more than the FY09 enacted level. The Administration's request included a \$5 billion National Infrastructure Bank that is not included in the Senate bill. Significant accounts include:

Architectural and Transportation Barriers Compliance Board (ATBCB): Provides \$7.4 million for the ATBCB, which is \$400,000 more than the Administration's request and \$850,000 more than the FY09 enacted level.

Federal Maritime Commission: Provides \$24.55 million for the Federal Maritime Commission, which is equal to the Administration's request and \$1.75 million above the FY09 enacted level.

National Transportation Safety Board (NTSB): Provides \$96.9 million for NTSB, which is \$1.5 million more than the Administration's request and \$5.9 million more than the FY09 enacted level.

Amtrak Office of Inspector General (OIG): Provides \$19 million for the Amtrak OIG. The Administration did not request a separate level of funding. Historically, Amtrak OIG has received its funding from the amounts provided as grants to Amtrak.

Neighborhood Reinvestment Corporation: Provides \$243 million for the Neighborhood Reinvestment Corporation, which is \$76.2 million more than the Administration's request, and \$62 million more than the FY09 enacted level.

United States Interagency Council on Homelessness: Provides \$2.68 million for the United States Interagency Council on Homelessness, which is \$347,000 more than the FY09 enacted level, and fully funds the Administration’s request.

General Provisions

General provisions are included on a variety of subjects. Notable general provisions not included in previous years’ appropriations bills include **Section 123**, which appropriates \$1.4 billion from the general fund to the Secretary of Transportation for surface transportation projects, and **Section 196**, which takes funds previously appropriated for rail projects in Las Vegas, Nevada, and makes them available for bus projects in Southern Nevada. **Section 115** prevents funds for premium pay for FAA employees unless such employee actually performed the work. **Section 116** prevents FAA employees from purchasing a store gift card or gift certificate with a government credit card.

Administration Position

A Statement of Administration Policy (SAP) concerning H.R. 3288 as reported by the Senate Appropriations Committee was not available at press time.

On June 29, the Administration released a SAP offering support for the House-reported bill. The Administration expressed support for the authorization of its legislative proposal for a National Infrastructure Bank, for which the House provided \$2 billion in funds. The Administration also requested reforms to the Community Development Block Grant program, further funds for the Choice Neighborhood program, and requested further action on its proposed terminations and reductions (outlined below).

President’s Program Terminations

(in millions of dollars)

Program	Classification	2009 Enacted	2010 Request	Committee Recommendation
Brownfields Economic Development	Termination	10	0	0
Corridor H Appalachian Development Highway	Termination	10	0	4
Denali Access	Termination	5	0	1
Rail Line Relocation Grants	Termination	25	0	25
Surface Transportation Priorities	Termination	161	0	165

Cost

The Committee, in consultation with the Congressional Budget Office, estimates the bill provides \$67.7 billion in FY10 discretionary budget authority; \$134.5 billion in discretionary outlays (which includes outlays from prior-year budget authority); and no mandatory budget authority or outlays FY10.

H.R. 3288 would result in the following outlays:

FY 2010	\$48.13 billion ²
FY 2011	\$34.88 billion
FY 2012	\$16.42 billion
FY 2013	\$7.61 billion
FY 2014 and future years	\$9.90 billion

Possible Amendments

No amendments were known at press time. But similar to previous appropriations bills this year, amendments are possible in relation to earmarks and federal spending.

² Excludes outlays from prior-year budget authority.