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Labor, Health and Human Services, and Education: FY2006 Appropriations

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The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of each annual session of Congress. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies. It summarizes the status of the bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The report lists the key CRS staff relevant to the issues covered and related CRS products.

NOTE: A Web version of this document with active links is available to congressional staff at [<http://www.crs.gov/products/appropriations/apppage.shtml>].

Labor, Health and Human Services, and Education: FY2006 Appropriations

Summary

This report tracks FY2006 appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED). This legislation provides discretionary funds for three major federal departments and 14 related agencies. The report, which will be updated, summarizes L-HHS-ED discretionary funding issues but not authorization or entitlement issues.

On February 7, 2005, the President submitted the FY2006 budget request to Congress, including \$141.5 billion in discretionary L-HHS-ED funds; the comparable FY2005 appropriation was \$143.5 billion, enacted primarily through **P.L. 108-447**, the Consolidated Appropriations Act, 2005, December 8, 2004. On June 24, 2005, the House amended and passed **H.R. 3010 (H.Rept. 109-143)**, a bill that would provide \$143.0 billion of FY2006 discretionary appropriations for L-HHS-ED.

Department of Labor (DOL): DOL discretionary appropriations were \$12.1 billion in FY2005; \$11.6 billion was requested for FY2006. Funding would be decreased by \$282 million for the Workforce Investment Act (WIA) programs, including a \$132 million decrease for WIA Dislocated Worker Assistance. The Employment Service would be reduced by \$116 million.

Department of Health and Human Services (HHS): HHS discretionary appropriations were \$63.8 billion in FY2005; \$62.5 billion was requested for FY2006. Health Centers, National Institutes of Health (NIH), and the Centers for Medicare and Medicaid Services (CMS) Program Management would each receive increases of at least \$100 million. Health Professions, the Children's Hospital Graduate Medical Education, the Centers for Disease Control and Prevention (CDC), and Low-Income Home Energy Assistance Program (LIHEAP) would each receive decreases of at least \$100 million. Health Care-Related Facilities and the Community Services Block Grant (CSBG) would each be terminated.

Department of Education (ED): ED discretionary appropriations were \$56.6 billion in FY2005; \$56.2 billion was requested for FY2006. The Title I, Part A Grants to Local Educational Agencies, the Individuals with Disabilities Education Act (IDEA) Part B Grants to States, and Pell Grants would be increased by at least \$100 million. Funding would be initiated for High School Intervention, High School Assessments, and a Teacher Incentive Fund. Funding for Fund for the Improvement of Education (FIE), Adult Education, and TRIO programs would be reduced by at least \$100 million. Perkins Vocational Education, Even Start, Comprehensive School Reform Demonstration, Educational Technology State Grants, Safe and Drug-Free Schools State Grants, and GEAR UP programs would be eliminated.

Related Agencies: Discretionary appropriations for related agencies were \$11.1 billion in FY2005; \$11.2 billion was requested for FY2006. Administrative Expenses of the Social Security Administration (SSA) would be increased by \$748 million; the SSA Medicare Reform Fund would be eliminated. Two-year advance funding for the Corporation for Public Broadcasting (CPB) would be eliminated.

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NIH, health research policy	Judith A. Johnson	7-7077
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Education block grants	Rebecca R. Skinner	7-6600
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Impact Aid	Rebecca R. Skinner	7-6600
Indian education	Roger Walke	7-8641
Pell Grants	Charmaine Mercer	7-4894
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Rehabilitation Act	Sidath Panangala	7-0623
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Student aid	Charmaine Mercer	7-4894
Student loans	Adam Stoll	7-4375
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21 st Century Community Learning Centers	Gail McCallion	7-7758
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Supplemental Security Income	Gary Sidor	7-2588

Contents

Most Recent Developments	1
House Bill H.R. 3010 Passed	1
Budget Resolution H.Con.Res. 95 Adopted	1
President's Budget Submitted	1
Note on Most Recent Data	2
Overview and Key Issues	2
Program Level and Current Year Appropriations	3
President's Request	4
House Proposal	6
Earmarks for Specific Projects	7
302(a) and 302(b) Allocation Ceilings	8
Advance Appropriations	9
Major Funding Trends	10
Department of Labor	12
Key Issues	12
President's Request	12
House Proposal	12
CRS Products	13
Websites	13
Detailed Appropriations Table	13
Department of Health and Human Services	16
Key Issues	16
President's Request	16
House Proposal	17
Abortion: Funding Restrictions	17
Embryonic Stem Cell Research: Funding Restrictions	18
CRS Products	19
Websites	19
Detailed Appropriations Table	19
Department of Education	22
Key Issues	22
President's Request	22
House Proposal	23
ESEA Funding Shortfall?	25
IDEA Funding Shortfall?	25
Pell Grants	25
Forward Funding and Advance Appropriations	26
CRS Products	27
Websites	28
Detailed Appropriations Table	28

Related Agencies	31
Key Issues	31
President’s Request	31
House Proposal	31
CRS Products	32
Websites	32
Detailed Appropriations Table	33
Related Legislation	36
FY2006 Budget Resolution, H.Con.Res. 95/S.Con.Res. 18	36
FY2005 Omnibus Appropriations, P.L. 108-447 (H.R. 4818)	37
“Across-the-Board” Reductions for FY2005	38
FY2005 Supplemental Appropriations for Iraq, Afghanistan, and Tsunami Relief, P.L. 109-13 (H.R. 1268)	38
Appendix A: Terminology and Web Resources	39
Websites	40
Appendix B: Context of L-HHS-ED Appropriations	41

List of Tables

Table 1. Legislative Status of L-HHS-ED Appropriations, FY2006	1
Table 2. Summary of L-HHS-ED Appropriations	3
Table 3. Summary of Estimated L-HHS-ED Earmarks	8
Table 4. FY2006 302(b) Discretionary Allocations for L-HHS-ED	9
Table 5. L-HHS-ED Discretionary Funding Trends, FY2001-FY2005	11
Table 6. Department of Labor Discretionary Appropriations	12
Table 7. Detailed Department of Labor Appropriations	14
Table 8. Department of Health and Human Services Discretionary Appropriations	16
Table 9. Detailed Department of Health and Human Services Appropriations ..	20
Table 10. Department of Education Discretionary Appropriations	22
Table 11. Detailed Department of Education Appropriations	29
Table 12. Related Agencies Discretionary Appropriations	31
Table 13. Detailed Related Agencies Appropriations	34
Table 14. Discretionary Budget Authority for L-HHS-ED Budget Functions Assumed in the FY2006 Budget Resolution	37
Table B.1. Context of the L-HHS-ED Bill, FY2005	41

Labor, Health and Human Services, and Education: FY2006 Appropriations

Most Recent Developments

House Bill H.R. 3010 Passed. The FY2006 appropriations for Labor, Health and Human Services, and Education (L-HHS-ED), H.R. 3010 (H.Rept. 109-143), was amended and passed by the House on June 24, 2005. The bill would provide \$143.0 billion in discretionary funds for L-HHS-ED programs; the comparable FY2005 amount was \$143.5 billion.

Budget Resolution H.Con.Res. 95 Adopted. On April 28, 2005, the FY2006 budget resolution, H.Con.Res. 95, was agreed to by the House and Senate. The resolution requires an FY2006 federal discretionary spending ceiling of \$843 billion, \$3.0 billion less than the FY2005 total. The resolution, however, does not specify appropriations totals for L-HHS-ED agencies or programs.

President's Budget Submitted. On February 7, 2005, the President submitted the FY2006 budget to Congress; the request was for \$141.5 billion in discretionary funds for L-HHS-ED programs.

Table 1 summarizes the legislative status of FY2006 L-HHS-ED appropriations.

Table 1. Legislative Status of L-HHS-ED Appropriations, FY2006

Subcommittee markup		H.R. 3010, House Rept. 109-143	H.R. 3010, House passage	Senate Rept.	Senate passage	Confer. report	Conference report approval		Public Law
House	Senate						House passage	Senate passage	
6/09/05 (a)	— (b)	6/21/05 (c)	6/24/05 250-151 (d)	—	—	—	—	—	—

- The House Subcommittee on Labor, Health and Human Services, and Education Appropriations began FY2006 hearings on Feb. 16, 2005. The subcommittee marked up its version of the FY2006 L-HHS-ED appropriations on June 9, 2005.
- The Senate Subcommittee on Labor, Health and Human Services, and Education Appropriations began FY2006 hearings on Mar. 2, 2005.
- H.R. 3010:** The House Committee on Appropriations approved its version of the L-HHS-ED appropriations for FY2006 on June 16, 2005, and ordered the bill reported. Subsequently, **H.R. 3010 (H.Rept. 109-143)** was introduced and reported on June 21, 2005.
- H.R. 3010:** The House passed **H.Res. 337 (H.Rept. 109-148)**, the rule for the House floor consideration of H.R. 3010, by voice vote; see *Congressional Record*, Daily Edition, June 23, 2005, p. H4991-5000. The House amended and passed **H.R. 3010** on June 24, 2005; see

Congressional Record, Daily Edition, June 23, p. H5000-5073; and June 24, 2005, p. H5105-5165. House approval was by a vote of 250 to 151 (Roll Call no. 321), p. H. 5164-5165.

Note on Most Recent Data. In this report, unless stated otherwise, data on appropriations enacted for FY2005 and proposed for FY2006 are based on the June 29, 2005 table of the House Committee on Appropriations, a table that reflects the bill passed by the House on June 24, 2005. The FY2005 enacted amounts are post-reduction, taking into account the cuts (see page 38) required by P.L. 108-447, the Consolidated Appropriations Act, 2005; *these amounts differ from those shown in the H.R. 4818 conference report for FY2005, H.Rept. 108-792, which are pre-reduction amounts.* In most cases, data represent net funding for specific programs and activities and take into account current and forward funding and advance appropriations; however, all data are subject to additional budgetary scorekeeping. Except where noted, budget data refer only to those programs within the purview of the L-HHS-ED appropriations bill, and not to all programs within the jurisdiction of the relevant departments and agencies, including funding from other appropriations bills and entitlements funded outside of the annual appropriations process.

Overview and Key Issues

This report describes the President's proposal for FY2006 appropriations for L-HHS-ED programs, as submitted to Congress on February 7, 2005, and the congressional response to that proposal. It compares the President's FY2006 request to the FY2005 L-HHS-ED amounts. It tracks legislative action and congressional issues related to the L-HHS-ED appropriations bill, with particular attention paid to discretionary programs. In addition, the report summarizes activities related to the annual budget process, such as the congressional budget resolution, continuing resolutions, and supplemental appropriations (see "Related Legislation," page 36). However, the report does not follow specific funding issues related to mandatory L-HHS-ED programs — such as Medicare or Social Security — nor will it follow any authorizing legislation that may be needed prior to funding some of the President's budget initiatives. For a glossary of budget terms and relevant websites, see "Appendix A: Terminology and Web Resources," page 39. For funding resources for L-HHS-ED agencies, see "Appendix B: Context of L-HHS-ED Appropriations," page 41.

The L-HHS-ED bill typically is one of the more controversial of the regular appropriations bills, not only because of the size of its funding total and the scope of its programs, but also because of the continuing importance of various related issues, such as restrictions on the use of federal funds for abortion, stem cell research, or human cloning. This bill provides discretionary funds for three federal departments and 14 related agencies including the Social Security Administration (SSA).

Among the various appropriations bills, L-HHS-ED is the largest single source of discretionary funds for domestic federal programs; the Defense bill is the largest source of discretionary funds among all federal programs. According to the *Budget of the United States Government Fiscal Year 2006*, Table S-4, the FY2005 L-HHS-ED bill accounted for \$142.4 billion (17.3%) and the Defense bill accounted for \$390.4 billion (47.5%) of the estimated \$822.7 billion total for all federal

discretionary budget authority in FY2005. This section summarizes major funding changes proposed for L-HHS-ED and related issues such as 302(b) allocations, advance appropriations, and earmarks for specific projects. Later sections provide details for individual L-HHS-ED departments.

Program Level and Current Year Appropriations

Table 2 summarizes the L-HHS-ED appropriations for FY2006, including both discretionary and mandatory appropriations. The table shows various aggregate measures of L-HHS-ED appropriations enacted for FY2005 and proposed for FY2006, including discretionary program level, current year, and advance appropriations, as well as scorekeeping adjustments.

Table 2. Summary of L-HHS-ED Appropriations
(\$ in billions)

Type of budget authority	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Discretionary appropriations					
Program level: current bill for any year	\$143.5	\$141.5	\$143.0	—	—
Current year: current year from any bill	142.7	141.6	142.5	—	—
Advances for future years (from the current bill)	19.3	18.8	19.3	—	—
Advances from prior years (from previous bills)	19.2	19.3	19.3	—	—
Scorekeeping adjustments	-0.7	-0.4	-0.5	—	—
Current year discretionary and mandatory funding					
Discretionary	142.7	141.6	142.5	—	—
Mandatory	354.2	455.2	459.4	—	—
Total current year	496.9	596.8	601.9	—	—
Grand total of funding for L-HHS-ED bill, any year					
Grand total any year	\$501.3	\$595.9	\$601.6	—	—

Source: Amounts are based on the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see p. 38) and are based on P.L. 108-447. Appropriations are given only for programs included in the annual L-HHS-ED bill.

Note: Both FY2005 and FY2006 mandatory amounts are estimates that are subject to adjustments after the close of their respective fiscal years.

- **Program level appropriations** reflect the total discretionary appropriations in a given bill, regardless of the year in which they will be spent, and therefore include advance funding for future years. *Unless otherwise specified, appropriations levels in this report refer to program level amounts.*

- **Current year appropriations** represent discretionary appropriations in a given bill for the current year, plus discretionary appropriations for the current year that were enacted in prior years. Current year discretionary appropriations are similar to the amount counted for the 302(b) allocations ceilings (discussed later, page 8).
- **Advance appropriations** are funds that will not become available until after the fiscal year for which the appropriations are enacted — for example, funds included in the FY2005 act that cannot be spent before FY2006 at the earliest (discussed later, page 9).
- **Scorekeeping adjustments** are made to account for special funding situations; the Congressional Budget Office (CBO) monitors these adjustments.

Because appropriations may consist of mixtures of budget authority enacted in various years, two summary measures are frequently used — program level appropriations and current year appropriations. How are these measures related? For an “operational definition,” program level funding equals (a) current year, plus (b) advances for future years, minus (c) advances from prior years, and minus (d) scorekeeping adjustments. **Table 2** shows each of these amounts, along with current year funding for mandatory programs and the grand total for L-HHS-ED.

President’s Request

On February 7, 2005, the President’s FY2006 request was submitted to Congress, two months after the regular FY2005 L-HHS-ED appropriations were signed into law as P.L. 108-447 (enacted December 8, 2004). With regard to the President’s budget, the primary issues raised during congressional consideration of any appropriations request generally relate to proposed funding changes. The summary below notes changes proposed for FY2006 discretionary budget authority of at least \$100 million compared to the FY2005 amount. Viewing this list by itself should be done with caution, since the relative impact of a \$100 million funding change to a \$500 million program (a 20% increase or decrease) is greater than a \$100 million change to a \$5 billion program (a 2% increase or decrease). Later in this report, the discussions of budgets for individual departments include tables to compare the FY2006 request with the FY2005 funding for many of the major programs in the L-HHS-ED bill.

Budget Highlights. Overall, \$141.5 billion in discretionary appropriations was requested for L-HHS-ED for FY2006, \$2.0 billion (1.4%) less than the FY2005 amount of \$143.5 billion.

- For Department of Labor (DOL) programs, the FY2006 request included an decrease of \$282 million for job training programs authorized by the Workforce Investment Act of 1998 (WIA), including \$132 million less for WIA Dislocated Worker Assistance. A decrease of \$116 million was proposed for the Employment Service. Overall, \$11.6 billion in FY2006 discretionary appropriations was requested for DOL, 4.1% less than the FY2005 amount of \$12.1 billion.

- For Department of Health and Human Services (HHS) programs, the FY2006 request proposed increases of \$304 million for Health Centers, \$145 million for the National Institutes of Health (NIH), and \$512 million for the Centers for Medicare and Medicaid Services (CMS) Program Management. The FY2006 request proposed decreases of \$288 million for Health Professions programs other than nursing, \$101 million for Children's Hospital Graduate Medical Education (CHGME), \$470 million for the Centers for Disease Control and Prevention (CDC), and \$182 million for the Low-Income Home Energy Assistance Program (LIHEAP). FY2006 funding would be eliminated for the \$483 million Health Care-Related Facilities and Activities and the \$637 million Community Services Block Grant (CSBG) programs. Overall, \$62.5 billion in FY2006 discretionary appropriations was requested for HHS, 2.0% less than the FY2005 amount of \$63.8 billion.
- For Department of Education (ED) programs, an FY2006 increase of \$1.0 billion was proposed for Elementary and Secondary Education Act of 1965 (ESEA) programs in aggregate. The request proposed increases of \$602 million for ESEA Title I, Part A Grants to Local Educational Agencies (LEAs) for the Education of the Disadvantaged, \$508 million for Special Education Part B Grants to States under the Individuals with Disabilities Education Act (IDEA), \$834 million for Pell Grants, and \$175 million for Striving Readers. Proposed new programs included \$1.2 billion for a High School Intervention initiative, \$250 million for High School Assessments, and \$500 million for a Teacher Incentive Fund. Proposed decreases included \$258 million less for the Fund for the Improvement of Education (FIE), \$369 million for Adult Education, \$140 million for the Fund for the Improvement of Postsecondary Education (FIPSE), and \$468 million for TRIO programs. FY2006 funding would be terminated for the \$1.3 billion Perkins Vocational Education program, the \$225 million Even Start program, the \$205 million Comprehensive School Reform, the \$496 million Educational Technology State Grants, the \$437 million Safe and Drug-Free Schools State Grants, and the \$306 million GEAR UP program. Overall, \$56.2 billion in FY2006 discretionary appropriations was requested for ED, 0.7% less than the FY2005 amount of \$56.6 billion.
- For the related agencies, the FY2006 budget proposed an increase of \$748 million for Administrative Expenses at the Social Security Administration (SSA). Termination of separate funding was proposed for the \$446 million SSA Medicare Reform Fund, with continuing SSA responsibilities to be funded under regular SSA Administrative Expenses. No funds were proposed for the two-year advance appropriation for the Corporation for Public Broadcasting (CPB) for FY2008. The CPB was funded at \$400 million for FY2007 (under the FY2005 L-HHS-ED bill); the FY2005 CPB funding level was \$387 million. Overall, \$11.2 billion in FY2006 discretionary appropriations was requested for related agencies, 1.0% more than the FY2005 amount of \$11.1 billion.

House Proposal

The House Committee on Appropriations reported its version of the FY2005 L-HHS-ED appropriations as **H.R. 3010 (H.Rept. 109-143)** on June 21, 2005. Under the provisions of **H.Res. 337**, the House began consideration of the bill on June 23, and amended and passed the bill on June 24, 2005, by a vote of 250 to 151 (Roll Call no. 321). With some reservations, the Administration announced its support for the House bill, as approved by the committee; for details, please see: [<http://www.whitehouse.gov/omb/legislative/sap/109-1/hr3010sap-h.pdf>].

House Highlights. During its consideration of H.R. 3010, the House approved 11 amendments to the bill. The amended provisions included: restrictions on HHS regarding certain health-related programs being used to treat sexual or erectile dysfunction among sex offenders (§518); repeal of a proposed \$100 million rescission of FY2006 appropriations for the CPB (§519); prohibition on ED from enforcing the Inspector General's November 2003 final audit report regarding 20 Arizona charter schools (§520); restrictions on the Pension Benefit Guaranty Corporation (PBGC) regarding its role in the restructuring of pension benefits by the UAL Corporation (United Air Lines) (§521); a prohibition on the inclusion of social security numbers on Medicare identification cards (§522); restrictions on SSA regarding the implementation of a totalization agreement with Mexico (§528); and restrictions on ED regarding payment of special allowances for certain student loans (§529).

Overall, the House proposal, as passed, would provide program level discretionary appropriations of \$143.0 billion for L-HHS-ED programs for FY2006. The President requested \$141.5 billion; the FY2005 amount was \$143.5 billion. The House bill differs from the President's request in a number of details.

- For DOL programs, the House bill would fund the WIA Dislocated Worker Assistance State Grants at \$1.2 billion, \$118 million more than requested. The WIA Community College program would receive \$125 million, \$125 million less than requested. Overall, the House bill would provide \$11.7 billion in discretionary funds for DOL; \$11.6 billion was requested; and \$12.1 billion was provided for FY2005.
- For HHS programs, the House bill would fund Health Centers at \$1.8 billion, \$204 million less than requested. Children's Hospital Graduate Medical Education (CHGME) would receive \$300 million, \$100 million more than requested. The Agency for Healthcare Research and Quality (AHRQ) would receive a direct appropriation of \$319 million; the request was for \$319 million in indirect appropriations. Community Services Block Grant (CSBG) would receive \$320 million; no funds were requested. The Public Health and Social Services Emergency Fund (PHSSEF) would receive \$184 million, \$2.2 billion less than the request of \$2.4 billion; however, the House bill would directly appropriate \$2.1 billion for bioterrorism activities to the Health Resources and Services Administration (HRSA) (\$0.5 billion) and the CDC (\$1.6 billion), amounts that in previous years would have been appropriated

indirectly through the PHSSEF for the same activities. Overall, the House bill would provide \$63.2 billion in discretionary funds for HHS; \$62.5 billion was requested; and \$63.8 billion was provided for FY2005.

- For ED programs, the House bill would fund ESEA programs in aggregate at \$23.6 billion for FY2006, \$1.8 billion less than requested. ESEA Title I, Part A Grants to LEAs would receive \$12.8 billion, \$0.5 billion less than requested. Even Start would receive \$200 million; no funds were requested. Striving Readers would receive \$30 million, \$170 million less than requested. The High School Intervention initiative would not be funded; \$1.2 billion was requested. Educational Technology State Grants would be funded at \$300 million; no funds were requested. The High School Assessments initiative would not be funded; \$250 million was requested. FIE would receive \$27 million, \$129 million less than requested. Safe and Drug-Free Schools State Grants would receive \$400 million; no funds were requested. The Special Education Part B Grants to States program under IDEA would receive \$10.7 billion, \$358 million less than requested. The Perkins Vocational Education program would receive \$1.3 billion; no funds were requested. Adult Education would receive \$585 million, \$369 million more than requested. Pell Grants would receive \$13.4 billion, \$184 million more than requested. The Pell Grants accumulated shortfall from prior year awards, currently estimated at \$4.3 billion, would be paid off, pursuant to the FY2006 congressional budget resolution. The House bill would not agree to the budget proposal to unify student aid administrative activities in a single account. TRIO programs would receive \$837 million; \$468 million more than requested. GEAR UP would receive \$306 million; no funds were requested. Overall, the House bill would provide \$56.7 billion in discretionary funds for ED; \$56.2 billion was requested; and \$56.6 billion was provided for FY2005.
- For the related agencies, the House bill would provide \$6.4 billion for SSA Administrative Expenses, \$108 million less than requested. The bill would provide \$400 million for FY2008 for the CPB; no funds were requested. The House bill, as passed, would not rescind any funds from the FY2006 CPB appropriation of \$400 million that had been previously appropriated. The House bill, as reported, included a rescission of \$100 million from FY2006 funds for the CPB; a rescission of \$10 million was requested. Overall, the House bill would provide \$11.5 billion in discretionary funds for the related agencies; \$11.2 billion was requested; and \$11.1 billion was provided for FY2005.

Earmarks for Specific Projects

Earmarking of funds for specific projects in appropriations bills has become a topic of contention for Congress and the Administration, and the issue extends to L-HHS-ED projects. In the case of L-HHS-ED appropriations, earmarks may be defined as funds set aside within an account for a specific organization or location,

either in the appropriation act or its conference report. Typically, the authorizing statute gives the general purpose for use of appropriations, such as “projects for the improvement of postsecondary education,” but an earmark designates a specific amount for a specific recipient. Such designations bypass the usual competitive distribution of awards by a federal agency, but otherwise require recipients to follow standard federal financial and other administrative procedures. The President has urged the elimination of congressional earmarks in appropriations in recent years, but Congress has continued the practice.

Earmarks in L-HHS-ED appropriations generally have increased during the past decade, along with the total appropriation for L-HHS-ED programs. **Table 3** shows the total annual L-HHS-ED appropriation, the estimated amount earmarked, the earmarked amount as a percent of the total, and the estimated number of earmarks.

Table 3. Summary of Estimated L-HHS-ED Earmarks
(\$ in millions)

Fiscal year	Total appropriation	Estimated value of earmarks	Earmarks as % of total appropriation	Estimated number of earmarks
2005	\$497,553	\$1,179.5	0.24%	3,014
2004	479,818	875.5	0.18%	2,036
2002	411,822	1,018.7	0.25%	1,606
2000	328,230	461.0	0.14%	491
1998	276,890	54.4	0.02%	25
1996	265,533	14.9	0.01%	7

Sources: The annual L-HHS-ED bills and conference reports upon which the above numbers are based were as follows: For FY2005, P.L. 108-447 (H.Rept. 108-792); for FY2004, P.L. 108-199 (H.Rept. 108-401); for FY2002, P.L. 107-116 (H.Rept. 107-342); for FY2000, P.L. 106-113 (H.Rept. 106-479); for FY1998, P.L. 105-78 (H.Rept. 105-390); and for FY1996, P.L. 104-134 (H.Rept. 104-537).

302(a) and 302(b) Allocation Ceilings

The maximum budget authority for annual L-HHS-ED appropriations is determined through a two-stage congressional budget process. In the first stage, Congress establishes the *302(a) allocations* — the maximum spending totals for Congress for a given fiscal year. This task is sometimes accomplished through the concurrent resolution on the budget, where spending totals are specified through the statement of managers in the conference report. In years when the House and Senate do not reach a budget agreement, these totals may be set through leadership arrangements in each chamber. The spending amounts are allotted among the various committees, and — for the House and Senate Appropriations Committees — the amounts include the total discretionary budget authority available for enactment in annual appropriations.

For FY2006, the concurrent resolution on the budget was H.Con.Res. 95, to which the House and Senate agreed on April 28, 2005. The conference report established \$843.0 billion as the 302(a) allocation ceiling for the total discretionary budget authority for FY2006; that amount represents an increase of \$3.0 billion relative to the FY2005 discretionary budget authority of \$840.0 billion (H.Rept. 108-62, p. 31 and 86). For legislative details, please see “Related Legislation,” page 36.

In the second stage of the annual congressional budget process, the House and Senate Appropriations Committees separately establish the *302(b) allocations* — the maximum discretionary budget authority available to each subcommittee for each annual appropriations bill. The total of these allocations must not exceed the 302(a) discretionary total. This process creates the basis for enforcing discretionary budget discipline, since any appropriations bill reported with a total above the ceiling is subject to a point of order. The 302(b) allocations can and often do get adjusted during the year as the various appropriations bills progress toward final enactment. **Table 4** shows the 302(b) discretionary allocations for the FY2006 L-HHS-ED appropriations for the House and Senate Committees on Appropriations. Comparable amounts for the FY2005 appropriations and the President’s FY2006 budget request are also shown. Both the 302(a) and 302(b) allocations regularly become contested issues in their own right.

Table 4. FY2006 302(b) Discretionary Allocations for L-HHS-ED
(budget authority in billions of dollars)

FY2005 comparable	FY2006 request comparable	FY2006 House allocation	FY2006 Senate allocation	FY2006 enacted comparable
\$142.7	\$141.6	\$142.5	\$141.3	—

Sources: The comparable amounts for FY2005 budget authority and the FY2006 budget request are based on the June 29, 2005 table of the House Committee on Appropriations. The FY2006 House allocation is based on H.Rept. 109-145, June 22, 2005; the FY2006 Senate allocation is based on S.Rept. 109-95, June 29, 2005.

Advance Appropriations

Advance appropriations occur when funds enacted in one fiscal year are not available for obligation until a subsequent fiscal year. For example, **P.L. 108-447**, which enacted FY2005 L-HHS-ED appropriations, provided \$400 million for the Corporation for Public Broadcasting (CPB) for use in FY2007. Advance appropriations may be used to meet several objectives. These might include the provision of long-term budget information to recipients, such as state and local educational systems, to enable better planning of future program activities and personnel levels. The more contentious aspect of advance appropriations, however, involves how they are counted in budget ceilings.

Advance appropriations avoid the 302(a) and 302(b) allocation ceilings for the current year, but must be counted in the year in which they first become available for obligation. This procedure uses up ahead of time part of what will be counted against

the allocation ceiling in future years. In FY2002, the President's budget proposed the elimination of advance appropriations for federal discretionary programs, including those for L-HHS-ED programs. Congress rejected that proposal, and the proposal has not been repeated. For an example of the impact of advance appropriations on program administration, see discussion in "Department of Education," page 26.

The FY1999 and FY2000 annual L-HHS-ED appropriations bills provided significant increases in advance appropriations for discretionary programs. These amounts stabilized at approximately \$19 billion in FY2000, increased to \$21.5 billion in FY2003, and returned to \$19.3 billion in FY2004 and FY2005. For FY2005, the advance appropriations represent approximately 14% of the L-HHS-ED discretionary total of \$142.4 billion for that year. For FY2006, the President's request included L-HHS-ED advance appropriations of \$18.8 billion (13%). From FY1998 to the present, the advance appropriations enacted in L-HHS-ED bills have been as follows:

- FY1998, \$4.0 billion;
- FY1999, \$8.9 billion;
- FY2000, \$19.0 billion;
- FY2001, \$18.8 billion;
- FY2002, \$19.3 billion;
- FY2003, \$21.5 billion;
- FY2004, \$19.3 billion;
- FY2005, \$19.3 billion;
- FY2006, President's budget request, \$18.8 billion; and
- FY2006, House bill, as passed, \$19.3 billion.

Major Funding Trends

The L-HHS-ED appropriations bills include both mandatory and discretionary funds; however, the Appropriations Committees fully control only the discretionary funds. Mandatory funding levels for programs included in the annual appropriations bills are modified through changes in the authorizing legislation. Typically, these changes are accomplished through authorizing committees by means of reconciliation legislation, and not through appropriations committees in annual appropriations bills.

Table 5 shows the trend in discretionary budget authority enacted in the L-HHS-ED appropriations for FY2001 through FY2005. During the past five years, L-HHS-ED discretionary funds have grown from \$109.4 billion in FY2001 to an estimated \$142.4 billion in FY2005, an increase of \$33.0 billion, or 30.2%. During this same period — and using the Gross Domestic Product (GDP) deflator to adjust for inflation — L-HHS-ED discretionary funds in estimated FY2005 dollars have grown from \$118.0 billion in FY2001 to \$142.4 billion in FY2005, an increase of \$24.4 billion in estimated FY2005 dollars, or 20.7%. L-HHS-ED discretionary funds as a percent of total federal discretionary funds decreased from a 16.5% share in FY2001 to an estimated 15.6% share in FY2005. L-HHS-ED discretionary funds as a percent of total federal budget authority increased slightly from a 5.6% share in FY2001 to an estimated 5.7% share in FY2005.

Table 5. L-HHS-ED Discretionary Funding Trends, FY2001-FY2005

(budget authority in billions of dollars)

Type of funds	FY2001	FY2002	FY2003	FY2004	FY2005 estimate ^a
L-HHS-ED discretionary	\$109.4	\$127.2	\$132.4	\$140.9	\$142.4
L-HHS-ED discretionary in estimated FY2005 dollars	\$118.0	\$134.8	\$137.8	\$143.8	\$142.4
L-HHS-ED % of total federal discretionary funds ^b	16.5%	17.3%	15.6%	15.5%	15.6%
L-HHS-ED % of total federal budget authority (both discretionary and non-discretionary)	5.6%	6.1%	5.8%	5.9%	5.7%
Total federal discretionary funds	\$663.8	\$734.8	\$849.5	\$907.6	\$915.6
Total federal budget authority (both discretionary and non-discretionary)	\$1,959.0	\$2,090.1	\$2,266.1	\$2,407.4	\$2,477.4
GDP deflator	1.0236	1.0426	1.0614	1.0825	1.1045

Sources: Federal totals and the GDP deflator are based on the *Budget of the United States Government Historical Tables Fiscal Year 2006*, Tables 5.2, 5.4, and 10.1. L-HHS-ED totals for discretionary budget authority are based on annual conference reports for L-HHS-ED appropriations, and therefore may not be completely comparable from year to year.

- a. FY2005 estimates for federal budget authority, both total and discretionary, are based on amounts published in the FY2006 budget request of Feb. 7, 2005. Estimates exclude supplementals and rescissions enacted after that date, as well as re-estimates and scorekeeping adjustments.
- b. Discretionary funds include both defense and non-defense activities.

Department of Labor

FY2005 discretionary appropriations for the Department of Labor (DOL) were \$12.1 billion. For FY2006, the budget request was \$11.6 billion, \$0.5 billion (4.1%) less than the FY2005 amount, as shown in **Table 6**. As passed, the House bill would provide \$11.7 billion for DOL discretionary programs in FY2006.

Table 6. Department of Labor Discretionary Appropriations
(\$ in billions)

Funding	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Appropriations	\$12.1	\$11.6	\$11.7	—	—

Source: Amounts are based on the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447. Amounts represent discretionary programs funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory DOL programs included in the FY2005 L-HHS-ED bill were funded at \$3.3 billion, and consist of the Federal Unemployment Benefits and Allowances (\$1.1 billion), Black Lung Disability Trust Fund (\$1.1 billion), Advances to the Unemployment Insurance and Other Trust Funds (\$0.5 billion), Special Benefits for Disabled Coal Miners (\$0.4 billion), Employment Standards Administration (ESA) Special Benefits (\$0.2 billion), and Energy Employees Occupational Illness Compensation Fund (\$40 million).

Key Issues

President's Request. The President's FY2006 budget request for DOL proposed changes in funding for a number of discretionary activities; proposed changes of at least \$100 million were as follows.

- The Workforce Investment Act of 1998 (WIA) programs, funded in aggregate at \$5.3 billion in FY2005, would be decreased by \$282 million under the President's FY2006 budget request.
- The WIA Dislocated Worker Assistance programs, funded at \$1.5 billion in FY2005, would be decreased by \$132 million in FY2006, including a decrease of \$118 million for state grants.
- The Employment Service, funded at \$846 million in FY2005, would be decreased by \$116 million, including a decrease of \$85 million for state grants.

House Proposal. For DOL programs, the House bill, as passed, differs from the President's budget request primarily with respect to two WIA programs.

- The House bill would provide \$1.2 billion for WIA Dislocated Worker Assistance State Grants, \$118 million more than requested and the same as the FY2005 amount.

- The WIA Community College program would receive \$125 million, which is \$125 million less than requested and \$124 million less than the funds available from all sources for FY2005.

CRS Products

CRS Report RS22077, *Unemployment Compensation (UC) and the Unemployment Trust Fund (UTF): Funding UC Benefits*, by Christine Scott and Julie M. Whittaker.

CRS Report RS20244, *The Workforce Investment Act: Training Programs Under Title I at a Glance*, by Ann Lordeman.

Websites

Department of Labor

[<http://www.dol.gov>]

[http://www.dol.gov/_sec/Budget2006/overview.htm]

[<http://www.doleta.gov/budget/06bud.cfm>]

Detailed Appropriations Table

Table 7 shows the appropriations details for offices and major programs of DOL.

Table 7. Detailed Department of Labor Appropriations
(\$ in millions)

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
<i>Employment and Training Administration (ETA)</i>					
Training and Employment Services (TES), Workforce Investment Act (WIA) Adult Training Grants to States	897	866	866	—	—
WIA Youth Training	986	950	950	—	—
WIA Dislocated Worker Assistance	1,476	1,344	1,405	—	—
— <i>Dislocated Worker Assistance, State Grants (non-add)</i>	1,193	1,075	1,193	—	—
— <i>Dislocated Worker Assistance, National Reserve (non-add)</i> ^a	283	269	212	—	—
WIA Migrant and Seasonal Farmworkers	76	0	76	—	—
WIA Job Corps	1,552	1,517	1,542	—	—
WIA Community College (Community-Based Job Training) ^a	124	250	125	—	—
<i>Community College program level (non-add)</i>	249	250	125	—	—
WIA Other Federal Activities	227	129	158	—	—
WIA/TES subtotal	5,338	5,056	5,122	—	—
Community Service Employment for Older Americans	437	437	437	—	—
Federal Unemployment Benefits and Allowances (mandatory)	1,057	966	966	—	—
State Unemployment Insurance and Employment Service Operations (SUI/ESO) Unemployment Compensation	2,673	2,633	2,633	—	—
SUI/ESO Employment Service	846	730	730	—	—
SUI/ESO One-Stop Career Centers	98	88	88	—	—
SUI/ESO Work Incentives Grants	20	20	20	—	—
SUI/ESO subtotal	3,637	3,471	3,471	—	—
Advances to Unemployment Trust Fund and other funds (mandatory)	517	465	465	—	—
ETA Program Administration	170	206	206	—	—
ETA subtotal	11,156	10,601	10,667	—	—
Employee Benefits Security Administration	131	137	137	—	—
Pension Benefit Guaranty Corporation (PBGC) Administration	0	0	0	—	—
<i>PBGC program level (non-add)</i>	266	297	297	—	—
<i>Employment Standards Administration (ESA)</i>					
ESA Salaries and Expenses	401	416	416	—	—

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
ESA Special Benefits (mandatory)	233	237	237	—	—
ESA Special Benefits for Disabled Coal Miners (mandatory)	357	306	306	—	—
ESA Energy Employees Occupational Illness Compensation Fund (mandatory)	40	96	96	—	—
ESA Black Lung Disability Trust Fund (mandatory)	1,062	1,068	1,068	—	—
ESA subtotal	2,093	2,123	2,123	—	—
Occupational Safety and Health Administration (OSHA)	464	467	477	—	—
Mine Safety and Health Administration (MSHA)	279	280	280	—	—
Bureau of Labor Statistics	529	543	543	—	—
Office of Disability Employment Policy	47	28	28	—	—
Departmental Management					
International Labor Affairs	93	12	12	—	—
Veterans Employment and Training	223	224	229	—	—
Departmental Management, other	297	304	299	—	—
Departmental Management subtotal	613	540	540	—	—
Working Capital Fund	10	6	6	—	—
TOTALS, DEPARTMENT OF LABOR					
Total appropriations ^b	15,322	14,724	14,801	—	—
Current year funding	12,778	12,212	12,264	—	—
One-year advance funding	2,544	2,512	2,537	—	—

Source: Funding details have been compiled from the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447.

- a. The FY2005 funding for the WIA Community College program was \$249 million at the program level, consisting of \$124 million specified directly and an additional \$125 million required to be redirected from the National Reserve of the WIA Dislocated Worker Assistance program.
- b. Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments.

Department of Health and Human Services

FY2005 discretionary appropriations for the Department of Health and Human Services (HHS) were \$63.8 billion. For FY2006, the budget request was \$62.5 billion, \$1.3 billion (2.0%) less than the FY2005 amount, as shown in **Table 8**. As passed, the House bill would provide \$63.2 billion for HHS discretionary programs in FY2006.

**Table 8. Department of Health and Human Services
Discretionary Appropriations**
(\$ in billions)

Funding	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Appropriations	\$63.8	\$62.5	\$63.2	—	—

Source: Amounts are based on the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447. Amounts represent discretionary programs funded by L-HHS-ED appropriations; funds for mandatory programs are excluded, as are funds for the Food and Drug Administration (FDA) and the Indian Health Service (IHS), both of which are administered by HHS but funded through other appropriations bills.

Mandatory HHS programs included in the L-HHS-ED bill were funded at \$315.4 billion in FY2005, and consist primarily of Medicaid Grants to States (\$182.3 billion), Payments to Medicare Trust Funds (\$119.8 billion — virtually all of this amount was for Part B Supplementary Medical Insurance), Foster Care and Adoption (\$6.8 billion), Family Support Payments to States (\$4.1 billion), and the Social Services Block Grant (\$1.7 billion).

Key Issues

President's Request. The President's FY2006 budget request for HHS would increase support primarily for Health Centers and the administration of Medicare and Medicaid. At the same time, it would reduce funding for various other health and human resources programs, as indicated below.

Discretionary spending increases of at least \$100 million were requested in the President's FY2006 budget for the following programs.

- Health Centers, funded at \$1.7 billion in FY2005, would be increased by \$304 million under the President's budget request.
- The National Institutes of Health (NIH), funded at \$28.4 billion in FY2005, would be increased by \$145 million. The NIH supports activities that maintain and improve health through medical science; for additional information, please see CRS Report RL32799, *Federal Research and Development Funding: FY2006*.
- The Centers for Medicare and Medicaid Services (CMS) Program Management for the administration of the Medicare and Medicaid

programs, funded at \$2.7 billion in FY2005, would be increased by \$512 million under the request.

Along with the increases proposed above, the President's FY2006 budget would decrease or terminate funding for several programs.

- Health Professions programs other than those for nursing, funded at \$299 million in FY2005, would be decreased by \$288 million.
- Children's Hospital Graduate Medical Education (CHGME), funded at \$301 million in FY2005, would be reduced by \$101 million.
- The CDC, funded at \$4.5 billion in FY2005, would be reduced by \$470 million, including elimination of the Preventive Health and Health Services Block Grant (funded at \$119 million in FY2005) and a reduction to Building and Facilities of \$240 million (funded at \$270 million in FY2005).
- Low-Income Home Energy Assistance Program (LIHEAP), funded at \$2.2 billion in FY2005, would be decreased by \$175 million.
- Health Care-Related Facilities and Activities, funded at \$483 million in FY2005, would be eliminated; funds for this program were earmarked for construction and renovation projects for designated recipients.
- The Community Services Block Grant, which was funded at \$637 million in FY2005, would be eliminated.

House Proposal. For HHS programs, the House bill, as passed, differs from the President's budget request in several respects.

- Health Centers would receive \$1.8 billion under the House bill, \$204 million less than requested; it received \$1.7 billion in FY2005.
- Children's Hospital Graduate Medical Education (CHGME) would receive \$300 million, \$100 million more than requested; it received \$301 million in FY2005.
- The Agency for Healthcare Research and Quality (AHRQ) would receive a direct appropriation of \$319 million; the request was for \$319 million in indirect appropriations from other HHS programs, the same as was provided in FY2005.
- Community Services Block Grant (CSBG) would receive \$320 million; no funds were requested, and \$637 million was provided in FY2005.
- The Public Health and Social Services Emergency Fund (PHSSEF) would receive \$184 million, \$2.2 billion less than the request and the FY2005 amount; however, the House bill would directly appropriate \$2.1 billion for bioterrorism activities at the Health Resources and Services Administration (HRSA) (\$0.5 billion) and the CDC (\$1.6 billion) that would have been appropriated indirectly through the PHSSEF for those activities in previous years.

Abortion: Funding Restrictions. Annual L-HHS-ED appropriations regularly contain restrictions that limit — for one year at a time — the circumstances under which federal funds can be used to pay for abortions. Restrictions on

appropriated funds, popularly referred to as the “Hyde Amendments,” generally apply to all L-HHS-ED funds. Medicaid is the largest program affected. Given the perennial volatility of this issue, these provisions may be revisited at any time during the annual consideration of L-HHS-ED appropriations. From FY1977 to FY1993, abortions could be funded only when the life of the mother was endangered. The 103rd Congress modified the provisions to permit federal funding of abortions in cases of rape or incest. The FY1998 L-HHS-ED appropriations, P.L. 105-78, extended the Hyde provisions to prohibit the use of federal funds to buy managed care packages that include abortion coverage, except in the cases of rape, incest, or life endangerment. The FY1999 L-HHS-ED appropriations, P.L. 105-277, continued the FY1998 Hyde Amendments with two added provisions: (1) a clarification to ensure that the restrictions apply to all trust fund programs (namely, Medicare), and (2) an assurance that Medicare + Choice plans cannot require the provision of abortion services. No changes were made from FY2000 through FY2004. The FY2005 L-HHS-ED appropriations, P.L. 108-447 (H.Rept. 108-792, p. 1271), added an additional restriction, popularly referred to as the “Weldon Amendment,” that prevents federal programs or state or local governments that receive L-HHS-ED funds from requiring health care entities to provide or pay for abortions or abortion services. The current provisions can be found in §507 and §508 of Division F, P.L. 108-447. For additional information, please see CRS Issue Brief IB95095, *Abortion: Legislative Response*.

Embryonic Stem Cell Research: Funding Restrictions. On August 9, 2001, President Bush announced a decision to use federal funds for research on human embryonic stem cells for the first time, but limited the funding to “existing stem cell lines.” Embryonic stem cells have the ability to develop into virtually any cell in the body, and have the potential to treat medical conditions such as diabetes and Parkinson’s disease. In response to the President’s announcement, the NIH developed a registry of 78 embryonic stem cell lines eligible for use in federally funded research. However, many of these lines were found to be unavailable or unsuitable for research; only 22 of the 78 eligible stem cell lines are currently available for general research purposes. Some scientists are concerned about the quality, longevity, and availability of eligible stem cell lines. Many believe that the advancement of research requires new stem cell lines, possibly including stem cells derived from cloned embryos. The use of stem cells, however, raises ethical issues regarding embryo and fetal tissue research because the embryos are destroyed in order to obtain the cells. Given its potential volatility, the issue may be revisited at any time during the annual consideration of L-HHS-ED appropriations.

An FY1996 appropriations continuing resolution, P.L. 104-99 (§128), prohibited NIH funds from being used for the creation of human embryos for research purposes or for research in which human embryos are destroyed. Since FY1997, annual appropriations acts have extended the prohibition to all L-HHS-ED funds, with the NIH as the agency primarily affected. The restriction, originally introduced by Representative Jay Dickey, has not changed significantly since it was first enacted, and the FY2005 L-HHS-ED appropriations continued the restrictions without change. The current provision can be found in §509 of the FY2005 L-HHS-ED appropriations, Division F of P.L. 108-447. For additional information, please see CRS Report RL31015, *Stem Cell Research*; CRS Report RL31358, *Human Cloning*;

and CRS Report RS21044, *Background and Legal Issues Related to Stem Cell Research*.

CRS Products

- CRS Issue Brief IB95095, *Abortion: Legislative Response*, by Karen J. Lewis and Jon O. Shimabukuro.
- CRS Report RL30731, *AIDS Funding for Federal Government Programs: FY1981-FY2006*, by Judith A. Johnson and Sharon Coleman.
- CRS Report 98-476, *AIDS: Ryan White CARE Act*, by Judith A. Johnson and Paulette C. Morgan.
- CRS Report RL30785, *The Child Care and Development Block Grant: Background and Funding*, by Melinda Gish.
- CRS Report RL32872, *Community Services Block Grants (CSBG): Funding and Reauthorization*, by Karen Spar and Garrine P. Laney.
- CRS Report RL32046, *Federal Health Centers Program*, by Sharon Kearney Coleman.
- CRS Report RL32799, *Federal Research and Development Funding: FY2006*, by Michael E. Davey.
- CRS Report RL30952, *Head Start: Background and Issues*, by Melinda Gish.
- CRS Report RL31865, *The Low-Income Home Energy Assistance Program (LIHEAP): Program and Funding*, by Emilie Stoltzfus.
- CRS Report 97-350, *Maternal and Child Health Block Grant*, by Sharon Kearney Coleman.
- CRS Report RL31336, *Older Americans Act: Programs and Funding*, by Carol O'Shaughnessy and updated by Angela Napili.
- CRS Report RL31719, *An Overview of the U.S. Public Health System in the Context of Emergency Preparedness*, by Sarah A. Lister.
- CRS Report RL31940, *Public Health Service Operating Agencies*, by Sharon Kearney Coleman.
- CRS Report RL31015, *Stem Cell Research*, by Judith A. Johnson and Erin D. Williams.
- CRS Report 97-1048, *The Title X Family Planning Program*, by Sharon Kearney Coleman.

Websites

Department of Health and Human Services

[<http://www.hhs.gov>]

[<http://www.hhs.gov/budget/document.htm>]

Detailed Appropriations Table

Table 9 shows the appropriations details for offices and major programs of HHS.

Table 9. Detailed Department of Health and Human Services Appropriations
(\$ in millions)

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
<i>Public Health Service (PHS)</i>					
<i>Health Resources and Services Administration (HRSA)</i>					
Health Centers	1,734	2,038	1,834	—	—
Community Access Program	83	0	0	—	—
National Health Service Corps	131	127	127	—	—
Health Professions, Nursing	151	150	150	—	—
Health Professions, other	299	11	47	—	—
Health Professions subtotal	450	161	197	—	—
Children's Hospital Graduate Medical Education	301	200	300	—	—
Maternal and Child Health Block Grant	724	724	700	—	—
Ryan White AIDS Programs	2,048	2,058	2,058	—	—
Family Planning (Title X)	286	286	286	—	—
Health Care-Related Facilities and Activities	483	0	0	—	—
Vaccine Injury Compensation Trust Fund (mandatory)	66	71	71	—	—
HRSA, other	569	378	948	—	—
HRSA subtotal	6,875	6,043	6,521	—	—
Centers for Disease Control and Prevention (CDC) ^a	4,511	4,041	5,946	—	—
National Institutes of Health (NIH) ^b	28,365	28,510	28,507	—	—
Substance Abuse and Mental Health Services Administration (SAMHSA) Mental Health Block Grant	411	411	411	—	—
SAMHSA Substance Abuse Block Grant	1,696	1,696	1,696	—	—
SAMHSA, other	1,161	1,108	1,124	—	—
SAMHSA subtotal	3,268	3,215	3,231	—	—
Agency for Healthcare Research and Quality (AHRQ)	0	0	319	—	—
AHRQ program level (non-add)	319	319	319	—	—
PHS subtotal	43,019	41,809	44,524	—	—
<i>Centers for Medicare and Medicaid Services (CMS)</i>					
Medicaid Grants to States (mandatory)	182,296	219,738	219,738	—	—
Payments to Medicare Trust Funds (mandatory)	119,826	177,822	177,742	—	—
CMS Program Management	2,665	3,177	3,180	—	—
Fraud and Abuse Control initiative	0	80	0	—	—
CMS subtotal	304,787	400,817	400,660	—	—

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
<i>Administration for Children and Families (ACF)</i>					
Family Support Payments to States (mandatory)	4,090	4,220	4,220	—	—
Low Income Home Energy Assistance Program (LIHEAP)	2,182	2,000	2,007	—	—
Refugee and Entrant Assistance	484	552	561	—	—
Child Care and Development Block Grant (CCDBG)	2,083	2,083	2,083	—	—
Social Services Block Grant (Title XX) (mandatory)	1,700	1,700	1,700	—	—
Head Start	6,854	6,888	6,899	—	—
Child Welfare Services	290	290	290	—	—
Developmental Disabilities	169	169	171	—	—
Community Services Block Grant	637	0	320	—	—
Battered Women's Shelters	126	126	126	—	—
Abstinence Education	99	138	110	—	—
Other Children and Family Services	833	775	773	—	—
Promoting Safe and Stable Families (PSSF) (mandatory)	305	305	305	—	—
PSSF (discretionary)	99	105	99	—	—
Foster Care and Adoption Assistance (mandatory)	6,805	6,583	6,583	—	—
ACF subtotal	26,757	25,934	26,246	—	—
Administration on Aging (AOA)	1,393	1,369	1,376	—	—
<i>Office of the Secretary</i>					
Medical Benefits, Commissioned Officers (mandatory)	331	329	329	—	—
Public Health and Social Service Emergency Fund	2,407	2,428	184	—	—
Office of the Secretary, other	507	588	525	—	—
Office of the Secretary subtotal	3,245	3,345	1,038		
TOTALS, DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Total appropriations ^c	379,201	473,275	473,844	—	—
Current year funding	311,100	406,172	406,730	—	—
One-year advance funding	68,101	67,103	67,114	—	—

Source: Funding details have been compiled from the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447.

Note: Two HHS agencies are funded in their entirety through other appropriations. The Food and Drug Administration (FDA) is funded in Agriculture appropriations (\$1.5 billion in FY2005), and the Indian Health Service (IHS) is funded in Interior appropriations (\$3.0 billion in FY2005).

- a. The Veterans Affairs and Housing and Urban Development (VA-HUD) appropriations provided additional funding of \$76 million for the CDC in FY2005.
- b. The VA-HUD appropriations provided additional funding of \$80 million for the NIH in FY2005.
- c. Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments.

Department of Education

FY2005 discretionary appropriations for the Department of Education (ED) were \$56.6 billion. For FY2006, the budget request was \$56.2 billion, \$0.4 billion (0.7%) less than the FY2005 amount, as shown in **Table 10**. As passed, the House bill would provide \$56.7 billion for ED discretionary programs in FY2006.

Table 10. Department of Education Discretionary Appropriations
(\$ in billions)

Funding	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Appropriations	\$56.6	\$56.2	\$56.7	—	—

Source: Amounts are based on the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447. Amounts represent discretionary programs funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

A single mandatory ED program is included in the L-HHS-ED bill; the Vocational Rehabilitation State Grants program was funded at \$2.6 billion in FY2005.

Key Issues

President's Request. Increasing federal support for education has been a priority of both Congress and the White House in recent years. Under the FY2006 budget request, funding for several programs would be increased, and 14 new education programs were proposed; however, the President's request would also eliminate the funding for 48 existing programs.

Discretionary spending increases of at least \$100 million in FY2006 were requested by the President for the following programs.

- Elementary and Secondary Education Act of 1965 (ESEA) programs, funded in aggregate at \$24.4 billion in FY2005, would be increased by \$1.0 billion under the President's FY2006 budget request — see discussion below of ESEA funding shortfall.
- The ESEA Title I, Part A Grants to Local Educational Agencies (LEAs) program, funded at \$12.7 billion in FY2005, would be increased by \$602 million.
- The Striving Readers program, funded at \$25 million in FY2005, would be increased by \$175 million.
- The Special Education Part B Grants to States program under the Individuals with Disabilities Education Act (IDEA), funded at \$10.6 billion in FY2005, would be increased by \$508 million — see discussion below of IDEA funding shortfall.

- The Pell Grants program, funded at \$12.4 billion in FY2005, would be increased by \$834 million. The maximum award would be increased by \$100 to \$4,150 in FY2006 — see discussion below of Pell Grants funding.
- Student Aid Administrative Costs, funded at \$119 million in FY2005, would be increased by \$820 million in a proposal to unify the administration of all student aid activities in a single account. The increase would be offset in part by a proposed savings of \$625 million through the consolidation of certain related expenses currently counted elsewhere.
- A High School Intervention initiative was proposed with initial funding of \$1.2 billion.
- A High School Assessments initiative was proposed with initial funding of \$250 million.
- A Teacher Incentive Fund initiative was proposed with initial funding of \$500 million.

Along with the increases proposed above, the President's FY2006 budget would decrease funding for several programs and eliminate funding for others. The March 16, 2005 table of the House Committee on Appropriations listed 38 line items for education programs that were funded for FY2005 but with no FY2006 funds requested; the ED Budget Service published a more detailed list with 48 programs that were funded in FY2005 but with no FY2006 funds requested, at [<http://www.ed.gov/about/overview/budget/budget06/summary/edlite-section3.html>].

- The Fund for the Improvement of Education (FIE), funded at \$414 million in FY2005, would be reduced by \$258 million.
- Adult Education, funded at \$585 million in FY2005, would be reduced by \$369 million.
- The Fund for the Improvement of Postsecondary Education (FIPSE), funded at \$162 million in FY2005, would be decreased by \$140 million.
- TRIO programs, funded at \$837 million in FY2005, would be reduced by \$468 million.
- The Even Start program, funded at \$225 million in FY2005, would be terminated.
- Comprehensive School Reform, funded at \$205 million in FY2005, would be eliminated.
- Educational Technology State Grants, funded at \$496 million in FY2005, would be eliminated.
- Safe and Drug-Free Schools State Grants, funded at \$437 million in FY2005, would be eliminated.
- The Perkins Vocational Education program, funded at \$1.3 billion in FY2005, would be terminated.
- GEAR UP, funded at \$306 million in FY2005, would be eliminated.

House Proposal. For ED programs, the House bill, as passed, differs from the President's budget request in several respects.

- ESEA programs in aggregate would receive \$23.6 billion under the House bill, \$1.8 billion less than requested; they were funded at \$24.4 billion in FY2005.
- The ESEA Title I, Part A Grants to LEAs program would receive \$12.8 billion from the House bill, \$502 million less than requested; it received \$12.7 billion in FY2005.
- Even Start would receive \$200 million; no funds were requested. It received \$225 million in FY2005.
- Striving Readers would receive \$30 million, \$170 million less than requested; the program was funded at \$25 million in FY2005.
- The High School Intervention initiative would not be funded; \$1.2 billion was requested.
- Educational Technology State Grants would be funded at \$300 million; no funds were requested. The program received \$496 million in FY2005.
- The High School Assessments initiative would not be funded; \$250 million was requested.
- FIE would receive \$27 million, \$129 million less than requested; it received \$414 million in FY2005.
- Safe and Drug-Free Schools State Grants would receive \$400 million; no funds were requested. The program received \$437 million in FY2005.
- The Special Education Part B Grants to States program under IDEA would receive \$10.7 billion, \$358 million less than requested; the program was funded at \$10.6 billion in FY2005.
- The Perkins Vocational Education program would receive \$1.3 billion; no funds were requested. It was funded at \$1.3 billion in FY2005.
- Adult Education would receive \$585 million, \$369 million more than requested; it was funded at \$585 million in FY2005.
- Pell Grants would receive \$13.4 billion, \$184 million more than requested; it received \$12.4 billion in FY2005. The maximum Pell award would be \$4,100, \$50 less than requested; the FY2005 maximum was \$4,050.
- The Pell Grants accumulated shortfall from prior year awards, currently estimated at \$4.3 billion, would be retired under the provisions of §305 of the House bill, pursuant to §303 of H.Con.Res. 95, the FY2006 congressional budget resolution.
- Student Aid Administrative Costs would receive \$124 million, \$815 million less than requested; it was funded at \$119 million in FY2005. The House bill would not agree to the budget proposal to unify student aid administrative activities in a single account, nor would it agree to the consolidation of related expenses currently counted elsewhere for a proposed savings of \$625 million.
- TRIO programs would receive \$837 million; \$468 million more than requested. TRIO was funded at \$837 million in FY2005.
- GEAR UP would receive \$306 million; no funds were requested. It received \$306 million in FY2005.

ESEA Funding Shortfall? Since the enactment of the No Child Left Behind Act of 2001 (NCLBA), P.L. 107-110, which amended the ESEA among other programs, there has been a continuing discussion regarding the appropriations “promised” and the resulting “shortfall” when the enacted appropriations are compared to authorization levels. Some would contend that the ESEA authorizations of appropriations, as amended by NCLBA, represent a funding commitment that was promised in return for legislative support for the new administrative requirements placed on state and local educational systems. They would contend that the authorized levels are needed for implementing the new requirements, and that the differences between promised and actual funding levels represent a shortfall of billions of dollars. The FY2005 appropriation was \$9.1 billion less than the amount authorized for the five ESEA programs for which a FY2005 authorization is specified. Others would contend that the authorized funding levels represent no more than appropriations ceilings, and as such are no different from authorizations for most education programs. That is, when the authorization amount is specified, it represents only a maximum amount, with the actual funding level to be determined during the regular annual appropriations process. In the past, education programs with specified levels of authorization generally have been funded at lower levels; few have been funded at levels equal to or higher than the specified authorization amount. For additional information, please see CRS Report RS21947, *K-12 Education Programs: Funding Summary*.

IDEA Funding Shortfall? From 1975 to 2004, the IDEA Part B Grants to States program authorized state payments up to a maximum amount of 40% of the national average per-pupil expenditure (APPE) times the number of children with disabilities ages 3 through 21 that each state serves. Appropriations have never been sufficient to reach the 40% level. In 2004, Congress addressed the authorization issue in P.L. 108-446, which specified authorization ceilings for Part B Grants to States for FY2005 through FY2011. The Part B Grants to States authorization is \$12,358,376,571 for FY2005 and \$14,648,647,143 for FY2006. The FY2005 appropriation is \$10,589,746,000, or \$1,768,630,571 less than the authorization. The FY2006 budget request is \$11,097,746,000, or \$3,550,901,143 less than the authorization. As with ESEA and NCLBA, some view these differences as funding shortfalls, while others see the maximum federal share and the specified authorizations as nothing more than appropriation ceilings. For additional information, please see CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*.

Pell Grants. The funding level for Pell Grants has been a continuing issue. The program provides assistance to eligible undergraduate students based on financial need. Aggregate program costs depend largely on the maximum award and the number of eligible recipients. The maximum award is currently set when appropriations are enacted, which is usually before the start of the program year. The exact number and total amount of the Pell awards cannot be determined until all students have claimed an award. Generally, the number of recipients and the amount of the Pell awards are not reconciled until the end of the program year, which occurs after the following year’s appropriations have been enacted. Appropriations for Pell Grants make funds available for two full fiscal years to provide administrative flexibility regarding potential shortfalls and surpluses. If the costs of the Pell Grant program exceed the current fiscal year’s appropriation, the shortfall is covered by

using appropriated monies from the next fiscal year. Similarly, a surplus can be carried forward and used in the following year. As of June 27, 2005, the ED Budget Service estimates that the FY2005 shortfall will be \$4.3 billion. For FY2006, the Administration proposes legislation that would recall the federal share of the Perkins Loan program and use \$4.3 billion of the proceeds to eliminate the current Pell Grants shortfall. For additional information, please see CRS Report RL31668, *Federal Pell Grant Program of the Higher Education Act: Background and Reauthorization*.

Forward Funding and Advance Appropriations. Most appropriations are available for obligation during the federal fiscal year of the appropriations bill. For example, most funds from the FY2006 appropriations bill will be available for spending from October 1, 2005, through September 30, 2006. Several L-HHS-ED programs, including some of the larger ED programs, have authorization or appropriations provisions that allow funding flexibility for program years that differ from the federal fiscal year. For example, many of the elementary and secondary education formula grant programs receive appropriations that become available for obligation to the states on July 1 of the same year as the appropriations, and remain available for 15 months through the end of the following fiscal year. That is, FY2006 appropriations for some programs will become available for obligation to the states on July 1, 2006, and will remain available until September 30, 2007. This budgetary procedure is popularly known as “forward” or “multi-year” funding, and is accomplished through funding provisions in the L-HHS-ED appropriations bill.

Forward funding in the case of elementary and secondary education programs was designed to allow additional time for school officials to develop budgets in advance of the beginning of the school year. For Pell Grants for undergraduates, however, aggregate program costs for individual students applying for postsecondary educational assistance cannot be known with certainty ahead of time. Appropriations from one fiscal year primarily support Pell Grants during the following academic year, that is, the FY2006 appropriations would be used primarily to support grants for the 2006-2007 academic year. Unlike elementary and secondary education programs, however, the funds for Pell Grants remain available for obligation for two full fiscal years, as discussed above.

An **advance appropriation** occurs when the appropriation is provided for a fiscal year beyond the fiscal year for which the appropriation was enacted. In the case of FY2006 appropriations, funds normally would become available October 1, 2005, under regular funding provisions, but will not become available until July 1, 2006, under the forward funding provisions discussed above. However, if the July 1, 2006 forward funding date were to be postponed for obligation by three months — until October 1, 2006 — the appropriation would be reclassified as an advance appropriation since the funds would become available *only in a subsequent fiscal year*, FY2007. For example, the FY2006 budget request for Title I, Part A Grants to LEAs for the Education of the Disadvantaged was \$13.3 billion. This amount includes not only forward funding of \$5.9 billion (to become available July 1, 2006), but also an advance appropriation of \$7.4 billion (to become available October 1, 2006). Like forward funding provisions, these advance appropriations are specified through provisions in the annual appropriations bill.

What is the impact of these changes in funding provisions? At the appropriations level, there is no difference between forward funded and advance appropriations except for the period available for obligation. At the program or service level, relatively little is changed by the three-month delay in the availability of funds, since most expenditures for a standard school year occur after October 1. At the scorekeeping level, however, a significant technical difference occurs because forward funding is counted as part of the current fiscal year, and is therefore fully included in the current 302(b) allocation for discretionary appropriations. Under federal budget scorekeeping rules, an advance appropriation is not counted in the 302(b) allocation until the following year. In essence, a three-month change from forward funding to an advance appropriation for a given program allows a one-time shift from the current year to the next year in the scoring of discretionary appropriations. For additional information, please see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, and CRS Report 98-720, *Manual on the Federal Budget Process*.

CRS Products

- CRS Report RL32867, *Adult Education and Literacy: Overview and Reauthorization Proposals of the 109th Congress*, by Paul M. Irwin.
- CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by David Smole.
- CRS Report RL31747, *The Carl D. Perkins Vocational and Technical Education Act of 1998: Background and Implementation*, by Rebecca R. Skinner and Richard N. Apling.
- CRS Report RL31487, *Education for the Disadvantaged: Overview of ESEA Title I-A Amendments Under the No Child Left Behind Act*, by Wayne Riddle.
- CRS Report RS21483, *Education Technology Programs, Title II, Part D of the Elementary and Secondary Education Act*, by Charmaine Mercer.
- CRS Report RL30448, *Even Start Family Literacy Programs: An Overview*, by Gail McCallion and Wayne Riddle.
- CRS Report RL31668, *Federal Pell Grant Program of the Higher Education Act: Background and Reauthorization*, by Charmaine Mercer.
- CRS Report RL31885, *Impact Aid for Public K-12 Education: General Overview and Current Status*, by Rebecca R. Skinner and Richard A. Apling.
- CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*, by Richard N. Apling.
- CRS Report RS22138, *The Individuals with Disabilities Education Act (IDEA): Overview of P.L. 108-446*, by Nancy Lee Jones and Richard Apling.
- CRS Report RS21947, *K-12 Education Programs: Appropriations Summary*, by Paul M. Irwin.
- CRS Report RL32923, *Federal Pell Grants: Implications of Increasing the Maximum Award*, by Charmaine Mercer.
- CRS Report RL31241, *Reading First and Early Reading First: Background and Funding*, by Gail McCallion.
- CRS Report RS20532, *The Safe and Drug-Free Schools and Communities Act: Reauthorization and Appropriations*, by Edith Fairman Cooper.
- CRS Report RL31622, *Trio and GEAR UP Programs: Status and Issues*, by Jeffrey J. Kuenzi.

CRS Report RL31240, *21st Century Community Learning Centers in P.L. 107-110: Background and Funding*, by Gail McCallion.

Websites

Department of Education

[<http://www.ed.gov/index.jhtml>]

[<http://www.ed.gov/about/overview/budget/budget06/index.html>]

Detailed Appropriations Table

Table 11 shows the appropriations details for offices and major programs of ED.

Table 11. Detailed Department of Education Appropriations
(\$ in millions)

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
<i>Total Elementary and Secondary Education Act (non-add)</i>	24,353	25,327	23,550	—	—
Title I, Part A Education for the Disadvantaged, Grants to LEAs	12,740	13,342	12,840	—	—
Even Start	225	0	200	—	—
Reading First State Grants	1,042	1,042	1,042	—	—
Striving Readers	25	200	30	—	—
High School Intervention	0	1,240	0	—	—
Comprehensive School Reform	205	0	10	—	—
Education for the Disadvantaged, other	607	607	607	—	—
Impact Aid	1,244	1,241	1,241	—	—
Teacher Quality State Grants	2,917	2,917	2,917	—	—
Mathematics and Science Partnerships	179	269	190	—	—
Innovative Education Block Grant	198	100	198	—	—
Educational Technology State Grants	496	0	300	—	—
21 st Century Community Learning Centers	991	991	991	—	—
State Assessments	412	412	412	—	—
High School Assessments Initiative	0	250	0	—	—
Rural Education	171	171	171	—	—
School Improvement, other	256	222	215	—	—
Indian Education	120	120	120	—	—
Charter School Grants	217	219	217	—	—
Fund for the Improvement of Education (FIE)	414	156	27	—	—
Teacher Incentive Fund initiative	0	500	100	—	—
Innovation and Improvement, other	462	433	365	—	—
Safe and Drug-Free Schools State Grants	437	0	400	—	—
Safe Schools and Citizenship, other	424	397	364	—	—
English Language Acquisition State Grants	676	676	676	—	—
IDEA Special Education, Part B, Grants to States	10,590	11,098	10,740	—	—
IDEA Special Education, other	1,084	1,028	1,074	—	—
Vocational Rehabilitation State Grants (mandatory)	2,636	2,720	2,720	—	—
Rehabilitation Services, other	439	339	409	—	—
Special Institutions for Persons With Disabilities	177	176	181	—	—

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Perkins Vocational Education	1,326	0	1,312	—	—
Adult Education	585	216	585	—	—
Other Vocational and Adult	100	0	95	—	—
<i>Student Financial Aid</i>					
<i>Pell Grants, maximum award (in dollars, non-add)</i>	4,050	4,150	4,100	—	—
Pell Grants	12,365	13,199	13,383	—	—
Enhanced Pell Grants	0	33	0	—	—
Pell Grants accumulated shortfall elimination, §305 (mandatory)	0	0	4,300		
Supplemental Educational Opportunity Grants	779	779	779	—	—
Federal Work-Study	990	990	990	—	—
Federal Perkins Loans	66	0	66	—	—
Math and Science Scholars	0	50	0	—	—
Leveraging Educational Assistance Partnership (LEAP)	66	0	66	—	—
Student Aid Administrative Costs	119	939	124	—	—
Direct Student Loan Reclassification proposal	0	-625	0	—	—
Short-term Training Loans	0	11	0	—	—
<i>Office of Postsecondary Education (OPE)</i>					
Aid for Institutional Development	508	506	506	—	—
Fund for the Improvement of Postsecondary Education (FIPSE)	162	22	49	—	—
TRIO Programs	837	369	837	—	—
GEAR UP	306	0	306	—	—
Higher Education, other	304	305	239	—	—
Howard University	239	239	241	—	—
Institute of Education Sciences	523	479	523	—	—
Departmental Management	556	560	551	—	—
TOTALS, DEPARTMENT OF EDUCATION					
Total Appropriations ^a	59,213	58,939	63,707	—	—
Current year funding	44,191	43,917	48,685	—	—
One-year advance funding	15,022	15,022	15,022	—	—

Source: Funding details have been compiled from the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447.

- a. Appropriations totals include discretionary and mandatory funds, and are subject to additional scorekeeping and other adjustments.

Related Agencies

FY2006 discretionary appropriations for L-HHS-ED related agencies were \$11.1 billion. For FY2006, the budget request was \$11.2 billion, \$0.1 billion (1.0%) more than the FY2005 amount, as shown in **Table 12**. As passed, the House bill would provide \$11.5 billion for discretionary programs of the related agencies in FY2006.

Table 12. Related Agencies Discretionary Appropriations
(\$ in billions)

Funding	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Appropriations	\$11.1	\$11.2	\$11.5	—	—

Source: Amounts are based on the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447. Amounts represent discretionary programs funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory programs for related agencies included in the L-HHS-ED bill were funded at \$36.6 billion in FY2005, virtually all of it for the Supplemental Security Income (SSI) program.

Key Issues

President's Request. The President's FY2006 budget for related agencies would change discretionary spending by at least \$100 million for several programs.

- The Social Security Administration (SSA) Administrative Expenses, funded at \$5.7 billion in FY2005, would be increased by \$748 million under the President's FY2006 budget request.
- The SSA Medicare Reform Fund to begin implementation of the Medicare prescription drug program enacted by P.L. 108-173, funded at \$446 million in FY2005, would be eliminated; funding for the continuing responsibilities of SSA for Medicare are required to be counted under regular SSA Administrative Expenses beginning in FY2006.
- The Corporation for Public Broadcasting (CPB) has been provided with a two-year advance appropriation in recent years; however, the President's FY2006 budget did not request FY2008 funds for CPB. The CPB has been funded at \$400 million for FY2007 (enacted as part of the FY2005 L-HHS-ED appropriations), \$400 million for FY2006 (enacted in FY2004), and \$387 million for FY2005 (enacted in FY2003).

House Proposal. For the related agencies of the L-HHS-ED bill, the House bill, as passed, differs from the President's budget request in several respects.

- SSA Administrative Expenses would receive \$6.4 billion under the House bill, \$108 million less than requested; these activities were funded at \$5.7 billion in FY2005.
- The CPB two-year advance appropriation for FY2008 would be funded at \$400 million under the House bill; no funds were requested. The FY2007 amount (enacted in the FY2005 L-HHS-ED appropriations) is \$400 million.
- The House bill would make no changes to the FY2006 CPB appropriation of \$400 million. A rescission of \$10 million was requested. The House bill, as reported by committee, would have made an FY2006 rescission of \$100 million.

CRS Products

CRS Report RS20420, *AmeriCorps and Other Service Programs: Description and Funding Levels*, by Ann Lordeman.

CRS Report RS22168, *The Corporation for Public Broadcasting: Federal Funding Facts and Status*, by Glenn J. McLoughlin.

CRS Report RL31320, *Federal Aid to Libraries in the Museum and Library Services Act of 2003*, by Gail McCallion.

CRS Issue Brief IB98048, *Social Security Reform*, by Dawn Nuschler.

CRS Report 94-486, *Supplemental Security Income (SSI): A Fact Sheet*, by April Grady.

CRS Report RS20419, *VISTA and the Senior Volunteer Service Corps: Description and Funding Levels*, by Ann Lordeman.

Websites

Note: Not all of the websites for the related agencies of L-HHS-ED appropriations include FY2006 budget information.

Committee for Purchase From People Who Are Blind or Severely Disabled

[<http://www.jwod.gov/jwod/index.html>]

Corporation for National and Community Service

[<http://www.cns.gov>]

[<http://www.cns.gov/about/budget/index.html>]

Corporation for Public Broadcasting

[<http://www.cpb.org>]

[<http://www.cpb.org/about/funding/appropriation.html>]

Federal Mediation and Conciliation Service

[<http://www.fmcs.gov/internet/>]

Federal Mine Safety and Health Review Committee

[<http://www.fmshrc.gov/>]

Institute of Museum and Library Services

[<http://www.imls.gov>]

Medicare Payment Advisory Commission

[<http://www.medpac.gov/>]

National Commission on Libraries and Information Science

[<http://www.nclis.gov/>]

National Council on Disability

[<http://www.ncd.gov/>]

National Labor Relations Board

[<http://www.nlr.gov/nlr/home/default.asp>]

National Mediation Board

[<http://www.nmb.gov/>]

Occupational Health and Safety Review Commission

[<http://www.oshrc.gov/>]

Railroad Retirement Board

[<http://www.rrb.gov>]

[<http://www.rrb.gov/BFO/Justbudgettoc06.htm>]

Social Security Administration

[<http://www.ssa.gov>]

[<http://www.ssa.gov/budget/>]

Detailed Appropriations Table

Table 13 shows the appropriations details for offices and major programs of the L-HHS-ED related agencies.

Table 13. Detailed Related Agencies Appropriations
(\$ in millions)

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
Committee for Purchase From People Who Are Blind or Severely Disabled	5	5	5	—	—
<i>Corporation for National and Community Service (CNCS) ^a</i>					
CNCS Domestic Volunteer Service Programs (DVSP)					
Volunteers in Service to America (VISTA)	94	96	96	—	—
National Senior Volunteer Corps	216	220	220	—	—
DVSP, other	44	44	42	—	—
DVSP subtotal	354	360	358	—	—
CNCS National and Community Service Programs (NCSP)					
National Service Trust	143	146	146	—	—
AmeriCorps Grants	288	275	268	—	—
NCSP, other	111	107	104	—	—
NCSP subtotal	542	528	518	—	—
CNCS, other	31	33	33	—	—
CNCS subtotal	927	921	909	—	—
Corporation for Public Broadcasting (CPB), two-year Advance for FY2008 (current request) with FY2007 comparable	400	0	400	—	—
<i>CPB advance for FY2007 with FY2006 comparable (non-add)</i>	400	0	400	—	—
<i>CPB advance for FY2006 with FY2005 comparable (non-add)</i>	387	0	400	—	—
<i>CPB rescission of FY2006 funds (non-add)</i>	0	-10	0	—	—
CPB Digitalization Program	39	0	0	—	—
CPB Interconnection	40	0	0	—	—
Federal Mediation and Conciliation Service	44	42	42	—	—
Federal Mine Safety and Health Review Committee	8	8	8	—	—
Institute of Museum and Library Services (IMLS) ^c	281	262	250	—	—
Medicare Payment Advisory Commission	10	10	10	—	—
National Commission on Libraries and Information Science	1	1	1	—	—
National Council on Disability	3	3	3	—	—
National Labor Relations Board	250	252	252	—	—

Office or major program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
National Mediation Board	12	12	12	—	—
Occupational Safety and Health Review Commission	11	11	11	—	—
Railroad Retirement Board	209	200	200	—	—
<i>Social Security Administration (SSA) ^b</i>					
SSA Payments to Social Security Trust Fund (mandatory)	20	20	20	—	—
SSA Supplemental Security Income (SSI) (mandatory)	36,530	37,746	37,746	—	—
SSA SSI, Discretionary	2,987	2,897	2,897	—	—
SSA Administrative Expenses	5,743	6,491	6,383	—	—
<i>SSA Medicare Reform Startup Funding (non-add) ^c</i>	446	0	0	—	—
SSA Office of Inspector General	90	93	93	—	—
SSA subtotal	45,370	47,247	47,139	—	—
TOTALS, RELATED AGENCIES					
Total appropriations ^d	47,610	48,974	49,241	—	—
Current year funding	36,280	37,864	37,731	—	—
One-year advance funding	10,930	11,110	11,110	—	—
Two-year advance funding	400	0	400	—	—

Source: Funding details have been compiled from the June 29, 2005 table of the House Committee on Appropriations. FY2005 amounts are post-reduction (see page 38) and based on P.L. 108-447.

- a. Through FY2005, CNCS AmeriCorps Grants and other programs under the National and Community Service Act were funded in the Veterans Affairs-Housing and Urban Development (VA-HUD) Appropriations Act. All CNCS programs are funded in L-HHS-ED in FY2006.
- b. The operation of the Social Security trust funds is considered off-budget, but the Social Security Administration (SSA) Supplemental Security Income (SSI) program, SSA Administrative Expenses, and certain related SSA activities are included under L-HHS-ED related agencies.
- c. SSA Medicare Reform Funding startup costs were separately funded in FY2005; such activities are to be combined under the regular SSA Administrative Expenses starting in FY2006.
- d. Appropriations totals include discretionary and mandatory funds, and are subject to additional scorekeeping and other adjustments.

Related Legislation

Several proposals related to L-HHS-ED appropriations have been considered by the 109th Congress, including the FY2006 Budget Resolution and FY2005 supplemental appropriations. FY2005 L-HHS-ED appropriations were provided by the Consolidated Appropriations Act, 2005 (P.L. 108-447), which was enacted by the 108th Congress following a series of three continuing resolutions (P.L. 108-309).

FY2006 Budget Resolution, H.Con.Res. 95/S.Con.Res. 18

The annual concurrent resolution on the budget sets forth the congressional budget.¹ Among other provisions, the conference agreement on the FY2006 resolution, H.Con.Res. 95 (H.Rept. 109-62), proposes total discretionary budget authority of \$843 billion; of this amount, \$391 billion is provided for discretionary programs other than for defense and homeland security, according to the April 28, 2005 summary prepared by the majority staff of the House Committee on the Budget. The FY2006 discretionary ceiling represents an increase of 2.1% relative to the FY2005 discretionary total of \$840.0 billion; the subtotal for programs other than defense and homeland security represents a 0.8% reduction. Report language outlines the funding assumptions made for selected programs that might be used to reach the spending targets. FY2006 discretionary appropriations for specific departments, agencies, and programs, however, are determined only through the enactment of appropriations.

Table 14 shows the assumed levels of discretionary budget authority for budget functions relevant to L-HHS-ED programs from the FY2006 resolution. The budget resolution includes reserve funds for, among other purposes: the Family Opportunity Act for Medicaid coverage for the families of disabled children (§302); elimination of the shortfall for Pell Grants (§303); health care costs and services for the uninsured (§304); health information technology and performance-based measures to improve health care (§306); safe imports of prescription drugs (§309); and restoration of SCHIP funds (§310). The reserve fund for Pell Grants allows \$4.3 billion in new budget authority for FY2006; other reserve provisions prohibit increases in the federal deficit that might result from legislation to implement such provisions.

The FY2006 budget resolution instructs authorizing committees to report legislation to reduce mandatory spending for the period FY2006 through FY2010 (§201 for the House, §202 for the Senate). Subsequently, these proposals would be combined in a single reconciliation bill by the budget committees. The House

¹ The annual congressional budget resolution sets aggregate budget goals, including total budget authority, outlays, revenues, and deficits or surpluses. A budget resolution sets spending targets for functional categories of the budget; it also may specify a budget reconciliation process for the modification of mandatory spending limits and tax cut legislation, if any. House and Senate committees initiate and report legislation to achieve these targets. Typically, appropriations committees meet the discretionary spending targets through appropriations bills. Likewise, authorizing committees develop proposals to meet mandatory targets; these proposals are often reported from separate committees and combined into one or more omnibus reconciliation bills.

Committee on Education and the Workforce is responsible for a reduction of \$1.0 billion for FY2006 and \$12.7 billion for FY2006 through FY2010; the Senate Committee on Health, Education, Labor, and Pensions (HELP) is responsible for \$1.2 billion for FY2006 and \$13.7 billion for FY2006 through FY2010. Two other committees include L-HHS-ED programs in their jurisdiction: the House Committee on Ways and Means is responsible for a reduction of \$0.3 billion for FY2006 and \$1.0 billion for FY2006 through FY2010; and the Senate Committee on Finance is responsible for \$10.0 billion for FY2006 through FY2010.

Table 14. Discretionary Budget Authority for L-HHS-ED Budget Functions Assumed in the FY2006 Budget Resolution
(\$ in millions)

Budget functions most relevant to L-HHS-ED programs	FY2005 comparable	FY2006 conference	Difference
500: Education, Training, Employment, and Social Services	\$79,556	\$79,139	-\$417
550: Health	54,368	50,912	-3,456
570: Medicare	4,000	5,061	1,061
600: Income Security	46,056	47,256	1,200
650: Social Security	4,426	4,576	150

Source: Amounts are based on a table in the joint explanatory statement of the committee of conference on the FY2006 budget resolution, H.Con.Res. 95 (H.Rept. 109-62).

H.Con.Res. 95 (H.Rept. 109-17) was passed by the House on March 17, 2005 (Roll Call no. 88, 218-214). S.Con.Res. 18 (without written report) was passed by the Senate on March 17 (Roll Call no. 81, 51-49). On April 4, the Senate agreed to H.Con.Res. 95 with an amendment by unanimous consent. A conference report on H.Con.Res. 95, H.Rept. 109-62, was filed and passed by the House (Roll Call no. 149, 214-211) and passed by the Senate (Roll Call no. 114, 52-47); all actions took place on April 28, 2005. For additional information, please see CRS Report RL32812, *The Budget for Fiscal Year 2006*. For procedural information, please see CRS Report 98-721, *Introduction to the Federal Budget Process*.

FY2005 Omnibus Appropriations, P.L. 108-447 (H.R. 4818)

Regular FY2005 funding for L-HHS-ED activities was enacted late in the second session of the 108th Congress, more than two months after the start of FY2005 on October 1, 2004. Eight of the 13 regular FY2005 appropriations bills were combined into a single omnibus bill, H.R. 4818; Division F of the omnibus provided appropriations for L-HHS-ED programs. A series of three continuing resolutions, P.L. 108-107 (H.J.Res. 309), plus two amendments to it, provided temporary FY2005 funding for most L-HHS-ED programs until regular funding was enacted.

The H.R. 4818 conference report, H.Rept. 108-792, was passed by the House (Roll Call No. 542, 344-51, with 1 present) and by the Senate (Roll Call No. 215, 65-

30) on November 19, 2004. It was signed into law by the President on December 8, 2005, as P.L. 108-447, the Consolidated Appropriations Act, 2005. For a guide to the FY2005 omnibus bill, please see CRS Report RS21983, *FY2005 Consolidated Appropriations Act: Reference Guide*. For information on the FY2005 L-HHS-ED appropriations, please see CRS Report RL32303, *Appropriations for FY2005: Labor, Health and Human Services, and Education*.

“Across-the-Board” Reductions for FY2005. In an effort to meet the overall spending limitations requested by the President, the H.R. 4818 conferees required a reduction to some appropriations from what would have been provided otherwise. This provision was specified in §122 of Division J of P.L. 108-447. It required a decrease of 0.80% in FY2005 discretionary appropriations for each program, project, or activity, whether enacted in P.L. 108-447 or in other appropriations. Discretionary funds from Defense, Military Construction, and Homeland Security appropriations were excluded, as were all FY2005 supplemental appropriations. Advance appropriations enacted through P.L. 108-447 for FY2006 or beyond were excluded as well. The reduction was estimated to save approximately \$3.5 billion; for additional information, please see CRS Report RS21983, *FY2005 Consolidated Appropriations Act: Reference Guide*.

P.L. 108-447 required several reductions other than the 0.80% cut described above. One reduction was germane to L-HHS-ED appropriations; §519 of the L-HHS-ED part of the bill required an \$18 million reduction in L-HHS-ED administrative expenses. Congress did not specify the actual amounts of these reductions but merely the process for their calculation. The application of these reductions to accounts and line items was to be determined by the Office of Management and Budget (OMB) and the individual agencies following enactment of P.L. 108-447. *As a result, the tables in the FY2005 conference report, H.Rept. 108-792, show pre-reduction levels, whereas the post-reduction amounts, as approved by OMB, are incorporated into the tables shown in this report.*

FY2005 Supplemental Appropriations for Iraq, Afghanistan, and Tsunami Relief, P.L. 109-13 (H.R. 1268)

FY2005 supplemental appropriations of \$75.9 billion were enacted in response to the President’s request for additional funds for military operations in Iraq and Afghanistan, Tsunami relief and rehabilitation, and other activities. The bill, H.R.1268 (H.Rept. 109-72) was signed into law on May 11, 2005. Among other provisions, it provided \$10 million for domestically produced vaccines under the Public Health and Social Services Emergency Fund (PHSSEF) of HHS and \$58 million for the purchase of influenza countermeasures for the Strategic National Stockpile under the Centers for Disease Control and Prevention (CDC). Several unobligated balances from FY2005 HHS funds were rescinded as an apparent offset to the \$10 million supplemental, along with a rescission of \$58 million from appropriations enacted for the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. For additional details on the P.L. 109-13 supplemental, please see CRS Report RL32783, *FY2005 Supplemental Appropriations for Iraq and Afghanistan, Tsunami Relief, and Other Activities*.

Appendix A: Terminology and Web Resources

The following items include some of the key budget terms used in this report; they are based on CRS Report 98-720, *Manual on the Federal Budget Process*. The websites provide general information on the federal budget and appropriations.

Advance appropriation is budget authority that will become available in a fiscal year beyond the fiscal year for which the appropriations act is enacted; scorekeeping counts the entire amount in the fiscal year it first becomes available for obligation.

Appropriation is budget authority that permits federal agencies to incur obligations and to make payments out of the Treasury for specified purposes. Appropriations represent the amounts that agencies may obligate during the period of time specified in the law. Annual appropriations are provided in appropriations acts; most permanent appropriations are provided in substantive law. Major types of appropriations are regular, supplemental, and continuing.

Budget authority is legal authority to incur financial obligations that normally result in the outlay of federal government funds. Major types of budget authority are appropriations, borrowing authority, and contract authority. Budget authority also includes the subsidy cost to the federal government of direct loans and loan guarantees, estimated on a net present value basis.

Budget resolution is a concurrent resolution passed by both Houses of Congress, but not requiring the signature of the President, setting forth the congressional budget for at least five fiscal years. It includes various budget totals and functional allocations.

Discretionary spending is budget authority provided in annual appropriations acts, other than appropriated entitlements.

Entitlement authority is the authority to make payments to persons, businesses, or governments that meet the eligibility criteria established by law; as such, it represents a legally binding obligation on the part of the federal government. Entitlement authority may be funded by either annual or permanent appropriations acts.

Forward funding is budget authority that becomes available after the beginning of the fiscal year for which the appropriation is enacted and remains available into the next fiscal year; the entire amount is counted or scored in the fiscal year in which it first becomes available.

Mandatory (direct) spending includes (a) budget authority provided in laws other than appropriations; (b) entitlement authority; and (c) the Food Stamp program.

Rescission is the cancellation of budget authority previously enacted.

Scorekeeping is a set of procedures for tracking and reporting on the status of congressional budgetary actions.

Supplemental appropriation is budget authority provided in an appropriations act that provides funds that are in addition to regular appropriations.

Websites

General information on budget and appropriations may be found at these websites. Specific L-HHS-ED agency sites are listed in relevant sections of this report.

House Committees

[<http://appropriations.house.gov/>]
[http://www.house.gov/appropriations_democrats/]
[<http://www.house.gov/budget/>]
[http://www.house.gov/budget_democrats/]

Senate Committees

[<http://appropriations.senate.gov/>]
[<http://appropriations.senate.gov/demoinfo/demoinfo.cfm>]
[<http://www.senate.gov/~budget/republican/>]
[<http://www.senate.gov/~budget/democratic/>]

Congressional Budget Office (CBO)

[<http://www.cbo.gov>]

Congressional Research Service (CRS)

[<http://www.crs.gov/products/appropriations/apppage.shtml>]

Government Accountability Office (GAO)

[<http://www.gao.gov/>]

Government Printing Office (GPO)

[<http://www.gpoaccess.gov/usbudget/>]

Office of Management & Budget (OMB)

[<http://www.whitehouse.gov/omb/budget/index.html>]
[<http://www.whitehouse.gov/omb/legislative/sap/index.html>]

Appendix B: Context of L-HHS-ED Appropriations

Budget authority for all federal programs is estimated at \$2,477.4 billion for FY2005. Budget authority for all L-HHS-ED departments and related agencies is estimated at \$1,264.9 billion, or slightly more than half — 51.1% — of the federal total. **Table B.1** shows funding for the major L-HHS-ED agencies and provides context for the discretionary funding provided by the L-HHS-ED bill — \$142.7 billion, or 5.8% of the federal total in FY2005.

Table B.1. Context of the L-HHS-ED Bill, FY2005

(Estimated budget authority in billions of dollars)

Budget category	Estimated budget authority	Percent of federal budget
Total federal budget authority	\$2,477.4	100.0%
Department of Labor	50.7	2.0%
Department of Health and Human Services	581.7	23.5%
Department of Education	71.5	2.9%
Social Security Administration (On-budget)	55.0	2.2%
Social Security Administration (Off-budget)	503.8	20.3%
Other L-HHS-ED related agencies	2.2	0.1%
L-HHS-ED agency total	1,264.9	51.1%
L-HHS-ED bill, current year mandatory funds	354.2	14.3%
L-HHS-ED bill, current year discretionary funds	142.7	5.8%
L-HHS-ED bill subtotal	496.9	20.1%
L-HHS-ED agency subtotal from other annual bills	4.7	0.2%
L-HHS-ED agency subtotal not from any annual bill	763.3	30.8%

Sources: *Budget of the United States Government Historical Tables Fiscal Year 2006*, Table 5.2, and the Mar. 16, 2005 table of the House Committee on Appropriations, which provides details for the FY2005 L-HHS-ED amounts, adjusted for reductions, that were enacted through P.L. 108-447.

Note: For comparability, this table uses data from the Feb. 2005 OMB budget documents and comparable L-HHS-ED documents; the data therefore do not include any additional FY2005 adjustments for scorekeeping, entitlements, supplemental appropriations, or rescissions.

Of the \$1,264.9 billion for L-HHS-ED agencies, as shown in **Table B.1**, the L-HHS-ED appropriations subcommittees generally have effective control only over the \$142.7 billion in discretionary funds, or 5.8% of the total federal budget. What accounts for the remaining \$1,122.2 billion of L-HHS-ED funds?

First, funding for mandatory programs accounts for more than two-thirds of the L-HHS-ED bill — \$354.2 billion, or 14.3% of the FY2005 federal total. Although appropriations are enacted for these mandatory activities annually — these are sometimes called “appropriated entitlements” — the amounts provided generally must be sufficient to cover program obligations and entitlements to beneficiaries.

For these programs, as well as the programs funded through trust funds and permanent authorities, most changes in funding levels are made through amendments to authorizing legislation rather than through annual appropriations bills. Federal administrative costs for these programs typically are subject to annual discretionary appropriations, however. For L-HHS-ED agencies, these mandatory programs include Supplemental Security Income, Black Lung Disability payments, Foster Care and Adoption, the Social Services Block Grant, and Vocational Rehabilitation, as well as general (non-earmarked) fund support for Medicare and Medicaid.

Second, other appropriations bills account for a small portion of L-HHS-ED agency funding — \$4.7 billion, or 0.2% of the FY2005 federal total. Two HHS agencies are fully funded by other appropriations bills, and two HHS programs are partially funded by bills other than L-HHS-ED, as described below. Prior to FY2006, the Corporation for National and Community Service (CNCS) was partially funded outside of the L-HHS-ED bill.

- The HHS Food and Drug Administration is funded by the Agriculture appropriations (\$1.5 billion in FY2005).
- The HHS Indian Health Service is funded by the Interior appropriations (\$3.0 billion in FY2005).
- The Centers for Disease Control and Prevention (CDC) is primarily funded under L-HHS-ED (\$4.5 billion in FY2005); it received FY2005 funds from the Veterans Affairs and Housing and Urban Development (VA-HUD) appropriations for the Agency for Toxic Substances and Disease Registry (ATSDR) (\$76 million). For FY2006, Interior appropriations will provide ATSDR funding.
- The National Institutes of Health (NIH) is primarily funded under L-HHS-ED (\$28.4 billion in FY2005); it received FY2005 funds from VA-HUD appropriations for the National Institute of Environmental Health Sciences (NIEHS) (\$80 million). For FY2006, Interior appropriations will provide NIEHS funding.
- The CNCS — one of the related L-HHS-ED agencies — was funded in two separate bills before FY2006. The L-HHS-ED bill funded programs authorized under the Domestic Volunteer Service Act of 1973 (\$354 million in FY2005); the VA-HUD bill funded AmeriCorps and other programs authorized by the National Community Service Act and the CNCS Inspector General (\$573 million in FY2005). For FY2006, all funding for CNCS activities will be provided by L-HHS-ED. For purposes of comparability, all FY2005 CNCS funding has been included in this report as if it had been appropriated in its entirety through the L-HHS-ED bill.

Third, the remaining L-HHS-ED agency funds — an estimated \$763.3 billion, or 30.8% of the total FY2005 federal budget — are received automatically without congressional intervention and are funded outside of the annual appropriations process. These funds are provided from permanent appropriations and trust funds. The major L-HHS-ED programs in this category include Unemployment Compensation, Medicare, Railroad Retirement, Temporary Assistance for Needy Families (TANF, the welfare assistance program), Student Loans, State Children's Health Insurance, and Social Security benefits.