

CRS Report for Congress

Labor, Health and Human Services, and Education: FY2008 Appropriations

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Prepared for Members and
Committees of Congress

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, 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.

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Labor, Health and Human Services, and Education: FY2008 Appropriations

Summary

This report tracks FY2008 appropriations for the Departments of Labor, Health and Human Services, 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 not be further updated, summarizes L-HHS-ED discretionary funding issues but not authorization or entitlement issues.

On February 5, 2007, the President submitted the FY2008 budget request to Congress, including \$141.7 billion in discretionary L-HHS-ED funds; the comparable FY2007 amount was \$144.7 billion. The House passed H.R. 3043 (H.Rept. 110-231), providing \$154.2 billion for L-HHS-ED programs. The Senate reported S. 1710 (S.Rept. 110-107), then later passed H.R. 3043, amended, with \$152.3 billion in discretionary funds. The conference report (H.Rept. 110-424), providing \$153.3 billion, was vetoed on November 13, 2007; the House failed to override the veto on November 15. A series of four continuing resolutions provided temporary FY2008 funding until enactment of P.L. 110-161, the Consolidated Appropriations Act, 2008, on December 26, 2007. Division G of the act provided \$148.7 billion for discretionary L-HHS-ED programs.

Department of Labor (DOL). DOL discretionary appropriations were \$11.7 billion for FY2008, an increase of \$7 million (0.1%) over funding for FY2007. The request for FY2008 was \$11.0 billion, including a reduction in Workforce Investment Act (WIA) programs of \$632 million. P.L. 110-161 increased funding for WIA by \$52 million over FY2007 funding of \$5.1 billion.

Department of Health and Human Services (HHS). HHS discretionary appropriations were \$65.6 billion for FY2008, an increase of \$1.5 billion (2.3%) over the FY2007 level of \$64.1 billion. The Administration requested \$63.2 billion. The act increased funding over FY2007 by \$77 million for Health Centers, \$304 million for Health Care-Related Facilities and Activities, \$329 million for the National Institutes of Health, and \$409 million for the Low-Income Home Energy Assistance Program (LIHEAP). Funding for Buildings and Facilities at the Centers for Disease Control and Prevention decreased by \$79 million.

Department of Education (ED). ED discretionary appropriations were \$59.4 billion for FY2008, an increase of \$2.0 billion (3.4%) over funding for FY2007. Funding for the Elementary and Secondary Education Act (ESEA), reauthorized by the No Child Left Behind Act (P.L. 107-110), was \$24.6 billion for FY2008, an increase of \$1.1 billion over funding for FY2007 and an increase of \$99 million over the FY2008 request of \$24.5 billion.

Related Agencies. Discretionary appropriations for L-HHS-ED related agencies were \$12.0 billion for FY2008, an increase of \$438 million (3.8%) over the FY2007 level of \$11.5 billion. The Administration requested \$11.3 billion. P.L. 110-161 increased funding for Social Security Administration (SSA) administrative expenses by \$451 million for FY2008, up from \$9.3 billion for FY2007.

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Education block grants	Rebecca R. Skinner	7-6600
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Rehabilitation Act	Scott Szymendera	7-0014
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Labor, Health and Human Services, and Education: FY2008 Appropriations

Most Recent Developments

Consolidated Appropriations Act, 2008 Enacted (P.L. 110-161, H.R. 2764). On December 17, 2007, after lengthy negotiations between Congress and the Administration, the House and Senate Appropriations Committees released bill text and an explanatory statement for an omnibus appropriations bill. It had a division for each of the 11 regular appropriations measures that had not yet been enacted (all except Defense), plus provisions for emergency war funding. The bill, an amended version of H.R. 2764 (originally the State/Foreign Operations appropriations bill), required additional amending with regard to the war funding before finally being passed by both houses and sent to the President, who signed it on December 26, 2007. For further details on proceedings relative to H.R. 2764, see CRS Report RL34298, *Consolidated Appropriations Act for FY2008: Brief Overview*, by Robert Keith. Division G of the law provided the FY2008 appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED), including \$148.7 billion in discretionary funding.

Third and Fourth Continuing Resolutions (CRs) Enacted (P.L. 110-137 and P.L. 100-149). On December 14, 2007, the President signed into law H.J.Res. 69 (P.L. 110-137), which extended temporary funding for government agencies to December 21, 2007. A fourth CR, H.J.Res. 72, signed on December 21, extended funding from December 22 through December 31, or until enactment of regular appropriations.

H.R. 3043 Vetoed, Override Failed in House. On November 13, 2007, the President vetoed H.R. 3043, the FY2008 appropriations bill for L-HHS-ED. He cited total discretionary spending levels in the bill that were higher than he had requested. On November 15, an attempt to override the veto failed in the House by a vote of 277-141 (two-thirds majority required).

FY2008 Continuing Resolution Extended. On November 13, 2007, the President signed into law H.R. 3222, the FY2008 Department of Defense appropriations act (P.L. 110-116), which also, in Division B, amended the first FY2008 continuing resolution, P.L. 110-92, to extend temporary funding for government agencies to December 14, 2007. Most agency activities for which there was not yet a regular appropriation received funding under the CR at the FY2007 rate of operations.

Conference Agreement on H.R. 3043 Passed. On November 5, 2007, House and Senate conferees filed a conference report (H.Rept. 110-424) on H.R.

3043, which included their agreement on the L-HHS-ED bill, and also appended a conference version of appropriations for Military Construction/Veterans Affairs (MilCon/VA, H.R. 2642). The House agreed to the combined measure on November 6. On November 7, the Senate sustained a point of order against the combination bill and subsequently passed a substitute conference report that dropped the MilCon/VA language. The House agreed to the Senate amendment on November 8, and H.R. 3043 was sent to the President. The bill as reported by the conference committee would have provided \$153.3 billion in discretionary funds for L-HHS-ED programs.

Senate Version of H.R. 3043 Passed. On October 17, 2007, the Senate began debating a substitute version of H.R. 3043, consisting of the text of S. 1710 but without the reported bill's final section relating to research on human embryonic stem cells. The bill was passed, amended, on October 23, 2007, by a vote of 75-19. The bill would have provided \$152.3 billion in discretionary funds for L-HHS-ED programs.

Continuing Resolution P.L. 110-92 Enacted. On September 29, 2007, the President signed into law P.L. 110-92 (H.J.Res. 52), which provided temporary funding at the FY2007 rate of operations for government agencies, including most L-HHS-ED activities, for the period October 1 through November 16, 2007, unless regular FY2008 appropriations measures were enacted sooner.

House Bill H.R. 3043 Reported and Passed. On July 13, 2007, the House Committee on Appropriations reported H.R. 3043 (H.Rept. 110-231), its proposal for FY2008 L-HHS-ED appropriations. The bill was debated in the House July 17-19 and was passed, with several amendments, on July 19, 2007, by a vote of 276-140. The bill would have provided \$154.2 billion in discretionary funds for L-HHS-ED programs.

Senate Bill S. 1710 Reported. On June 27, 2007, the Senate Committee on Appropriations reported S. 1710 (S.Rept. 110-107), its proposal for FY2008 L-HHS-ED appropriations. The bill would have provided \$152.1 billion in discretionary funds for L-HHS-ED.

President's Budget Submitted. On February 5, 2007, the President submitted the FY2008 budget to Congress; the request was for \$141.7 billion in discretionary funds for L-HHS-ED programs.

Table 1 summarizes the legislative status of FY2008 L-HHS-ED appropriations.

Table 1. Legislative Status of L-HHS-ED Appropriations, FY2008

Subcommittee Markup		House Committee	House Passage	Senate Committee	Senate Passage	Conf. Report	Conference Report Approval		Veto
House	Senate						House Passage	Senate Passage	
6/7/07 ^a	6/19/07 ^b	7/13/07 ^c H.R. 3043, H.Rept. 110-231	7/19/07 ^d	6/27/07 ^e S. 1710, S.Rept. 110-107	10/23/07 ^f H.R. 3043	11/5/07 ^g H.Rept. 110-424	11/6/07 11/8/07 ^h	11/7/07 ^h	11/13/07 11/15/07 ⁱ
Consolidated Appropriations Act, 2008, H.R. 2764 (Labor-HHS-ED is Division G) (amended text; H.R. 2764 was originally the State, Foreign Operations, and Related Programs Appropriations Act, 2008)						Amended Bill			Public Law
						Text	House Passage	Senate Passage	
						12/17/07 ^j <i>Congr. Record</i>	12/17/07 12/19/07 ^k	12/18/07 ^k	
									12/26/07 ^l P.L. 110-161

- a. The House Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2008 hearings on Feb. 15, 2007. The Subcommittee marked up its version of the FY2008 L-HHS-ED appropriations on June 7, 2007, approving it by a voice vote.
- b. The Senate Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2008 hearings on Mar. 14, 2007. The Subcommittee marked up its version of the FY2008 L-HHS-ED bill on June 19, 2007, and approved it by voice vote.
- c. H.R. 3043: The House Committee on Appropriations approved its version of the L-HHS-ED appropriations for FY2008 on July 11, 2007, by voice vote, and ordered the bill reported. Subsequently, H.R. 3043 (H.Rept. 110-231) was introduced and reported on July 13, 2007.
- d. H.R. 3043: The House debated the bill on July 17-19 and passed it, amended, on July 19, 2007, by a vote of 276-140.
- e. S. 1710: The Senate Committee on Appropriations approved the draft L-HHS-ED bill with a manager's amendment on June 21, 2007, by a vote of 26-3, and ordered the bill reported. Subsequently, S. 1710 (S.Rept. 110-107) was introduced and reported on June 27, 2007.
- f. H.R. 3043: The Senate debated a substitute version of the bill (text of S. 1710 minus new stem cell provisions) on Oct. 17-23, 2007, and passed it, amended, on Oct. 23, 2007, by a vote of 75-19.
- g. H.R. 3043: Conference report H.Rept. 110-424 was filed Nov. 5, 2007. It included not only the agreement on L-HHS-ED appropriations but also the agreement on appropriations for Military Construction/Veterans Affairs (MilCon/VA, previously H.R. 2642), combined into one bill.
- h. H.R. 3043: The House approved the combined conference agreement on Nov. 6, 2007, by a vote of 269-142. On Nov. 7, the Senate sustained a point of order against the MilCon/VA language having been added to H.R. 3043, by a vote of 47-46 (60 votes would have been needed to waive the point of order). Subsequently, the Senate approved a substitute amendment that retained only the L-HHS-ED language, by a vote of 56-37. On Nov. 8, the House agreed to the Senate amendment to H.R. 3043 by a vote of 274-141.
- i. H.R. 3043: The President vetoed the FY2008 Labor-HHS-ED appropriations act on Nov. 13, 2007. An override attempt failed in the House on Nov. 15 by a vote of 277-141 (two-thirds majority needed).
- j. H.R. 2764: A Rules Committee resolution was reported to the House (H.Res. 878, H.Rept. 110-497) on Dec. 17, 2007, which provided for the House to consider two amendments to the Senate amendment to H.R. 2764, the FY2008 State/Foreign Operations appropriations bill. The amendments were printed in H.Rept. 110-497, and also in the Dec. 17 *Congressional Record*, Book I. The first House amendment replaced the text of H.R. 2764 with a new Consolidated Appropriations Act, 2008, consisting of 11 divisions (A-K). The divisions represented compromise versions of the 11 regular appropriations acts that had not yet been enacted (L-HHS-ED was Division G). The second House amendment was Division L, providing the House's version of emergency supplemental appropriations for military operations and war funding. A joint explanatory statement providing comments from the Appropriations Committees and tables for each division was printed in the Dec. 17 *Congressional Record*, Books II and III.
- k. H.R. 2764: On Dec. 17, 2007, the House agreed to the first House amendment by a vote of 253-154, agreed to the second House amendment by a vote of 206-201, and sent the package to the Senate. On Dec. 18, the Senate concurred in the second House amendment with an amendment of its own, substituting its version of emergency supplemental military operations/war funding for the House version, by a vote of 70-25. The Senate also concurred in the first House amendment by a vote of 76-17. On Dec. 19, the House agreed to the Senate amendment to the second House amendment by a vote of 272-142, clearing the measure for the President.
- l. P.L. 110-161: On Dec. 26, 2007, the President signed H.R. 2764 into law. Four continuing resolutions, beginning with P.L. 110-92, provided temporary FY2008 funding for most L-HHS-ED activities from Oct. 1 through Dec. 26, 2007.

Note on Most Recent Data. In this report, unless stated otherwise, data on FY2007 appropriations and FY2008 appropriations proposals are based on the explanatory statement of the Appropriations Committees accompanying H.R. 2764, as printed in the December 17, 2007, *Congressional Record*, Book II, and as reflected in the December 17, 2007, table of the House Appropriations Committee. 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, data refer only to those programs within the purview of L-HHS-ED appropriations, and not to all programs within the jurisdiction of the relevant departments and agencies. Funding from other appropriations bills, and entitlements funded outside of the annual appropriations process, are excluded.

The FY2007 data reflect the funding provided under the terms of the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5, H.J.Res. 20), which was signed into law on February 15, 2007. A series of continuing resolutions (CRs), beginning with P.L. 109-289, had provided temporary L-HHS-ED funding from October 1, 2006, through February 15, 2007. The final CR provided specific levels of funding for FY2007 for some agencies and programs, while those activities not specifically listed were generally funded at FY2006 levels. In addition, agencies received funding for a portion of their increased pay costs. Final funding levels became known in late March 2007 after the Office of Management and Budget and the agencies had worked out their spending plans for FY2007 and conveyed the information to Congress. Subsequently, Congress passed an FY2007 supplemental appropriations act, P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, signed into law on May 25, 2007. The law had a few provisions that affected FY2007 funding levels for some L-HHS-ED agencies. FY2007 figures in this report take account of those changes.

For additional information, please see CRS Report RL30343, *Continuing Resolutions: FY2008 Action and Brief Overview of Recent Practices*, by Sandy Streeter.

Overview and Key Issues

This report describes the President's proposal for FY2008 appropriations for L-HHS-ED programs, as submitted to Congress on February 5, 2007, and the congressional response to that proposal. It compares the President's FY2008 request to the FY2007 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. However, the report does not follow specific funding issues related to mandatory L-HHS-ED programs — such as Medicare or Social Security — nor does 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."

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 and stem cell research. This bill provides discretionary and mandatory funds to three federal departments and 14 related agencies, including the Social Security Administration (SSA). Discretionary funding represents only one-quarter of the total in the bill.

Among the various appropriations bills, L-HHS-ED is the largest single source of discretionary funds for domestic (non-defense) federal programs (the Department of Defense bill is the largest source of discretionary funds among all federal programs). This section presents several overview tables on funding in the bill, particularly discretionary funding; summarizes major funding changes proposed and enacted for L-HHS-ED; and discusses related issues such as 302(b) allocations and advance appropriations. Later sections provide details on individual L-HHS-ED departments and agencies.

Discretionary and Mandatory Funding: Program Level and Current Year Appropriations

Table 2 summarizes the L-HHS-ED appropriations for FY2008, including both discretionary and mandatory appropriations. The table shows various aggregate measures of L-HHS-ED appropriations enacted for FY2007 and proposed and enacted for FY2008, including the discretionary program level, current year level, and advance appropriations, as well as scorekeeping adjustments.

- **Program level discretionary 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 discretionary 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 — for example, FY2008 appropriations that were enacted in the FY2007 act. As the annual congressional appropriations process unfolds, current year discretionary appropriations, including scorekeeping adjustments (see below), are measured against the 302(b) allocation ceilings (discussed later in this report). Note that media reports and comments from the Administration about appropriations activities typically cite figures representing the current year discretionary totals rather than the program levels in the bill.
- **Advance appropriations** are funds that will not become available until after the fiscal year for which the appropriations are enacted (for example, funds for certain education programs like Title I Part A Grants to Local Educational Agencies for the Education of the Disadvantaged that were included in the FY2007 act that could not be spent before FY2008 at the earliest, discussed later in this report).

- **Scorekeeping adjustments** are made to account for special funding situations, as monitored by the Congressional Budget Office (CBO).

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. Alternatively, current year funding is derived by taking the program level (total in the bill), subtracting the advances for future years, adding in the advances from prior years, and applying the scorekeeping adjustments. **Table 2** shows each of these amounts for discretionary funding, along with current year funding and program level funding for mandatory programs, and the grand total for L-HHS-ED.

Table 2. L-HHS-ED Appropriations Summary, FY2007-FY2008
(\$ in billions)

Type of Budget Authority	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Discretionary Appropriations					
Program level: current bill for any year	144.7	141.7	154.2	152.3	148.7
Current year: current year from any bill (after scorekeeping)	144.6	140.9	151.7	149.9	144.8
Advances for future years (in the current bill)	19.3	18.9	21.3	21.3	21.3
Advances from prior years (from previous bills)	19.3	19.3	19.3	19.3	18.9
Scorekeeping adjustments	-0.1	-1.2	-0.5	-0.5	-1.5
Current Year Discretionary and Mandatory Funding					
Discretionary (compare to 302(b) cap)	144.6	140.9	151.7	149.9	144.8
Mandatory	401.2	455.5	455.7	455.7	455.3
Total, current year	545.8	596.4	607.4	605.5	600.1
Program Level Totals of Funding for L-HHS-ED Bill, Any Year					
Discretionary program level	144.7	141.7	154.2	152.3	148.7
Mandatory program level	409.3	455.4	455.7	455.6	455.3
Grand total, any year	554.0	597.2	609.9	608.0	603.9

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Appropriations are given only for programs included in the annual L-HHS-ED bill.

Note: Details may not add to totals due to rounding. Both FY2007 and FY2008 mandatory amounts are estimates that are subject to adjustments after the close of their respective fiscal years. All amounts in the table are subject to change through the enactment of further supplementals and rescissions.

Discretionary Funding Trends, FY2002-FY2008

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 3 shows the trend in discretionary budget authority enacted in the L-HHS-ED appropriations for FY2002 through FY2008. During the past seven years, L-HHS-ED discretionary funds have grown from \$127.2 billion in FY2002 to \$148.7 billion in FY2008, an increase of \$21.5 billion, or 16.9%. Adjusted for inflation during this same period, using the Gross Domestic Product (GDP) deflator, L-HHS-ED discretionary funds in estimated FY2007 dollars have grown from \$145.0 billion in FY2002 to \$145.2 billion in FY2008, an increase of \$0.2 billion, or 0.1%.

Table 3. Discretionary Funding Trends, FY2002-FY2008
(budget authority in billions of dollars)

Type of Funds	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008
L-HHS-ED discretionary	127.2	132.4	139.7	143.4	141.5	144.7	148.7
L-HHS-ED discretionary in estimated FY2007 dollars	145.0	147.9	152.2	151.6	145.1	144.7	145.2
GDP deflator (FY2000 = 1.0)	1.0432	1.0643	1.0918	1.1251	1.1598	1.1892	1.2180

Sources: The GDP deflator is based on the *Budget of the United States Government, Historical Tables, Fiscal Year 2008*, Table 10.1. L-HHS-ED totals for FY2002-FY2005 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. FY2006 L-HHS-ED discretionary total is based on the April 17, 2007, table of the House Committee on Appropriations. FY2007 and FY2008 totals are based on the Dec. 17, 2007, committee table, reflecting P.L. 110-161.

Discretionary Appropriations by Bill Title, FY2007-FY2008

The annual L-HHS-ED appropriations act typically includes five titles. The first three provide appropriations and program direction for the Department of Labor (Title I), the Department of Health and Human Services (Title II), and the Department of Education (Title III). Each of the three titles includes some sections of "General Provisions" for the department; they provide specific program directions, modifications, or restrictions that the appropriators wish to convey in bill language, not just in report language. Title IV covers funding for 14 related agencies, the largest of which is the Social Security Administration. Title V contains general provisions with broader application than those in the department titles. Occasionally,

one or more additional titles are added to the act, which may be legislative (authorizing) language rather than appropriations provisions. The FY2008 L-HHS-ED appropriations act includes a Title VI that provides for establishment of a National Commission on Children and Disasters.

Table 4 summarizes the program level discretionary spending that was provided in the first four titles of the FY2007 and FY2008 L-HHS-ED appropriations and compares the program level totals with the current year discretionary totals.

**Table 4. L-HHS-ED Discretionary Funding by Bill Title,
FY2007-FY2008**
(\$ in millions)

	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Discretionary Appropriations, Program Level (total in bill for any year)					
Title I, Department of Labor	11,686	10,964	11,844	11,935	11,693
Title II, Department of Health and Human Services	64,054	63,195	68,366	68,140	65,555
Title III, Department of Education	57,473	56,225	62,086	60,108	59,444
Title IV, Related Agencies	11,522	11,326	11,914	12,128	11,960
Total discretionary, program level	144,735	141,710	154,209	152,311	148,652
Total Discretionary, Current Year from Any Bill (after scorekeeping adjustments)					
Total, current year	144,617	140,916	151,719	149,857	144,841

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Appropriations are given only for programs included in the annual L-HHS-ED bill.

Major Discretionary Programs, FY2007-FY2008

Among the discretionary programs funded in the bill, which are the largest? **Table 5** shows the L-HHS-ED discretionary programs with the highest funding levels; in both FY2007 and FY2008, eight programs accounted for at least 62% of all L-HHS-ED discretionary appropriations. Each of the programs shown in **Table 5** received more than \$3.0 billion each year, and the aggregate funding for this group was \$90.6 billion in FY2007 and \$93.5 billion in FY2008. As shown in the previous tables, L-HHS-ED discretionary funding totaled \$144.7 billion in FY2007 and \$148.7 billion in FY2008.

Table 5. Major Discretionary Programs, FY2007-FY2008
(\$ in millions)

Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
National Institutes of Health (NIH)	28,900	28,621	29,670	29,900	29,229
Pell Grants	13,661	13,414	15,583	14,487	14,215
Title I Part A Education for the Disadvantaged, Grants to LEAs	12,838	13,910	14,363	13,910	14,028
IDEA Special Education, Part B Grants to States	10,783	10,492	11,342	11,240	11,042
SSA Total Administrative Expenses	9,296	9,597	9,697	9,872	9,747
Head Start	6,889	6,789	6,964	7,089	6,902
WIA, all programs	5,134	4,502	5,235	5,247	5,186
CMS Program Management	3,141	3,274	3,230	3,248	3,152
Major L-HHS-ED subtotal	90,641	90,598	96,084	94,992	93,501
Other L-HHS-ED discretionary	54,094	51,112	58,125	57,320	55,151
L-HHS-ED discretionary total	144,735	141,710	154,209	152,311	148,652
Major programs as a % of total	62.6%	63.9%	62.3%	62.4%	62.9%

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II.

Note: LEAs = Local Educational Agencies; IDEA = Individuals with Disabilities Education Act; WIA = Workforce Investment Act; CMS = Centers for Medicare and Medicaid Services.

FY2008 Appropriations: President's Request

On February 5, 2007, the President's FY2008 request was submitted to Congress, prior to completion of the FY2007 appropriations process. With regard to the President's budget, the primary issues raised during congressional consideration of any appropriations request generally relate to proposed funding changes, as well as to the overall level of support for programs. The following summary highlights changes of at least \$100 million proposed in FY2008 discretionary budget authority in comparison with the FY2007 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 discussion of budgets for individual departments includes tables to compare the FY2008 request with the FY2007 funding for many of the major programs in the L-HHS-ED bill.

Budget Highlights. Overall, \$141.7 billion in discretionary appropriations were requested for L-HHS-ED for FY2008, \$3.0 billion (2.1%) less than the FY2007 amount of \$144.7 billion.

- For the Department of Labor (DOL), the Administration's FY2008 request included a decrease of \$632 million for WIA programs, from \$5.1 billion for FY2007 to \$4.5 billion for FY2008. The proposed reduction included \$357 million less for Dislocated Worker Assistance programs (funded at \$1.5 billion in FY2007), \$152 million less for Adult Training grants to states, and \$100 million less for Youth Training. The Administration proposed a decrease of \$134 million for the Community Service Employment for Older Americans program. Overall, \$11.0 billion in FY2008 discretionary appropriations were requested for DOL, a 6.2% reduction from the FY2007 amount of \$11.7 billion.
- For the Department of Health and Human Services (HHS), the FY2008 request proposed an increase of \$1.04 billion for the Public Health and Social Services Emergency Fund (PHSSEF), covering homeland security activities and Pandemic Influenza Preparedness. Decreases were proposed of \$175 million for Health Professions programs other than those for nursing, \$187 million for Children's Hospitals Graduate Medical Education (CHGME), \$104 million for Rural Health Programs, \$114 million for Buildings and Facilities at the Centers for Disease Control and Prevention (CDC), and \$279 million for the National Institutes of Health (NIH). A \$183 million initiative for Fraud and Abuse Control at the Centers for Medicare and Medicaid Services (CMS) was proposed, along with a \$133 million increase for CMS Program Management. Decreases of \$379 million for the Low-Income Home Energy Assistance Program (LIHEAP) and \$100 million for Head Start were requested. The \$630 million Community Services Block Grant (CSBG) received no funding in the request. Overall, \$63.2 billion in FY2008 discretionary appropriations were requested for HHS, 1.3% less than the FY2007 amount of \$64.1 billion.
- For the Department of Education (ED), the FY2008 request proposed an increase of \$993 million for Elementary and Secondary Education Act of 1965 (ESEA) programs in the aggregate. Funding for Title I, Part A, Grants to Local Educational Agencies (LEAs) for the Education of the Disadvantaged would have been increased by \$1.1 billion. The request included proposals for three new K-12 education initiatives of at least \$100 million, including \$250 million for Promise Scholarships. School Improvement Grants would have been increased by \$375 million, and the Teacher Incentive Fund would have been increased by \$199 million. The request proposed the elimination of the \$272 million Educational Technology State Grants. The Fund for the Improvement of Education would have been reduced by \$100 million, and a decrease of \$247 million was requested for the Safe and Drug-Free Schools State Grants. A decrease of \$291 was requested for the Special Education Part B Grants to States program authorized by the Individuals with Disabilities Education Act (IDEA). Funding for the Perkins Career and Technical Education program would have been decreased by

\$686 million. The request proposed the elimination of the \$771 million Supplemental Educational Opportunity Grants. Pell Grants would have been reduced by \$247 million. Overall, \$56.2 billion in FY2008 discretionary appropriations were requested for ED, 2.2% less than the FY2007 amount of \$57.5 billion.

- For the related agencies, the Administration's request for FY2008 would have increased funding for SSA administrative expenses by \$301 million, up from \$9.3 billion for FY2007. (Funding for SSA administrative expenses is in an account called Limitation on Administrative Expenses.) The Administration's FY2008 budget proposed to eliminate the two-year advance appropriations for the Corporation for Public Broadcasting (CPB), which was provided with a two-year advance appropriation of \$400 million in the FY2007 bill. Overall, \$11.3 billion in FY2008 discretionary appropriations were requested for L-HHS-ED related agencies, a 1.7% decrease from FY2007 appropriations of \$11.5 billion.

FY2008 Appropriations: House Bill

The House Committee on Appropriations reported its version of the FY2008 L-HHS-ED appropriations as H.R. 3043 (H.Rept. 110-231) on July 13, 2007. The House debated the bill on July 17-19, 2007, and passed it, amended, on July 19, 2007, by a vote of 276 to 140.

House Highlights. Overall, the House bill would have provided FY2008 discretionary appropriations of \$154.2 billion for L-HHS-ED programs. The President requested \$141.7 billion; the FY2007 amount was \$144.7 billion. The House bill differed from the President's request in a number of details.

- For DOL, the House bill would have provided \$5.2 billion for WIA programs, \$734 million more than the Administration's request. The House would have funded WIA Dislocated Worker Assistance programs at \$1.5 billion, the same amount appropriated for FY2007 and \$357 million more than the Administration's request. The House would have funded WIA Adult Training grants to states at \$864 million, the same as FY2007 and \$152 million more than the Administration's request. WIA Youth Training programs would have been funded at the same level as FY2007 and at \$100 million more than the Administration's request of \$841 million. The House would have increased funding for the Job Corps by \$127 million above the amount requested and by \$71 million above FY2007 appropriations of \$1.6 billion. The House would have funded Community Service Employment for Older Americans at \$531 million, or \$181 million above the Administration's request and \$47 million more than FY2007. Overall, the House bill would have provided \$11.8 billion in discretionary funds for DOL; \$11.0 billion was requested; and \$11.7 billion was provided for FY2007.

- For HHS, the House bill would have funded Health Centers at \$2.19 billion, \$200 million more than the request. Health Professions other than nursing would have received \$228 million, \$219 million more than requested. The CHGME would have received \$307 million, \$197 million more than requested. Rural Health programs would have received \$145 million, \$120 million more than the request. Health Care-Related Facilities and Activities would have received \$128 million; no funds were requested. The CDC Infectious Diseases program would have received \$1.90 billion, \$119 million more than requested. The Preventive Health and Health Services Block Grant (PHBG) would have received \$109 million; no funds were requested. The National Institutes of Health (NIH) would have received \$29.67 billion, \$1.05 billion more than requested. The Agency for Healthcare Research and Quality (AHRQ) would have received a specific appropriation of \$283 million, plus indirect funding of \$47 million, for a total of \$330 million; the request was for indirect funding of \$330 million. The CMS Fraud and Abuse Control initiative would have received \$383 million; \$183 million was requested. LIHEAP would have received \$2.66 billion, \$880 million more than requested. Head Start would have received \$6.96 billion, \$175 million more than requested. The CSBG would have been funded at \$660 million; no funds were requested. Overall, the House bill would have provided \$68.4 billion in discretionary funds for HHS; \$63.2 billion was requested; and \$64.1 billion was provided for FY2007.
- For ED, the House bill would have provided \$25.5 billion for ESEA programs in the aggregate, \$1.0 billion more than was requested. Title I, Part A Grants to Local Educational Agencies (LEAs) would have received \$453 million more than was requested, while Reading First State Grants would have received \$665 million less than requested. The House bill would not have funded any of the President's proposed initiatives, including Promise Scholarships. Teacher Quality State Grants would have received \$400 million more than was requested, and Education Technology State Grants would have received \$272 million, rather than being eliminated as called for by the request. The House bill would have provided \$125 million more for the 21st Century Community Learning Centers, \$147 million more for the Fund for the Improvement of Education, \$247 million more for the Safe and Drug-Free Schools State Grants, and \$104 million more for the English Language Acquisition State Grants than requested. IDEA, Part B Grants to States would have received \$850 million more than was requested. Perkins Career and Technical Education would have received \$710 million more than requested. Pell Grants would have received \$2.2 billion more than requested. The House would have increased the maximum appropriated Pell Grant award to \$4,700. Federal Supplemental Opportunity Grants would have received \$771 million, rather than being eliminated as called for by the request. Aid for Institutional Development for higher education would have received \$159 million

more than requested. Departmental Management would have received \$227 million less than requested. Overall, the House would have provided \$62.1 billion in FY2008 discretionary appropriations for ED, \$5.9 billion more than the request of \$56.2 billion and \$4.6 billion more than the FY2007 amount of \$57.5 billion.

- For related agencies, the bill approved by the House would have provided \$9.7 billion in funding for SSA administrative expenses, which is \$100 million more than the Administration's request and \$401 million more than appropriated for FY2007. The House would have provided the Corporation for Public Broadcasting (CPB) with \$420 million in advance funding for FY2010. The Administration did not request funds for FY2010. Overall, the House would have provided \$11.9 billion in discretionary funds for related agencies, \$588 million more than requested and \$392 million more than appropriated for FY2007.

FY2008 Appropriations: Senate Bill

The Senate Committee on Appropriations reported its version of the FY2008 L-HHS-ED appropriations as S. 1710 (S.Rept. 110-107) on June 27, 2007. In October, when the Senate took up H.R. 3043, the text of S. 1710 (minus a controversial section relating to embryonic stem cell research) was substituted for the House-passed bill. The Senate debated the bill on October 17-23, 2007, and passed it, amended, on October 23, 2007, by a vote of 75 to 19.

Senate Highlights. Overall, the Senate version of H.R. 3043, as passed, would have provided FY2008 discretionary appropriations of \$152.3 billion for L-HHS-ED programs. The House bill would have provided \$154.2 billion; the President requested \$141.7 billion. The comparable FY2007 amount was \$144.7 billion. The Senate bill differed from the House proposal in a number of ways.

- For DOL, the Senate bill does not differ significantly from the House bill. Overall, the Senate would have provided \$11.9 billion in discretionary funds for DOL, \$91 million more than the House, \$971 million more than requested, and \$249 million more than appropriated for FY2007.
- For HHS, the Senate bill would have provided \$107 million less than the House bill for CHGME, \$138 million less for Infectious Diseases at the CDC, \$210 million more for CDC Buildings and Facilities, \$230 million more for NIH, \$501 million less for LIHEAP, \$125 million more for Head Start, and \$10 million more for the CSBG. Overall, the Senate bill would have provided \$68.1 billion in discretionary appropriations for HHS programs, \$226 million less than the House amount of \$68.4 billion, \$4.9 billion more than the requested amount of \$63.2 billion, and \$4.0 billion more than HHS funding of \$64.1 billion in FY2007.

- For ED, the Senate bill would have provided \$24.6 billion for ESEA programs in the aggregate, \$926 million less than would have been provided by the House. Title I, Part A Grants to LEAs would have received \$453 million less than the House amount, and Teacher Quality State Grants would have been funded at \$300 million less than the House amount. Reading First State Grants would have received \$447 million more than the House amount. The 21st Century Community Learning Centers would have received \$106 million less than the House amount, and IDEA Part B Grants to States would have received \$102 million less than the House amount. The Senate bill would have provided \$14.5 billion for Pell Grants, \$1.1 billion less than the House amount. The maximum appropriated Pell Grant award would have been \$4,310 compared with a House maximum appropriated Pell Grant award of \$4,700. Aid for Institutional Development for higher education would have received \$140 million less than the House amount. Departmental Management would have received \$202 million more than the House amount. Overall, the Senate bill would have provided \$60.1 billion in FY2008 discretionary appropriations for ED, \$2.0 billion less than the House amount of \$62.1 billion and \$2.6 billion more than the FY2007 amount of \$57.5 billion.
- For related agencies, the Senate bill would have provided \$175 million more than the House bill for SSA administrative expenses. Overall, the Senate would have provided \$12.1 billion in discretionary funds for related agencies, \$215 million more than the House, \$802 million more than requested, and \$606 million more than appropriated for FY2007.

FY2008 Appropriations: Conference Report on H.R. 3043 (Vetoed)

On November 5, 2007, House and Senate conferees filed a conference report (H.Rept. 110-424) on H.R. 3043, which included their agreement on the FY2008 L-HHS-ED bill, and also appended a conference version of appropriations for Military Construction/Veterans Affairs (MilCon/VA, H.R. 2642). The House adopted the report on the combined measure on November 6 by a vote of 269-142. On November 7, the Senate sustained a point of order against the combination bill and subsequently adopted, by a vote of 56-37, a substitute conference report that dropped the MilCon/VA language. The House agreed to the Senate amendment on November 8 by a vote of 274-141, and H.R. 3043 was sent to the President. On November 13, 2007, the President vetoed H.R. 3043, citing total discretionary spending levels in the bill that were higher than he had requested. On November 15, an attempt to override the veto failed in the House by a vote of 277-141 (two-thirds majority required).

Conference Report Highlights. Overall, the conference version of H.R. 3043 would have provided discretionary appropriations *at the program level* of \$153.3 billion for L-HHS-ED programs. The Senate bill would have provided

\$152.3 billion, the House bill would have provided \$154.2 billion, and the President requested \$141.7 billion. The comparable FY2007 amount was \$144.7 billion.

The President's objections to what he termed the "excessive" spending in the bill were usually discussed by referring to the *current year (FY2008) funding levels* (see **Table 2** and its preceding discussion for the differences in the two portrayals of the budget). In current year terms, the conference report would have provided \$150.7 billion for discretionary L-HHS-ED programs, \$9.8 billion (6.9%) higher than the President's requested level of \$140.9 billion. The conference level would have been an increase of \$6.1 billion (4.2%) over the FY2007 level of \$144.6 billion, whereas the President's request represented a decrease of \$3.7 billion (-2.6%) from FY2007.

A number of programs would have shared in the \$6.1 billion increase that the conference report funding level would have provided. Compared to FY2007 funding levels, the FY2008 program level discretionary amounts would have been increased or decreased by at least \$100 million for the following programs.

- For DOL, the WIA program would have received an increase in funding of \$135 million, up from \$5.1 billion for FY2007. Overall, DOL would have received \$12.0 billion in discretionary funding for FY2008, \$0.3 billion more than in FY2007.
- For HHS, funding would have been increased by the following amounts compared to FY2007: Community Health Centers, \$225 million; Health Care-Related Facilities and Activities, \$318 million; NIH, \$1.1 billion; CMS Program Management, \$135 million; CMS Fraud and Abuse Control Initiative, \$383 million; LIHEAP, \$250 million; Head Start, \$154 million; and Public Health and Social Services Emergency Fund, \$788 million. Overall, HHS would have received \$68.5 billion in discretionary funding for FY2008, \$4.4 billion more than in FY2007.
- For ED, ESEA programs would have received \$25.1 billion in the aggregate, \$1.6 billion more than in FY2007. Several K-12 education programs would have received an increase in funding from FY2007 to FY2008: Title I, Part A Grants to LEAs would have increased \$1.5 billion; School Improvement Grants would have increased \$375 million; Teacher Quality State Grants would have increased \$150 million; the 21st Century Community Learning Centers would have increased \$100 million; the Fund for the Improvement of Education would have increased \$104 million; and IDEA Part B Grants to States would have been funded at \$509 million more than in FY2007. The only K-12 education program that would have lost \$100 million or more would have been the Reading First State Grants, which would have received \$629 million less than in FY2007. Two postsecondary education programs would have received increases of \$100 million or more, and no postsecondary education programs would have lost a commensurate amount. Pell Grants would have received \$837 million more than in FY2007. The maximum appropriated Pell Grant award would

have been \$4,435, a \$125 increase over the maximum award of \$4,310 in FY2007. The Fund for the Improvement of Postsecondary Education would have been funded at \$104 million more than in FY2007. Overall ED would have received \$60.7 billion in discretionary funding, \$3.2 billion more than in FY2007.

- For the related agencies, the SSA would have received an increase of \$576 million for administrative expenses, up from \$9.3 billion for FY2007. Overall, the related agencies would have received \$12.1 billion in discretionary funding, \$0.6 billion more than in FY2007.

Public Law: P.L. 110-161, Consolidated Appropriations Act, 2008

With enactment of the FY2008 Department of Defense appropriation (P.L. 110-116, November 13, 2007) and the veto of H.R. 3043, Congress still faced the challenge of completing action on the remaining 11 appropriations bills. The President insisted that total FY2008 current year discretionary funding be no more than the \$932.8 billion he had requested. The total FY2008 discretionary budget authority planned by Congress was about \$23 billion higher. Congressional negotiators first attempted a “split the difference” approach, reworking their priorities into an omnibus measure with scaled-back funding that met the President halfway. In the face of continued veto threats, however, the Appropriations Committees finally prepared a consolidated measure that conformed to the President’s totals.

Each of the 11 subcommittees took its own approach to meeting the revised ceiling it had been given for funding its programs. About half, including the L-HHS-ED subcommittee, used an across-the-board rescission as the final means of reaching the desired total. For L-HHS-ED accounts, all programs, projects, and activities (except Pell Grants) were to be reduced by a factor of 1.747% from the levels listed in the “amended bill” (which seem to represent the levels figured for the “split the difference” interim proposal).

The final text of the proposed Consolidated Appropriations Act, 2008, accompanied by an explanatory statement that took the place of a conference report, was released by the Appropriations Committees late Sunday night, December 16, 2007. On December 17, a resolution from the House Rules Committee (H.Res. 878, H.Rept. 110-497) provided that the measure would be handled as a House amendment to the Senate-passed version of H.R. 2764, the FY2008 State/Foreign Operations appropriations bill. The resolution also provided for a second House amendment, dealing with emergency supplemental appropriations for military operations and war funding. The documents were all made available on the Rules Committee website and were printed in the *Congressional Record* of December 17, 2007. The L-HHS-ED section was Division G (for bill language, see H.Rept. 110-497, and for the explanatory statement and table of budget authority, see *Congressional Record*, December 17, 2007, Book II, pp. H16178-H16371).

By December 19, both the main amendment and a revised version of the war funding amendment had been agreed to by the House and the Senate, clearing the measure for the President. He signed H.R. 2764 into law on December 26, 2007; it became P.L. 100-161. For a summary of proceedings relative to H.R. 2764, see notes j, k, and l in **Table 1**, above, and for further details, see CRS Report RL34298, *Consolidated Appropriations Act for FY2008: Brief Overview*, by Robert Keith.

FY2008 Funding Highlights. As shown in **Table 2**, P.L. 100-161 provided discretionary appropriations *at the program level* of \$148.7 billion for L-HHS-ED programs, compared to \$152.3 billion in the Senate bill, \$154.2 billion in the House bill, and \$141.7 billion in the President's request. The comparable FY2007 amount was \$144.7 billion.

In *current year terms* (the amounts generally cited by the President when making comparisons to his budget), P.L. 110-161 provided \$144.8 billion for discretionary L-HHS-ED programs, an increase of \$3.9 billion (2.8%) over the President's requested level of \$140.9 billion. The FY2008 total was an increase of \$224 million (0.15%) over the FY2007 level of \$144.6 billion, whereas the President's request represented a decrease of \$3.7 billion (-2.6%) from FY2007. By way of comparison, estimated current year funding for *mandatory* L-HHS-ED programs was slated to increase by \$54.1 billion (13.5%), from \$401.2 billion in FY2007 to \$455.3 billion in FY2008.

Note the following caution about reading funding amounts from the law or the explanatory statement: All amounts mentioned in the text of P.L. 110-161 or the explanatory statement have not been reduced by the 1.747% rescission required by section 528 of the law. That reduction must be applied to every program, project, or activity, excluding the Pell Grant program, funded by the L-HHS-ED appropriations act. For programs listed in the detailed table at the end of the Division G explanatory statement (pp. H16337-H16370 of the December 17, 2007, *Congressional Record*), the calculations have been provided and the final appropriation for a given program should be read from the column labeled "Amended Bill Less 1.747%." For programs not listed in the table, the reduction must be calculated by hand based on the amount found in the text (an easy way to do this is to multiply the amount mentioned in the text by 0.98253).

Section 528 of the act provided that the actual application of this reduction to individual accounts and line items was to be determined by the Office of Management and Budget (OMB). Within 30 days of enactment, OMB was required to report back to the Committees on Appropriations specifying each account and amount of the reduction resulting from the 1.747% rescission. In addition, section 518 gave the L-HHS-ED departments and related agencies 45 days from enactment to submit an FY2008 operating plan, detailing any funding allocations for programs, projects, or activities that differed from those in the act, the explanatory statement, or the budget request.

Compared to FY2007 funding levels, the FY2008 program level discretionary amounts were increased or decreased by at least \$100 million for the following programs. Additional details and funding amounts are provided in separate agency summaries.

- For FY2008, all programs in DOL were funded within \$100 million of FY2007 appropriations. Overall, DOL received an increase in funding of \$7 million, up from \$11.7 billion for FY2007.
- For HHS, funding was increased by the following amounts compared to FY2007: Health Care-Related Facilities and Activities, \$304 million; NIH, \$329 million; and LIHEAP, \$409 million. Overall, HHS received \$65.6 billion in discretionary funding for FY2008, \$1.5 billion more than in FY2007.
- For ED, ESEA programs were funded at \$24.6 billion in the aggregate, \$1.1 billion more than in FY2007. Several K-12 education programs received an increase in funding from FY2007 to FY2008: Title I, Part A Grants to LEAs were increased by \$1.2 billion; School Improvement Grants were increased by \$366 million; the 21st Century Community Learning Centers program was increased by \$100 million; and IDEA Part B Grants to States were funded at \$259 million more than in FY2007. The only K-12 education program that lost \$100 million or more was the Reading First State Grants program, which received \$636 million less than in FY2007. One postsecondary education program received an increase of \$100 million or more — Pell Grants received \$554 million more than in FY2007. The maximum appropriated Pell Grant award was \$4,241, a \$69 decrease in the appropriated maximum award of \$4,310 in FY2007. Overall ED received \$59.4 billion in discretionary funding, \$2.0 billion more than in FY2007.
- For the related agencies of L-HHS-ED, the SSA received an increase of \$451 million for administrative expenses, up from \$9.3 billion for FY2007. Overall, the related agencies received \$12.0 billion in discretionary funding for FY2008, an increase of \$0.4 billion from FY2007.

Continuing Appropriations Resolution, 2008

A continuing appropriations resolution, P.L. 110-92 (H.J.Res. 52), was enacted on September 29, 2007, to provide temporary FY2008 funding for most ongoing L-HHS-ED activities, including the costs of direct loans and loan guarantees, for the period October 1 through November 16, 2007, unless regular appropriations were enacted before the end of that period. An FY2008 continuing resolution was necessary because the regular L-HHS-ED appropriations were not enacted by the start of FY2008 on October 1, 2007. The CR was amended three times to extend the temporary funding period while Congress worked on the regular appropriations measures. Division B of P.L. 110-116 (November 13, 2007) extended temporary funding through December 14, 2007; P.L. 110-137 (December 14, 2007) changed the date to December 21, 2007; and P.L. 110-149 (December 21, 2007) changed the date to December 31, 2007, although the need for the CR ended with enactment of P.L. 110-161 on December 26, 2007.

Under the FY2008 continuing resolution, the funding level for each activity was provided at a rate of operations like that provided in FY2007 appropriations acts and under the same conditions and authority. Only the most limited funding actions were authorized in order to provide for the continuation of projects and activities. New initiatives were prohibited. For programs with high spend-out rates that normally would occur early in the fiscal year, special restrictions prohibited spending levels that would impinge on final FY2008 funding decisions. For entitlements and other mandatory activities, obligations were allowed for payments due on or about November 1, 2007, and December 1, 2007. For additional information, please see CRS Report RL30343, *Continuing Resolutions: FY2008 Action and Brief Overview of Recent Practices*, by Sandy Streeter.

- **Continuing Appropriations Resolution, 2008, P.L. 110-92 (H.J.Res. 52)**, provided temporary appropriations for the period October 1, 2007, through November 16, 2007, as long as regular appropriations were not enacted sooner. H.J.Res. 52 was passed by the House on September 26 and by the Senate on September 27, and signed into law by the President on September 29, 2007, as P.L. 110-92.
- **Further Continuing Appropriations, 2008, Division B of P.L. 110-116 (H.R. 3222)**, extended the provisions of P.L. 110-92 through December 14, 2007. Division B was added to the conference report on H.R. 3222, the FY2008 Defense appropriations bill (H.Rept. 110-434) on November 6, 2007. The House and Senate agreed to the conference report on November 8, and the President signed the bill into law on November 13, 2007, as P.L. 110-116.
- **3rd Continuing Resolution, P.L. 110-137 (H.J.Res. 69)**, extended the provisions of P.L. 110-92 through December 21, 2007. H.J.Res. 69 was passed by the House and the Senate on December 13, and signed into law by the President on December 14, 2007, as P.L. 110-137.
- **4th Continuing Resolution, P.L. 110-149 (H.J.Res. 72)**, extended the provisions of P.L. 110-92 through December 31, 2007. H.J.Res. 72 was passed by the House and the Senate on December 19, and signed into law by the President on December 21, 2007, as P.L. 110-149.

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 congressional committees 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 302(a) allocations determine spending totals for each of the various committees, as well as the total discretionary budget authority available for enactment in annual appropriations through the House and Senate Committees on Appropriations.

Congress reached agreement on the FY2008 budget resolution on May 17, 2007, when the House and Senate agreed to the conference report (H.Rept. 109-153) to S.Con.Res. 21. The resolution established a 302(a) discretionary budget allocation of \$953.1 billion. For the purpose of comparison, the 302(a) discretionary allocation agreed to for FY2007 was \$872.8 billion. For additional information, please see CRS Report RL34015, *Congressional Budget Actions in 2007*, by Bill Heniff Jr.

In the second stage of the annual congressional budget process, the House and Senate Committees on Appropriations 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 6** shows the 302(b) discretionary allocations for the FY2008 L-HHS-ED appropriations determined by the House and Senate Committees on Appropriations. Comparable amounts for the FY2007 appropriations and the President's FY2008 budget request are also shown. Both the 302(a) and 302(b) allocations regularly become contested issues in their own right.

Table 6. FY2008 302(b) Discretionary Allocations
(budget authority in billions of dollars)

FY2007 Comparable	FY2008 Request Comparable	FY2008 House Allocation	FY2008 Senate Allocation	FY2008 Enacted
144.6	140.9	151.7	150.2	144.8

Sources: The FY2008 House allocation is based on H.Rept. 110-236, July 17, 2007; the FY2008 Senate allocation is based on S.Rept. 110-250, Dec. 18, 2007. The comparable amounts for FY2007 budget authority, the FY2008 budget request, and the FY2008 enacted appropriations are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II.

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. 109-149, which enacted FY2006 L-HHS-ED appropriations, provided \$400 million for the Corporation for Public Broadcasting (CPB) for use in FY2008. 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 the discussion titled "Forward Funding and Advance Appropriations" in the section on the Department of Education, later in this report.

The FY1999 and FY2000 annual L-HHS-ED appropriations bills provided significant increases in advance appropriations for discretionary programs, moving from \$4.0 billion in FY1998 to \$19.0 billion in FY2000. From FY2001 through FY2007, advance appropriations generally were provided at \$19.3 billion, with the exceptions of \$18.8 billion in FY2001 and \$21.5 billion in FY2003. For FY2008, following his pattern of the previous six years, the President requested \$18.9 billion in advance appropriations for L-HHS-ED. Congress decided instead to add \$2.0 billion to the previous total; the House bill, the Senate bill, and P.L. 110-161 each provided \$21.3 billion. At that level, advance appropriations accounted for 14.3% of the L-HHS-ED program level discretionary total of \$148.7 billion in the FY2008 appropriations act. In terms of current year funding, advances from previous years, at \$18.9 billion, represented 13.1% of the current year discretionary total for FY2008.

From FY1998 to the present, advance appropriations included 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, \$19.3 billion;
- FY2007, \$19.3 billion;
- FY2008, President's budget request, \$18.9 billion;
- FY2008, House bill, \$21.3 billion;
- FY2008, Senate bill, \$21.3 billion; and
- FY2008, P.L. 110-161, \$21.3 billion.

Department of Labor

FY2007 discretionary appropriations for the Department of Labor (DOL) were \$11.7 billion. For FY2008, the Administration requested \$11.0 billion, or \$0.7 billion (6.2%) less than the FY2007 amount, as shown in **Table 7**. The House appropriations bill would have provided \$11.8 billion in discretionary spending for FY2008, and the Senate bill would have provided \$11.9 billion. P.L. 110-161 provided \$11.7 billion, increasing funding for DOL by \$7 million (0.1%).

Table 7. Department of Labor Discretionary Appropriations
(\$ in billions)

Funding	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Appropriations	11.7	11.0	11.8	11.9	11.7

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory DOL programs included in P.L. 110-161 are funded at \$3.0 billion, and consist of the Black Lung Disability Trust Fund (\$1,068 million), Federal Unemployment Benefits and Allowances (\$889 million), Advances to the Unemployment Insurance and Other Trust Funds (\$437 million), Special Benefits for Disabled Coal Miners (\$270 million), Employment Standards Administration (ESA) Special Benefits (\$203 million), and the Energy Employees Occupational Illness Compensation Fund (\$105 million).

Key Issues

President's Request. The President's FY2008 budget request for DOL proposed changes in funding for a number of activities. Proposed discretionary changes of at least \$100 million compared to FY2007 appropriations were as follows:

- The Administration's budget request would have reduced Workforce Investment Act (WIA) funding by \$632 million, from \$5.1 billion for FY2007 to \$4.5 billion for FY2008.
- The WIA Dislocated Worker Assistance programs, funded at \$1.5 billion in FY2007, would have been decreased by \$357 million in FY2008, including a decrease of \$287 million for state grants.¹
- WIA Adult Training grants to states, funded at \$864 million in FY2007, would have been reduced by \$152 million.

¹ Appropriations for FY2007 set aside \$125 million from the Dislocated Worker Assistance National Reserve program for the Community College initiative. The President requested \$150 million in direct appropriations for Community College grants.

- WIA Youth Training, funded at \$941 million in FY2007, would have been reduced by \$100 million.
- Community Service Employment for Older Americans would have fallen by \$134 million, from \$484 million to \$350 million.

House Bill. For DOL programs, the House bill differed by at least \$100 million from the President's budget request, as follows.

- The House bill would have raised funding for WIA programs by \$734 million above the Administration's request and by \$101 million above appropriations for FY2007.
- The House measure would have funded WIA Dislocated Worker Assistance programs at \$1.5 billion, the same amount appropriated for FY2007. The House proposal was \$357 million more than the Administration's request.
- The House bill would have funded WIA Adult Training grants to states at the same level as FY2007 and at \$152 million more than the Administration's request.
- The House would have increased funding for the Job Corps by \$127 million above the amount requested and by \$71 million above FY2007 appropriations of \$1.6 billion.
- WIA Youth Training programs would have been funded at the same level as FY2007 and at \$100 million above the Administration's request of \$841 million.
- The House would have funded Community Service Employment for Older Americans at \$531 million, or \$181 million above the Administration's request and \$47 million more than FY2007.

Senate Bill. The Senate bill did not differ from the House bill by at least \$100 million for any DOL program.

Conference Report (Vetoed). Compared to FY2007 funding, the conference agreement would have changed discretionary spending by at least \$100 million for the WIA program.

- Funding for WIA would have increased by \$135 million, from \$5.1 billion for FY2007.

Public Law. Compared to FY2007 funding, P.L. 110-161 increased funding for WIA programs by \$52 million over FY2007 funding of \$5.1 billion.

CRS Products

CRS Report RL33687, *The Workforce Investment Act (WIA): Program-by-Program Overview and Funding of Title I Training Programs*, by Blake Alan Naughton.

CRS Report RL33362, *Unemployment Insurance: Available Unemployment Benefits and Legislative Activity*, by Julie M. Whittaker.

CRS Report RS22718, *Trade Adjustment Assistance for Workers (TAA) and Alternative Trade Adjustment Assistance for Older Workers (ATAA)*, by John J. Topoleski.

CRS Report RL33754, *Minimum Wage in the 110th Congress*, by William G. Whittaker.

Websites

Department of Labor

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

[http://www.dol.gov/_sec/Budget2008/overview.htm]

[<http://www.doleta.gov/budget/08bud.cfm>]

Detailed Appropriations Table

Table 8 shows the appropriations details for offices and major programs of DOL.

Table 8. Detailed Department of Labor Appropriations
(\$ in millions)

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Total Workforce Investment Act, Title I (WIA) (non-add)</i>	5,134	4,502	5,235	5,247	5,186
<i>Employment and Training Administration (ETA)</i>					
<i>Training and Employment Services (TES)</i>					
WIA Adult Training Grants to States	864	712	864	864	862
WIA Youth Training	941	841	941	941	924
WIA Dislocated Worker Assistance (DWA)	1,472	1,115	1,472	1,472	1,465
<i>DWA State Grants (non-add)</i>	<i>1,190</i>	<i>903</i>	<i>1,190</i>	<i>1,190</i>	<i>1,184</i>
<i>DWA National Reserve Community College initiative set aside (non-add)^a</i>	<i>125</i>	<i>0</i>	<i>125</i>	<i>150</i>	<i>123</i>
<i>DWA National Reserve, other (non-add)^a</i>	<i>157</i>	<i>212</i>	<i>157</i>	<i>132</i>	<i>158</i>
WIA Migrant and Seasonal Farmworkers	80	0	84	80	80
WIA Community College Grants (Community-Based Job Training) ^a	0	150	0	0	0
Other WIA and TES Activities	200	305	170	231	246
TES subtotal	3,556	2,972	3,531	3,587	3,576
Community Service Employment for Older Americans	484	350	531	484	522
Federal Unemployment Benefits and Allowances (mandatory) ^b	838	889	889	889	889
State Unemployment Insurance and Employment Service Operations (SUI/ESO) Unemployment Compensation	2,508	2,561	2,561	2,561	2,464
SUI/ESO Employment Service	749	722	759	750	736
<i>SUI/ESO Employment Service State Grants (non-add)</i>	<i>716</i>	<i>689</i>	<i>726</i>	<i>716</i>	<i>703</i>
SUI/ESO One-Stop Career Centers	64	56	53	56	52
SUI/ESO Work Incentives Grants	20	0	10	20	14
SUI/ESO subtotal	3,340	3,339	3,383	3,387	3,266
Advances to Unemployment Trust Fund and other funds (mandatory)	465	437	437	437	437
ETA Program Administration	200	216	171	186	172
ETA subtotal	8,883	8,203	8,940	8,969	8,862
Employee Benefits Security Administration	142	147	143	143	139
<i>Pension Benefit Guaranty Corporation program level (non-add)</i>	<i>405</i>	<i>411</i>	<i>411</i>	<i>411</i>	<i>411</i>
<i>Employment Standards Administration (ESA)</i>					
ESA Salaries and Expenses	421	448	437	439	421
<i>Office of Labor-Management Standards (non-add)</i>	<i>48</i>	<i>57</i>	<i>46</i>	<i>46</i>	<i>45</i>
ESA Special Benefits (mandatory)	227	203	203	203	203

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
ESA Special Benefits for Disabled Coal Miners (mandatory)	297	270	270	270	270
ESA Energy Employees Occupational Illness Compensation Fund (mandatory)	102	105	105	105	105
ESA Black Lung Disability Trust Fund (mandatory)	1,070	1,068	1,068	1,068	1,068
ESA subtotal	2,117	2,094	2,082	2,084	2,067
Occupational Safety and Health Administration (OSHA)	487	490	504	498	486
Mine Safety and Health Administration (MSHA)	302	313	313	340	334
Bureau of Labor Statistics	548	574	576	560	544
Office of Disability Employment Policy	28	19	28	28	27
<i>Departmental Management</i>					
WIA Job Corps ^c	1,578	1,522	1,649	1,660	1,611
International Labor Affairs	73	14	73	83	81
Veterans Employment and Training	223	228	228	231	228
Departmental Management, other	299	319	279	310	285
Departmental Management subtotal	2,173	2,083	2,229	2,284	2,205
Working Capital Fund	6	12	0	0	0
TOTALS, DEPARTMENT OF LABOR					
Total Appropriations^d	14,685	13,936	14,815	14,906	14,664
Current Year Funding	12,154	11,411	12,290	12,381	12,139
One-Year Advance Funding	2,531	2,525	2,525	2,525	2,525

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Details may not add to totals due to rounding.

- The WIA community college initiative (i.e., Community-Based Job Training program) was funded at \$125 million in FY2007 from Dislocated Worker Assistance National Reserve funds. The President's budget request for FY2008 would have provided direct appropriations of \$150 million. To reflect this difference, in **Table 8** the program is shown on two lines.
- Federal Unemployment Benefits and Allowances consist of funding for benefits and training for workers under the Trade Adjustment Assistance (TAA) program.
- The FY2006 appropriations bill directed DOL to transfer the Job Corps from ETA to the Office of the Secretary. The Administration's budget request for FY2008 sought to return the Job Corps to ETA. P.L. 110-161 kept the Job Corps in the Office of the Secretary. In **Table 8**, the Job Corps is included in DOL Departmental Management.
- Appropriations totals include discretionary and mandatory spending and may be subject to additional scorekeeping and other adjustments.

Department of Health and Human Services

FY2007 discretionary appropriations for the Department of Health and Human Services (HHS) were \$64.1 billion. For FY2008, the budget request was \$63.2 billion, \$859 million (1.3%) less than the FY2007 amount, as shown in **Table 9**. The FY2008 House appropriations bill would have provided \$68.4 billion in discretionary funding, an increase of \$4.31 billion (6.7%) over FY2007. The Senate bill would have provided \$68.1 billion, \$4.09 billion (6.4%) over the FY2007 level. The appropriation enacted in P.L. 110-161 was \$65.6 billion, an increase of \$1.50 billion (2.3%) over FY2007.

**Table 9. Department of Health and Human Services
Discretionary Appropriations**
(\$ in billions)

Funding	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Appropriations	64.1	63.2	68.4	68.1	65.6

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Amounts represent discretionary spending 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). FDA and IHS are both agencies of HHS, but they are funded through other appropriations bills.

Mandatory HHS programs included in the L-HHS-ED act were funded at \$410.7 billion in FY2008, and consist primarily of Medicaid Grants to States (\$208.7 billion), Payments to Medicare Trust Funds (\$188.4 billion, including both Part B Supplementary Medical Insurance and Part D Prescription Drugs), Foster Care and Adoption Assistance State Payments (\$6.8 billion), Family Support Payments to States (\$4.0 billion), and the Social Services Block Grant (\$1.7 billion).

Key Issues

President's Request. The President's FY2008 budget request for HHS proposed increased support for the Public Health and Social Services Emergency Fund (PHSSEF), and for program management and a fraud control initiative for the administration of Medicare and Medicaid. At the same time, it proposed overall funding reductions for health resources and services, disease control and prevention, medical research, substance abuse and prevention, programs for children and families, and services for the aging. Not all programs in each category were decreased; selected programs in most of the categories were requested for increases. Requests for major changes are indicated below.

Discretionary spending changes of at least \$100 million were requested in the President's FY2008 budget for several HHS programs, as follows.

- Health Professions programs other than those for nursing, funded at \$185 million in FY2007, would have been decreased by \$175 million to \$10 million.
- Children's Hospitals Graduate Medical Education (CHGME), funded at \$297 million in FY2007, would have been reduced by \$187 million to \$110 million.
- Rural Health Programs, funded at \$129 million in FY2007, would have been reduced by \$104 million to \$25 million.
- Buildings and Facilities at the Centers for Disease Control and Prevention (CDC), funded at \$134 million in FY2007, would have been reduced by \$114 million to \$20 million.
- The National Institutes of Health (NIH), funded at \$28.90 billion in FY2007, would have been reduced by \$279 million to \$28.62 billion.
- At the Substance Abuse and Mental Health Services Administration (SAMHSA), the Mental Health Block Grant (MHBG) and the Substance Abuse Block Grant (SABG) were proposed for level funding (\$407 million and \$1.68 billion, respectively), but all other SAMHSA activities would have been reduced, in the aggregate, by \$160 million, from \$1.12 billion in FY2007 to \$960 million.
- At the Centers for Medicare and Medicaid Services (CMS), a Fraud and Abuse Control Initiative would have been funded at \$183 million, while CMS Program Management would have been increased by \$133 million, from \$3.14 billion in FY2007 to \$3.27 billion.
- The Low-Income Home Energy Assistance Program (LIHEAP), funded at \$2.16 billion in FY2007, would have been decreased by \$379 million to \$1.78 billion.
- The Social Services Block Grant, funded at \$1.7 billion in FY2007, would have been reduced by \$500 million to \$1.2 billion, but only if a legislative change proposed by the Administration had been adopted by Congress. (Under current law, the request remained at \$1.7 billion.)
- Head Start, funded at \$6.89 billion in FY2007, would have been decreased by \$100 million to \$6.79 billion.
- The Community Services Block Grant (CSBG), funded at \$630 million in FY2007, would have been eliminated.
- The PHSSEF, funded at \$717 million in FY2007, would have been increased by \$1.04 billion to \$1.75 billion. Funding covers homeland security activities and pandemic influenza preparedness, both of which would have been increased. (For details on pandemic influenza appropriations, see CRS Report RS22576.)

House Bill. For HHS programs, the House bill differed by at least \$100 million from the President's budget request, as follows.

- The Health Centers program would have received \$2.19 billion under the House bill, \$200 million more than requested; \$1.99 billion was provided in FY2007.

- Health Professions other than nursing would have received \$228 million, \$219 million more than requested; \$185 million was provided in FY2007.
- CHGME would have received \$307 million, \$197 million more than requested; \$297 million was provided in FY2007.
- Rural Health Programs would have received \$145 million, \$120 million more than requested; \$129 million was provided in FY2007. The House bill moved funding for the Denali Commission out of the Rural Health category; it received \$39 million in FY2007, but was given no funding in the request or the House bill. (The Senate bill would have retained the Commission in Rural Health at \$39 million; P.L. 110-161 gave it \$39 million outside of Rural Health Programs.)
- Health Care-Related Facilities and Activities would have received \$128 million; no funds were requested and none were provided in FY2007.
- The CDC Infectious Diseases program would have received \$1.90 billion, \$119 million more than requested; \$1.79 billion was provided in FY2007.
- The Preventive Health and Health Services Block Grant (PHBG) would have received \$109 million. No funds were requested; \$99 million was provided in FY2007.
- NIH would have received \$29.67 billion, \$1.05 billion more than requested; \$28.90 billion was provided in FY2007.
- SAMHSA activities other than the two block grants would have received \$1.14 billion, \$179 million more than requested; \$1.12 billion was provided in FY2007.
- The Agency for Healthcare Research and Quality (AHRQ) would have received an appropriation of \$283 million; previously, all of its funding had come indirectly from the PHS Evaluation Tap. The House bill would have provided an additional \$47 million from the PHS tap, for a total of \$330 million, the same as the request; AHRQ received \$319 million from the tap in FY2007.
- The CMS Fraud and Abuse Control Initiative would have received \$383 million, \$200 million more than requested; there was no funding in FY2007.
- LIHEAP would have received \$2.66 billion, \$880 million more than requested; \$2.16 billion was provided in FY2007.
- Head Start would have received \$6.96 billion, \$175 million more than requested; \$6.89 billion was provided in FY2007.
- The CSBG would have been funded at \$660 million. No funds were requested; \$630 million was provided in FY2007.

Senate Bill. The Senate bill differed from the House bill by at least \$100 million for several HHS programs.

- CHGME would have been funded at \$200 million, \$107 million less than the House amount of \$307 million; \$110 million was requested, and \$297 million was provided in FY2007.

- CDC Infectious Diseases would have been funded at \$1.76 billion, \$138 million less than the House amount of \$1.90 billion; \$1.78 billion was requested, and \$1.79 billion was provided in FY2007.
- Buildings and Facilities at CDC would have been funded at \$220 million, \$210 million more than the House amount of \$10 million; \$20 million was requested, and \$134 million was provided in FY2007.
- The NIH would have received \$29.90 billion, \$230 million more than the House amount of \$29.67 billion; \$28.62 billion was requested, and \$28.90 billion was provided in FY2007.
- LIHEAP would have been funded at \$2.16 billion, \$501 million less than the House amount of \$2.66 billion; \$1.78 billion was requested, and \$2.16 billion was provided in FY2007.
- Head Start would have received \$7.09 billion, \$125 million more than the House amount of \$6.96 billion; \$6.79 billion was requested, and \$6.89 billion was provided in FY2007.

Conference Report (Vetoed). Compared to FY2007 funding, the conference agreement would have changed discretionary spending by at least \$100 million for several HHS programs.

- Community Health Centers would have received \$2.21 billion, \$225 million more than requested and \$225 million more than the FY2007 amount of \$1.99 billion.
- Health Care-Related Facilities and Activities would have received \$318 million; no funds were requested for FY2008 or provided in FY2007.
- NIH would have received \$30.0 billion, \$1.4 billion more than requested and \$1.1 billion more than the FY2007 amount of \$28.9 billion.
- AHRQ would have received no direct appropriation but would have received \$335 million indirectly from the PHS Evaluation Tap, \$5 million more than requested and \$16 million more than the FY2007 amount of \$319 million from the tap.
- CMS Program Management would have received \$3.28 billion, \$2 million more than requested and \$135 million more than the FY2007 amount of \$3.14 billion.
- The CMS Fraud and Abuse Control Initiative would have received \$383 million, \$200 million more than requested; there was no funding in FY2007.
- LIHEAP would have been funded at \$2.41 billion, \$630 million more than requested and \$250 million more than the FY2007 amount of \$2.16 billion.
- Head Start would have received \$7.04 billion, \$254 million more than requested and \$154 million more than the FY2007 amount of \$6.89 billion.
- The PHSSEF would have received \$1.51 billion, \$248 million less than requested and \$788 million more than the FY2007 amount of \$717 million. Included in the conference amount would have been

\$764 million for pandemic influenza preparedness; in FY2007, pandemic flu activities were funded elsewhere.

Public Law. Compared to FY2007 funding, P.L. 110-161 changed discretionary spending by at least \$100 million for several HHS programs.

- Health Care-Related Facilities and Activities received \$304 million; no funds were requested for FY2008 or provided in FY2007.
- NIH received \$29.23 billion, \$607 million more than requested and \$329 million more than the FY2007 amount of \$28.90 billion.
- LIHEAP was funded at \$2.57 billion, \$788 million more than requested and \$409 million more than the FY2007 amount of \$2.16 billion.

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 a restriction, popularly referred to as the “Weldon Amendment,” that prevents federal programs or state or local governments that receive L-HHS-ED funds from discriminating against health care entities that do not provide or pay for abortions or abortion services. The FY2006 L-HHS-ED appropriations retained the Weldon amendment language and the Hyde restrictions. Under the FY2007 continuing resolution (P.L. 110-5), the provisions also applied to FY2007 funds. The FY2008 appropriations retained the same language; the provisions can be found in §507 and §508 of P.L. 110-161, Division G. For additional information, please see CRS Report RL33467, *Abortion: Legislative Response*, by Jon O. Shimabukuro and Karen J. Lewis.

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 21 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 for some because the embryos are destroyed in order to obtain the cells.

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. The current provision can be found in §509 of P.L. 110-161, Division G. The Senate-reported bill (S. 1710) included a new §520 that would have allowed, if certain ethical requirements were met, amounts appropriated under the act to be used to conduct human embryonic stem cell research as long as the cells were derived before June 15, 2007, thus changing the August 2001 policy of the Bush Administration. The provision was dropped, however, from the substitute bill that the Senate considered and eventually passed as H.R. 3043. For additional information, please see CRS Report RL33540, *Stem Cell Research: Federal Research Funding and Oversight*, by Judith A. Johnson and Erin D. Williams.

CRS Products

Health

CRS Report RL33467, *Abortion: Legislative Response*, by Jon O. Shimabukuro and Karen J. Lewis.

CRS Report RL30731, *AIDS Funding for Federal Government Programs: FY1981-FY2008*, by Judith A. Johnson.

CRS Report RS21044, *Background and Legal Issues Related to Stem Cell Research*, by Jon O. Shimabukuro.

CRS Report RL34048, *Federal Research and Development Funding: FY2008*, by John Sargent et al.

CRS Report RS22438, *Health Professions Programs in Title VII and Title VIII of the Public Health Service (PHS) Act: Appropriations Fact Sheet*, by Bernice Reyes-Akinbileje.

CRS Report RL31358, *Human Cloning*, by Judith A. Johnson and Erin D. Williams.

CRS Report RL33880, *Older Americans Act: FY2008 Funding*, by Angela Napili.

CRS Report RL33695, *The National Institutes of Health (NIH): Organization, Funding, and Congressional Issues*, by Pamela W. Smith.

CRS Report RS22576, *Pandemic Influenza: Appropriations for Public Health Preparedness and Response*, by Sarah A. Lister.

CRS Report RL34098, *Public Health Service (PHS) Agencies: Background and Funding*, by Pamela W. Smith et al.

CRS Report RL33279, *The Ryan White HIV/AIDS Treatment Program*, by Judith A. Johnson and Paulette C. Morgan.

CRS Report RL33540, *Stem Cell Research: Federal Research Funding and Oversight*, by Judith A. Johnson and Erin D. Williams.

CRS Report RL33997, *Substance Abuse and Mental Health Services Administration (SAMHSA): Reauthorization Issues*, by Ramya Sundararaman.

Human Services

CRS Report RL30785, *The Child Care and Development Block Grant: Background and Funding*, by Melinda Gish.

CRS Report RL34121, *Child Welfare: Recent and Proposed Federal Funding*, by Emilie Stoltzfus.

CRS Report RL32872, *Community Services Block Grants (CSBG): Funding and Reauthorization*, by Karen Spar.

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 Libby Perl.

CRS Report 94-953, *Social Services Block Grant (Title XX of the Social Security Act)*, by Melinda Gish.

Websites

Department of Health and Human Services

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

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

Detailed Appropriations Table

Table 10 shows the appropriations details for offices and major programs of HHS.

**Table 10. Detailed Department of Health and
Human Services Appropriations**
(\$ in millions)

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Public Health Service (PHS)</i>					
<i>Health Resources and Services Administration (HRSA)</i>					
Community Health Centers	1,988	1,988	2,188	2,238	2,065
National Health Service Corps	126	116	132	126	123
Health Professions, Nursing	150	105	166	170	156
Health Professions, other	185	10	228	190	194
Children's Hospital Graduate Medical Education	297	110	307	200	302
Maternal and Child Health Block Grant	693	693	750	673	666
Autism and Other Developmental Disorders ^a	0	0	0	37	36
Ryan White AIDS Programs	2,113	2,133	2,216	2,146	2,142
Rural Health Programs ^b	129	25	145	133	136
Family Planning (Title X)	283	283	311	300	300
Health Care-Related Facilities and Activities	0	0	128	191	304
Bioterrorism Hospital Grants ^c	0	0	0	0	0
Vaccine Injury Compensation Trust Fund (mandatory)	56	58	58	58	58
HRSA, other	435	339	498	467	439
HRSA subtotal	6,453	5,860	7,126	6,928	6,922
<i>Centers for Disease Control and Prevention (CDC)</i>					
Infectious Diseases	1,774	1,782	1,901	1,762	1,792
Health Promotion	947	959	1,002	983	961
Terrorism Preparedness and Response	1,496	1,504	1,599	1,632	1,497
Preventive Health and Health Services Block Grant (PHBG)	99	0	109	99	97
CDC Buildings and Facilities	134	20	10	220	55
CDC, other	1,488	1,452	1,517	1,469	1,648
CDC subtotal ^d	5,938	5,717	6,138	6,165	6,050
National Institutes of Health (NIH) ^d	28,900	28,621	29,670	29,900	29,229
<i>Substance Abuse and Mental Health Services Administration (SAMHSA)</i>					
Mental Health Block Grant	407	407	420	407	400
Substance Abuse Block Grant	1,679	1,679	1,714	1,679	1,680
SAMHSA, other	1,120	960	1,139	1,192	1,155
SAMHSA subtotal	3,206	3,046	3,273	3,278	3,234
Agency for Healthcare Research and Quality (AHRQ)	0	0	283	330	0
AHRQ program level (non-add)	319	330	330	330	335
PHS subtotal	44,497	43,244	46,489	46,601	45,435
<i>Centers for Medicare and Medicaid Services (CMS)</i>					
Medicaid Grants to States (mandatory)	170,729	208,921	208,923	208,921	208,921
Medicare Trust Funds (mandatory)	176,298	188,628	188,828	188,828	188,445
CMS Program Management	3,141	3,274	3,230	3,248	3,152
Fraud and Abuse Control initiative	0	183	383	383	0
CMS subtotal	350,168	401,006	401,364	401,380	400,517

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Administration for Children and Families (ACF)</i>					
Family Support Payments (mandatory)	4,264	3,950	3,950	3,950	3,950
Low Income Home Energy Assistance Program (LIHEAP)	2,161	1,782	2,662	2,161	2,570
Refugee and Entrant Assistance	588	656	651	654	656
Child Care and Development Block Grant (CCDBG)	2,062	2,062	2,137	2,067	2,062
Social Services Block Grant (SSBG) (Title XX) (mandatory)	1,700	1,700 ^e	1,700	1,700	1,700
Head Start	6,889	6,789	6,964	7,089	6,902
Child Welfare Services	287	287	287	287	282
Developmental Disabilities	171	171	197	191	180
Community Services Block Grant	630	0	660	670	654
Battered Women's Shelters	125	125	135	127	123
Abstinence Education	109	137	137	80	109
Children and Family Services, other	728	732	768	769	745
Promoting Safe and Stable Families (PSSF) (mandatory)	345	345	345	345	345
PSSF (discretionary)	89	89	89	89	63
Foster Care and Adoption Assistance (mandatory)	6,722	6,843	6,858	6,843	6,843
ACF subtotal	26,869	25,666	27,538	27,023	27,184
Administration on Aging (AOA)	1,383	1,335	1,417	1,452	1,413
<i>Office of the Secretary</i>					
General Departmental Management	356	393	348	404	355
Medical Benefits, Commissioned Officers (mandatory)	371	403	403	403	403
Public Health and Social Services Emergency Fund (PHSSEF)	717	1,754	1,705	1,730	729
Office of the Secretary, other	177	242	165	196	183
Office of the Secretary subtotal	1,621	2,790	2,621	2,732	1,670
TOTALS, DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Total Appropriations^f	424,539	474,042	479,430	479,187	476,219
Current Year Funding	355,082	402,584	407,972	407,729	404,762
One-Year Advance Funding	69,456	71,457	71,457	71,457	71,457

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Details may not add to totals due to rounding.

- a. Activities related to autism were formerly funded under the Maternal and Child Health Block Grant as part of the set-aside for Special Projects of Regional and National Significance. The FY2008 Senate bill and P.L. 110-161 created a separate funding line for the autism-related activities.
- b. The Denali Commission, previously funded under Rural Health Programs, is now grouped into the "HRSA, other" line in this table (see discussion under "House Bill" above).
- c. P.L. 110-5 transferred the HRSA bioterrorism grants program to the Office of the HHS Secretary.
- d. Two HHS programs also received FY2008 funds from Interior-Environment appropriations — \$74 million for CDC and \$78 million for NIH; neither amount is included in this table.
- e. The \$1.7 billion shown reflects the current law entitlement to states for the Social Services Block Grant. For FY2008, the Administration proposed a reduction of \$500 million in the entitlement, which would bring the requested total to \$1.2 billion.
- f. Appropriations totals include discretionary and mandatory funds, and may be subject to additional scorekeeping and other adjustments. Two HHS agencies were funded through other appropriations in FY2008: the Food and Drug Administration (FDA) in Agriculture appropriations (\$1.7 billion), and the Indian Health Service (IHS) in Interior-Environment appropriations (\$3.3 billion); neither agency is included in this table.

Department of Education

For FY2008, P.L. 110-161 provided \$59.4 billion in discretionary funding for the Department of Education, \$2.0 billion (3.4%) over the FY2007 amount of \$57.5 billion (**Table 11**). For FY2008, the budget request was \$56.2 billion, \$1.2 billion (2.2%) less than the FY2007 amount. The FY2008 House appropriations bill would have provided \$62.1 billion in discretionary funding, an increase of \$4.6 billion (8.0%) over FY2007. The Senate bill would have provided \$60.1 billion, \$2.6 billion (4.6%) over the FY2007 level.

**Table 11. Department of Education
Discretionary Appropriations**
(\$ in billions)

Funding	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Appropriations	57.5	56.2	62.1	60.1	59.4

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

A single mandatory ED program is included in the FY2008 L-HHS-ED bill; the Vocational Rehabilitation State Grants program was funded at \$2.8 billion in FY2007 and was funded at \$2.9 billion for FY2008.

Key Issues

President's Request. Under the FY2008 budget request, funding for several programs would have been increased, and five new education programs were proposed. However, the President's request would have eliminated funding for 44 existing programs and reduced the total discretionary funding for ED programs in FY2008.

The President's FY2008 budget request proposed changes of at least \$100 million for ED programs, as follows.

- Elementary and Secondary Education Act of 1965 (ESEA) programs, funded in aggregate at \$23.5 billion in FY2007, would have been increased by \$993 million in the President's FY2008 budget request.
- Title I, Part A, Grants to Local Educational Agencies (LEAs) for Education for the Disadvantaged, funded at \$12.8 billion in FY2007, would have been increased by \$1.1 billion.
- School Improvement Grants, funded at \$125 million in FY2007, would have been increased by \$375 million.

- Three K-12 education initiatives of at least \$100 million were proposed by the President: \$125 million for Math Now, Elementary; \$125 million for Math Now, Middle School; and \$250 million for Promise Scholarships.
- Educational Technology State Grants, funded at \$272 million in FY2007, would have been eliminated.
- The Fund for the Improvement of Education (FIE), funded at \$159 million in FY2007, would have been reduced by \$100 million.
- The Teacher Incentive Fund, funded at \$0.2 million in FY2007, would have been increased by \$199 million.
- Safe and Drug-Free Schools State Grants, funded at \$347 million in FY2007, would have been decreased by \$247 million.
- The Individuals with Disabilities Education Act (IDEA) Part B Grants to States program, funded at \$10.8 billion in FY2007, would have been decreased by \$291 million.
- The Perkins Career and Technical Education program, funded at \$1.3 billion in FY2007, would have been decreased by \$686 million.
- The Pell Grants program, funded at \$13.7 billion in FY2007, would have been reduced by \$247 million. The maximum appropriated award would have been \$4,050; \$4,310 was the maximum award in FY2007.
- Federal Supplemental Educational Opportunity Grants, funded at \$771 million in FY2007, would have been eliminated.

House Bill. For ED programs, the House bill, as passed, differed by at least \$100 million from the President's budget request, as follows.

- ESEA programs in aggregate would have received \$25.5 billion, \$1.0 billion more than requested; \$23.5 billion was provided in FY2007.
- Title I, Part A, Grants to LEAs would have received \$14.4 billion, \$453 million more than requested; \$12.8 billion was provided in FY2007.
- Reading First State Grants would have received \$354 million, \$665 million less than requested; \$1.0 billion was provided in FY2007.
- Of the President's proposed education initiatives of \$100 million or more, no funds would have been provided for Math Now, Elementary (\$125 million requested); Math Now, Middle School (\$125 million); or Promise Scholarships (\$250 million).
- Teacher Quality State Grants would have received \$3.2 billion, \$400 million more than requested; \$2.9 billion was provided in FY2007.
- Education Technology State Grants would have received \$272 million; no funds were requested; \$272 million was provided in FY2007.
- The 21st Century Community Learning Centers would have received \$1.1 billion, \$125 million more than requested; \$981 million was provided in FY2007.
- The Fund for the Improvement of Education would have received \$205 million, \$147 million more than requested; \$159 million was provided in FY2007.

- The Teacher Incentive Fund would have received \$99 million, \$100 million less than requested; \$0.2 million was provided in FY2007.
- Safe and Drug-Free Schools State Grants would have received \$347 million, \$247 million more than requested; \$347 million was provided in FY2007.
- English Language Acquisition State Grants would have received \$775 million, \$104 million more than requested; \$669 million was provided in FY2007.
- IDEA Part B Grants to States would have received \$11.3 billion, \$850 million more than requested; \$10.8 billion was provided in FY2007.
- Perkins Career and Technical Education would have received \$1.3 billion, \$710 million more than requested; \$1.3 billion was provided in FY2007.
- Pell Grants would have received \$15.6 billion, \$2.2 billion more than requested; \$13.7 billion was provided in FY2007. The Pell Grant maximum appropriated award would have been increased to \$4,700; \$4,050 was requested as the appropriated maximum award; \$4,310 was the maximum award in FY2007.
- Federal Supplemental Opportunity Grants would have received \$771 million; no funds were requested; \$771 million was provided in FY2007.
- Aid for Institutional Development for higher education would have received \$648 million; \$159 million more than requested; \$506 million was provided in FY2007.
- Departmental Management would have received \$366 million, \$227 million less than requested; \$560 million was provided in FY2007.

Senate Bill. The Senate bill differed from the House bill by at least \$100 million for several ED programs.

- ESEA programs in aggregate would have received \$24.6 billion, \$926 million less than the House amount of \$25.5 billion; \$24.5 billion was requested; \$23.5 billion was provided in FY2007.
- Title I, Part A, Grants to LEAs would have received \$13.9 billion, \$453 million less than the House amount of \$14.4 billion; \$13.9 was requested; \$12.8 billion was provided in FY2007.
- Reading First State Grants would have been funded at \$800 million, \$447 million more than the House amount of \$354 million; the request was for \$1.0 billion; \$1.0 billion was provided in FY2007.
- Teacher Quality State Grants would have been funded at \$2.9 billion, \$300 million less than the House amount of \$3.2 billion; \$2.8 billion was requested; \$2.9 billion was provided in FY2007.
- The 21st Century Community Learning Centers would have received \$1.0 billion, \$106 million less than the House amount of \$1.1 billion; \$981 million was requested; \$981 million was provided in FY2007.
- IDEA Part B Grants to States would have received \$11.2 billion, \$102 million less than the House amount of \$11.3 billion; \$10.5 billion was requested; \$10.8 billion was provided in FY2007.

- Pell Grants would have received \$14.5 billion, \$1.1 billion less than the House amount of \$15.6 billion; \$13.4 billion was requested; \$13.7 billion was provided in FY2007. The FY2008 maximum appropriated award would have been \$4,310 under the Senate bill. The maximum appropriated award would have been \$4,700 under the House bill. The maximum appropriated award would have been \$4,050 under the request. In FY2007, the maximum Pell Grant award was \$4,310.
- Aid for Institutional Development for higher education would have received \$507 million, \$140 million less than the House amount of \$648 million; \$489 million was requested; \$506 million was provided in FY2007.
- Departmental Management would have received \$569 million, \$202 million more than the House amount of \$366 million; \$594 million was requested; \$560 million was provided in FY2007.

Conference Report (Vetoed). The conference agreement would have changed discretionary spending by at least \$100 million for several ED programs, compared to the FY2007 funding levels.

- ESEA programs in aggregate would have received \$25.1 billion, \$594 million more than requested, and \$1.6 billion more than the FY2007 amount of \$23.5 billion.
- Title I, Part A, Grants to LEAs would have received \$14.3 billion, \$401 million more than requested, and \$1.5 billion more than the FY2007 amount of \$12.8 billion.
- School Improvement Grants would have received \$500 million, the same amount requested, and \$375 million more than the FY2007 amount of \$125 million.
- Reading First State Grants would have been funded at \$400 million, \$619 million less than requested, and \$629 million less than the FY2007 amount of \$1.0 billion.
- Teacher Quality State Grants would have been funded at \$3.0 billion, \$250 million more than requested, and \$150 million more than the FY2007 amount of \$2.9 billion.
- The 21st Century Community Learning Centers would have received \$1.1 billion, \$100 million more than requested, and \$100 million more than the FY2007 amount of \$981 million.
- The Fund for the Improvement of Education would have been funded at \$263 million, \$205 million more than requested, and \$104 million more than the FY2007 amount of \$159 million.
- IDEA Part B Grants to States would have received \$11.3 billion, \$800 million more than requested, and \$509 million more than the FY2007 amount of \$10.8 billion.
- Pell Grants would have received \$14.5 billion, \$1.1 billion more than requested, and \$837 million more than the FY2007 amount of \$13.7 billion. The FY2008 maximum appropriated grant award would have been \$4,435, \$385 more than requested and \$125 more than the FY2007 amount of \$4,310.

- The Fund for the Improvement of Postsecondary Education would have received \$126 million, \$104 more than requested, and \$104 more than the FY2007 amount of \$22 million.

Public Law. The FY2008 enacted appropriations changed discretionary spending by at least \$100 million for several ED programs, compared to the FY2007 funding levels.

- ESEA programs in aggregate received \$24.6 billion, \$99 million more than requested, and \$1.1 billion more than the FY2007 amount of \$23.5 billion.
- Title I, Part A, Grants to LEAs were funded at \$14.0 billion, \$118 million more than requested, and \$1.2 billion more than the FY2007 amount of \$12.8 billion.
- School Improvement Grants received \$491 million, \$9 million less than requested, and \$366 million more than the FY2007 amount of \$125 million.
- Reading First State Grants received \$393 million, \$626 million less than requested, and \$636 million less than the FY2007 amount of \$1.0 billion.
- The 21st Century Community Learning Centers were funded at \$1.1 billion, \$100 million more than requested, and \$100 million more than the FY2007 amount of \$981 million.
- IDEA Part B Grants to States were funded at \$11.0 billion, \$550 million more than requested, and \$259 million more than the FY2007 amount of \$10.8 billion.
- Pell Grants received \$14.2 billion, \$801 million more than requested, and \$554 million more than the FY2007 amount of \$13.7 billion. The FY2008 maximum appropriated grant award was \$4,241, \$191 more than requested and \$69 less than the FY2007 amount of \$4,310.²

New Programs and Program Eliminations. The request included funding for five new education programs; none of them was funded by the FY2008 enacted appropriations. The enacted appropriations, however, provided \$1 million in funding for each of two new programs, Programs for Bachelor's Degrees in Science, Technology, Engineering, and Mathematics (STEM) and Critical Languages, and Programs for Master's Degrees in STEM and Critical Languages.

The request would have eliminated funding for 44 education programs. The FY2008 enacted appropriations eliminated funding for 2 of the 44 programs — the Early Childhood Educator Professional Development program, which was funded at

² The College Cost Reduction Act (P.L. 110-84) provided an additional \$2 billion in mandatory funding for the Pell Grant program in FY2008. These mandatory funds coupled with the discretionary funds provided through the FY2008 Consolidated Appropriations Act provide a total maximum Pell Grant award of \$4,731, an increase of \$421 in the maximum Pell Grant award. (Joint explanatory statement accompanying the FY2008 Consolidated Appropriations Act (P.L. 110-161), which appears in the *Congressional Record*, December 17, 2007, No. 193 — Book II, p. H16268.)

\$15 million in FY2007, and the Innovative Education Block Grants, which were funded at \$99 million in FY2007. The FY2008 enacted appropriations also eliminated funding for the Credit Enhancement for Charter Schools program, which was funded at \$37 million in FY2007. The request would have continued to fund this program.

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. 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 authorization levels generally have been funded at lower levels; few have been funded at levels equal to or higher than the specified authorization amount.

Five ESEA programs, as amended by NCLBA, have specific authorization levels for FY2002 through FY2007: Title I, Part A Grants to Local Educational Agencies (LEAs); 21st Century Community Learning Centers (21CCLC); the Education Block Grant; School Choice; and the Fund for the Improvement of Education. For FY2007, the aggregate authorization for these five programs was \$28.9 billion, and the appropriation was \$14.4 billion, or \$14.5 billion less than the amount authorized.

All current ESEA program authorizations expired after FY2007. They have been automatically extended, however, for one additional year under section 422 of the General Education Provisions Act (GEPA) (20 U.S.C. 1226a, providing for contingent extension of programs). Therefore, current ESEA programs are authorized through September 30, 2008. GEPA also specifies that the amount authorized to be appropriated for a program during the extension shall be the amount that was authorized to be appropriated for the program during the terminal fiscal year of the program. Thus, in the case of the five ESEA programs with specific authorization levels for FY2007, those authorizations remain the same for FY2008. Therefore, for FY2008, the aggregate authorization for the five programs is \$28.9 billion, and the programs were funded at \$15.7 billion, or \$13.1 billion less than the amount authorized.

IDEA Funding Shortfall? From 1975 to 2004, the IDEA Special Education 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 3-21 that each state serves. Appropriations have never reached the 40% level. In 2004, Congress addressed the funding issue in P.L. 108-

446, which specified authorization ceilings for Part B Grants to States for FY2005 through FY2011. For FY2007, the Part B Grants to States authorization was \$16.9 billion, and the appropriation was \$10.8 billion, or \$6.2 billion less than the authorized amount. For FY2008, the authorized amount is \$19.2 billion, and \$11.0 billion was appropriated — \$8.2 billion less than the amount authorized. 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 appropriations ceilings. For additional information, please see CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*, by Richard N. Apling and Ann Lordeman.

Maintaining Integrity and Ethical Values in the Department of Education. The FY2008 enacted appropriations added a general provision that requires the Secretary of Education to implement procedures: (1) to assess whether an officer or professional employee of ED, a contractor or subcontractor of ED, a member of a peer review panel of ED, or a consultant or advisor to ED has a potential financial interest in or “impaired objectivity” toward a product or service purchased with, guaranteed by, or insured by funds administered by ED or a contracted entity of ED; and (2) to disclose the existence of any such financial interest or impaired objectivity. The Inspector General must subsequently report to the House and Senate Committees on Appropriations regarding the adequacy of the procedures implemented by the Secretary. Within one year, the Inspector General must conduct at least one review of these procedures and make any recommendations for modifying the procedures that are needed to identify and disclose the existence of such potential financial interests or impaired objectivity.

Forward Funding and Advance Appropriations. Most appropriations are available for obligation during the federal fiscal year of the appropriations bill. For example, most FY2008 appropriations will be available for obligation from October 1, 2007, through September 30, 2008. 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, FY2008 appropriations for some programs will become available for obligation to the states on July 1, 2008, and will remain available until September 30, 2009. 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 FY2008 appropriations will be used primarily to support grants for the 2008-2009 academic year. Unlike funding for elementary and secondary

education programs, however, the funds for Pell Grants remain available for obligation for two full fiscal years.

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 FY2008 appropriations, funds normally would have become available October 1, 2007, under regular funding provisions, but will not become available for some programs until July 1, 2008, under the forward funding provisions discussed above. However, if the July 1, 2008 forward funding date for obligation were to be postponed by three months — until October 1, 2008 — the appropriation would be reclassified as an advance appropriation since the funds would become available *only in a subsequent fiscal year*, FY2009. For example, the FY2008 budget request for Title I, Part A Grants to LEAs was \$13.9 billion. This amount includes not only forward funding of \$6.5 billion (to become available July 1, 2008), but also an advance appropriation of \$7.4 billion (to become available October 1, 2009). 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 more information, please see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

Potential Problem with the Treatment of Prior Year Advance Funding. In general, the funding amounts discussed in this report focus on the funding actually provided in the FY2008 enacted appropriations. Changes made to prior year advance funding in the enacted appropriations do not affect discretionary funding provided for each program, as the prior year advance funding was accounted for in the previous year's appropriations act (e.g., FY2007 enacted appropriations). As previously discussed, however, for the purposes of determining compliance with the 302(b) allocation, prior year advance funding counts toward this allocation for the current year, as it is funding that is available for the fiscal year to which the allocation applies. As part of the effort to meet the 302(b) allocation for FY2008, prior year advance funds for Title I, Part A, Grants to LEAs; Teacher Quality State Grants; IDEA, Part B Grants to States; and Career and Technical Education State Grants were reduced by \$263 million.³

³ FY2008 Consolidated Appropriations Act (P.L. 110-161), Division G, Section 528(a)(2).

Although the FY2008 enacted appropriations specifically require the across-the-board reduction to be applied to prior year advance funding, in previous years ED has complied with across-the-board reduction requirements in appropriations acts by reducing current year or succeeding year advance funding. Reductions have not been made to prior year advance funding, presumably because these funds have already been obligated. Based on data published by the Budget Service at ED, the FY2008 reductions to prior year advance funding will be taken from current year or succeeding year funding — not from prior year advance funding.⁴ This results in discrepancies between funding provided for the four aforementioned programs in the FY2008 Consolidated Appropriations Act, as displayed in the table in the explanatory statement, and ED’s calculations of funding provided for these four programs for FY2008. The differences by program are reported below.

- Title I, Part A, Grants to LEAs: \$14.0 billion in the enacted appropriations versus \$13.9 billion based on ED’s calculations, for a difference of \$129 million;
- Teacher Quality State Grants: \$3.0 billion in the enacted appropriations versus \$2.9 billion based on ED’s calculations, for a difference of \$25 million;
- IDEA Part B Grants to States: \$11.0 billion in the enacted appropriations versus \$10.9 billion based on ED’s calculations, for a difference of \$95 million; and
- Career and Technical Education State Grants: \$1.2 billion in the enacted appropriations and \$1.2 billion based on ED’s calculations, for a difference of \$14 million when unrounded dollar amounts are considered.

This also affects the overall total provided for discretionary appropriations. Based on the enacted appropriations, overall discretionary appropriations for FY2008 are \$59.4 million. Based on ED’s calculations, overall discretionary appropriations for FY2008 are \$59.2 billion.

The FY2008 enacted appropriations included two provisions that could ultimately alter the level of funding provided for these and other programs. First, the Office of Management and Budget (OMB) was required, within 30 days of enactment, to submit to the House and Senate Committees on Appropriations a report specifying the application of the across-the-board reduction to each account. Second, the Department of Education was also required, within 45 days, to provide an operating plan that “details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those” specified in the FY2008 Consolidated Appropriations Act, the joint explanatory statement accompanying the Consolidated Appropriations Act, or the FY2008 budget request.⁵ It is unclear at this time how, if at all, those reports may affect the final treatment of reductions to prior

⁴ The ED, Budget Service table is available at <http://www.ed.gov/about/overview/budget/budget08/08action.pdf>. Accessed January 21, 2008.

⁵ FY2008 Consolidated Appropriations Act (P.L. 110-161), Division G, Section 518.

year advance funding for the aforementioned programs or what other changes may be made to program funding in the FY2008 enacted appropriations.

CRS Products

CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

CRS Report RL33960, *The Elementary and Secondary Education Act, as Amended by the No Child Left Behind Act: A Primer*, by Wayne C. Riddle and Rebecca R. Skinner.

CRS Report RL31668, *Federal Pell Grant Program of the Higher Education Act: Background and Reauthorization*, by Charmaine Mercer.

CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*, by Richard N. Apling and Ann Lordeman.

CRS Report RL33371, *K-12 Education: Implementation Status of the No Child Left Behind Act of 2001 (P.L. 107-110)*, by Gail McCallion, Coordinator.

CRS Report RL33749, *The No Child Left Behind Act: An Overview of Reauthorization Issues for the 110th Congress*, by Wayne C. Riddle.

CRS Report RL34214, *A Primer on the Higher Education Act (HEA)*, by Charmaine Mercer and Rebecca R. Skinner.

Websites

Department of Education

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

[<http://www.ed.gov/about/overview/budget/budget08/index.html>]

Detailed Appropriations Table

Table 12 shows the appropriations details for offices and major programs of ED.

Table 12. Detailed Department of Education Appropriations
(\$ in millions)

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Total Elementary and Secondary Education Act (non-add)^a</i>	23,481	24,474	25,505	24,578	24,573
<i>Education for the Disadvantaged</i>					
Title I, Part A Education for the Disadvantaged, Grants to LEAs ^b	12,838	13,910	14,363	13,910	14,028
Even Start	82	0	99	0	66
School Improvement Grants	125	500	500	500	491
Reading First State Grants	1,029	1,019	354	800	393
Math Now, Elementary initiative	0	125	0	0	0
Math Now, Middle School initiative	0	125	0	0	0
Promise Scholarships	0	250	0	0	0
America's Opportunity Scholarships	0	50	0	0	0
Migrant State Grants	387	380	394	387	380
Education for the Disadvantaged, other	264	330	261	271	260
Education for the Disadvantaged subtotal	14,726	16,689	15,970	15,868	15,618
<i>Impact Aid</i>					
Impact Aid	1,228	1,228	1,278	1,248	1,241
<i>School Improvement Programs</i>					
Teacher Quality State Grants ^c	2,887	2,787	3,187	2,887	2,960
Mathematics and Science Partnerships	182	182	198	184	179
Innovative Education Block Grant	99	0	99	0	0
Educational Technology State Grants	272	0	272	272	267
21 st Century Community Learning Centers	981	981	1,106	1,000	1,081
State Assessments	408	412	412	416	409
Rural Education	169	169	169	169	172
School Improvement, other	257	167	250	270	246
School Improvement subtotal	5,255	4,698	5,694	5,199	5,314
<i>Indian Education</i>					
Indian Education	119	119	124	119	120
<i>Innovation and Improvement</i>					
Charter School Grants	215	215	251	215	211
Fund for the Improvement of Education general funds (FIE)	159	58	205	219	254
Teacher Incentive Fund ^d	0	199	99	99	97
Innovation and Improvement, other	464	450	437	430	424
Innovation and Improvement subtotal	838	922	992	963	986

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Safe Schools and Citizenship Education</i>					
Safe and Drug-Free Schools State Grants	347	100	347	300	295
Safe Schools and Citizenship, other	383	224	414	397	399
Safe Schools and Citizenship subtotal	730	324	761	697	693
<i>English Language Acquisition</i>					
English Language Acquisition State Grants	669	671	775	671	700
<i>Special Education</i>					
IDEA, Part B, Grants to States ^e	10,783	10,492	11,342	11,240	11,042
Special Education, other	1,020	993	1,020	1,090	1,046
Special Education subtotal	11,803	11,485	12,363	12,330	12,088
<i>Rehabilitation Services and Disability Research</i>					
Vocational Rehabilitation State Grants (mandatory)	2,837	2,874	2,874	2,874	2,874
Rehabilitation Services, other	405	347	406	413	403
Rehabilitation Services subtotal	3,243	3,221	3,280	3,287	3,277
<i>Special Institutions for Persons with Disabilities</i>					
Special Institutions for Persons With Disabilities	181	181	188	192	195
<i>Vocational and Adult Education</i>					
Perkins Career and Technical Education ^{f,g}	1,296	610	1,319	1,294	1,286
Adult Education	580	580	603	578	567
Vocational and Adult, other	116	0	116	23	102
Vocational and Adult Education subtotal ^g	1,992	1,190	2,038	1,895	1,955
<i>Student Financial Aid</i>					
Pell Grants, maximum award (in dollars, non-add)	4,310	4,050	4,700	4,310	4,241
Pell Grants	13,661	13,414	15,583	14,487	14,215
Supplemental Educational Opportunity Grants	771	0	771	771	757
Federal Work-Study	980	980	980	980	980
Federal Perkins Loans	65	0	65	65	64
Leveraging Educational Assistance Partnership (LEAP)	65	0	65	65	64
Student Financial Aid subtotal	15,542	14,394	17,465	16,369	16,081

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
<i>Student Aid Administration</i>					
Student Aid Administration	718	708	708	708	696
<i>Higher Education</i>					
Aid for Institutional Development	506	489	648	507	501
Fund for the Improvement of Postsecondary Education (FIPSE)	22	22	63	82	120
TRIO Programs	828	828	868	858	828
GEAR UP	303	303	323	313	303
Higher Education, other ^g	292	202	282	279	269
Higher Education subtotal ^g	1,951	1,845	2,185	2,040	2,022
<i>Howard University</i>					
Howard University	237	234	237	237	233
<i>Institute of Education Sciences</i>					
Institute of Education Sciences	517	594	535	590	546
<i>Departmental Management</i>					
Departmental Management	560	594	366	569	552
<i>Department of Education, other^h</i>					
Department of Education, other	1	1	1	1	1
TOTALS, DEPARTMENT OF EDUCATION					
Total Appropriationsⁱ	60,310	59,099	64,960	62,982	62,318
Current Year Funding	45,276	44,065	47,956	45,965	45,301
One-Year Advance Funding	15,034	15,034	17,004	17,018	17,017

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II.

Note: Details may not add to totals due to rounding.

- a. The ESEA total reported in this table for the FY2008 enacted appropriations does not match the ESEA total reported by ED due to the treatment of reductions to prior year advance funding. Reductions to prior year advance funding do not affect funding provided for ESEA in the FY2008 Consolidated Appropriations Act. ED, however, took these deductions from current year funding, rather than from prior year advance funding, which reduces the FY2008 ESEA total based on ED's calculations to \$24.4 billion. In addition, the totals for ESEA reported in this table also do not match the ESEA totals reported by ED for FY2007 enacted, the Senate bill, or FY2008 enacted because the congressional totals appear to have included \$2 million for the Academies for American History program under the Fund for the Improvement of Education (ESEA, Title V-D). The Academies for American History program is authorized by the American History and Civics Education Act, not the ESEA. If this funding were excluded from the congressional ESEA totals, FY2007 enacted appropriations would have provided \$23,479 million for ESEA, the Senate bill would have provided \$24,576 million for ESEA, and the FY2008 enacted appropriations would have provided \$24,571 million for ESEA (without accounting for the aforementioned prior year appropriations issue). It appears that neither the request nor the House bill would have provided funding for the Academies for American History program.
- b. The total reported for Title I, Part A, Grants to LEAs for the FY2008 enacted appropriations does not match the program total reported by ED due to the treatment of reductions to prior year advance funding. Reductions to prior year advance funding do not affect funding provided for this program in the FY2008 Consolidated Appropriations Act. ED, however, took these deductions from current year funding, rather than from prior year advance funding, which reduces the FY2008 program total based on ED's calculations to \$13.9 billion.

- c. The total reported for Teacher Quality State Grants for the FY2008 enacted appropriations does not match the program total reported by ED due to the treatment of reductions to prior year advance funding. Reductions to prior year advance funding do not affect funding provided for this program in the FY2008 Consolidated Appropriations Act. ED, however, took these deductions from current year funding, rather than from prior year advance funding, which reduces the FY2008 program total based on ED's calculations to \$2.9 billion.
- d. Funded at \$0.2 million in FY2007.
- e. The total reported for IDEA Part B Grants to States for the FY2008 enacted appropriations does not match the program total reported by ED due to the treatment of reductions to prior year advance funding. Reductions to prior year advance funding do not affect funding provided for this program in the FY2008 Consolidated Appropriations Act. ED, however, took these deductions from current year funding, rather than from prior year advance funding, which reduces the FY2008 program total based on ED's calculations to \$10.9 billion.
- f. The total reported for Career and Technical Education State Grants for the FY2008 enacted appropriations does not match the program total reported by ED due to the treatment of reductions to prior year advance funding. Reductions to prior year advance funding do not affect funding provided for this program in the FY2008 Consolidated Appropriations Act. ED, however, took these deductions from the succeeding fiscal year funding, rather than from prior year advance funding, which reduces the FY2008 program total based on ED's calculations by \$14 million.
- g. The Tribally Controlled Postsecondary Career and Technical Institutions program was included under Perkins Career and Technical Education under the FY2008 request and the House bill. The Senate bill and the FY2008 Consolidated Appropriations Act, however, included funding for this program under Higher Education. For comparison purposes, funds for this program that were included in the request and the House bill were moved to the Higher Education account. Thus, the account totals for Vocational and Adult Education and for Higher Education for the request and the House bill will not match the totals included in the joint explanatory statement that accompanied P.L. 110-161.
- h. Includes two appropriations: College Housing and Academic Facilities Loans, and Historically Black Colleges and Universities Capital Financing program.
- i. Appropriations totals include discretionary and mandatory funds, and are subject to additional scorekeeping and other adjustments. In addition, due to differences in the treatment of reductions to prior year advance funding in the FY2008 Consolidated Appropriations Act and by ED (see previous discussion), total funding for the Department of Education appropriated for FY2008 according to ED is \$60.1 billion.

Related Agencies

FY2007 discretionary appropriations for L-HHS-ED related agencies were \$11.5 billion, as shown in **Table 13**. For FY2008, the Administration requested \$11.3 billion, or \$0.2 billion (1.7%) less than the FY2007 amount. The House bill would have provided \$11.9 billion for FY2008, and the Senate bill would have provided \$12.1 billion. P.L. 110-161 provided \$12.0 billion, increasing funding for related agencies by \$438 million (3.8%) over FY2007.

Table 13. Related Agencies Discretionary Appropriations
(\$ in billions)

Funding	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Appropriations	11.5	11.3	11.9	12.1	12.0

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory programs for related agencies included in the L-HHS-ED bill are funded at \$39.0 billion for FY2008, virtually all of it for the Supplemental Security Income (SSI) program.

Key Issues

President's Request. The President's FY2008 budget for related agencies proposed discretionary spending changes of at least \$100 million for the following agencies:

- The Corporation for Public Broadcasting (CPB) has been provided with a two-year advance appropriation in recent years. The President's FY2008 budget did not request FY2010 funds for CPB. The CPB has been funded at \$400 million for FY2009 (included in L-HHS-ED funding for FY2007 under the Revised Continuing Appropriations Resolution, P.L. 110-5), and \$400 million for FY2008 (enacted in FY2006).
- The Administration's request for FY2008 would have increased funding for SSA administrative expenses by \$301 million to \$9.6 billion, up from \$9.3 billion for FY2007.

House Bill. For Related Agencies, the House bill differed by at least \$100 million from the President's budget request, as follows.

- The House bill would have provided CPB with advance funding for FY2010 of \$420 million. The Administration did not request funds for FY2010.

- The House bill would have increased funding for SSA administrative expenses to \$9.7 billion, \$100 million more than requested by the Administration, and \$401 million more than the amount appropriated for FY2007.

Senate Bill. The Senate bill differed from the House bill by at least \$100 million for SSA administrative expenses.

- The Senate bill would have increased funding for SSA administrative expenses to \$9.9 billion, \$175 million more than the House bill and \$275 million more than requested.

Conference Report (Vetoed). Compared to FY2007 funding, the conference agreement would have changed discretionary spending by at least \$100 million for SSA administrative expenses.

- Funding for Social Security Administration (SSA) administrative expenses would have risen by \$576 million to \$9.9 billion, from \$9.3 billion for FY2007.

Public Law. Compared to FY2007 funding, P.L. 110-161 changed discretionary spending by at least \$100 million for SSA administrative expenses.

- Funding for Social Security Administration (SSA) administrative expenses was increased by \$451 million to \$9.7 billion, from \$9.3 billion for FY2007.

CRS Products

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 Report RS22677, *Social Security Administration: Administrative Budget Issues*, by Kathleen Romig.

CRS Report RL33544, *Social Security Reform: Current Issues and Legislation*, by Dawn Nuschler.

Websites

Note: Not all of the websites for the related agencies of L-HHS-ED appropriations include FY2008 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>]

Corporation for Public Broadcasting
[<http://www.cpb.org>]

Federal Mediation and Conciliation Service
[<http://www.fmcs.gov>]

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>]

National Mediation Board
[<http://www.nmb.gov>]

Occupational Health and Safety Review Commission
[<http://www.oshrc.gov>]

Railroad Retirement Board
[<http://www.rrb.gov>]

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

Detailed Appropriations Table

Table 14 shows the appropriations details for offices and major programs of the L-HHS-ED related agencies.

Table 14. Detailed Related Agencies Appropriations
(\$ in millions)

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Committee for Purchase from People Who Are Blind or Severely Disabled	5	5	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)	99	90	95	95	94
National Senior Volunteer Corps	218	204	218	218	214
DVSP subtotal	317	294	313	313	308
CNCS National and Community Service Programs (NCSP)					
National Service Trust	118	123	123	118	123
AmeriCorps Grants	265	256	256	276	257
National Civilian Community Corps	27	12	12	32	24
NCSP, other	83	70	66	66	72
NCSP subtotal	493	459	456	491	475
CNCS, other	75	75	74	76	74
CNCS subtotal	885	829	843	881	856
Corporation for Public Broadcasting (CPB)					
CPB, two-year advance for FY2010 (current request) with FY2009 comparable	400	0	420	420	420
<i>CPB advance for FY2009 with FY2008 comparable (non-add)</i>	400	400	400	400	400
<i>CPB FY2009 rescission (non-add)</i>	0	0	0	0	0
<i>CPB advance for FY2008 with FY2007 comparable (non-add)</i>	400	400	400	400	393
<i>CPB FY2008 rescission (non-add)</i>	0	(50)	0	0	0
CPB Digitalization Program	30	0	30	30	29
CPB Interconnection	35	0	27	27	26
CPB FY2008 subtotal	64	0	56	56	55
Federal Mediation and Conciliation Service	43	44	44	44	43
Federal Mine Safety and Health Review Committee	8	8	8	8	8
Institute of Museum and Library Services (IMLS)	247	271	265	266	264

Office or Major Program	FY2007 Enacted	FY2008 Request	FY2008 House	FY2008 Senate	FY2008 Enacted
Medicare Payment Advisory Commission	12	11	11	11	11
National Commission on Libraries and Information Science	1	0	0	0.4	0.4
National Council on Disability	3	3	3	3	3
National Labor Relations Board	252	256	257	257	252
National Mediation Board	12	12	13	13	13
Occupational Safety and Health Review Commission	10	11	11	11	11
Railroad Retirement Board	193	184	184	185	181
<i>Social Security Administration (SSA)^b</i>					
SSA Payments to Social Security Trust Fund (mandatory)	20	28	28	28	28
Supplemental Security Income (SSI) (mandatory)	42,931	38,728	38,728	38,729	38,728
SSI Administrative Expenses	2,950	2,983	3,021	3,077	3,019
SSA SSI subtotal	45,881	41,711	41,749	41,806	41,747
Social Security and Medicare Administrative Expenses	6,345	6,614	6,676	6,795	6,728
Total SSA Administrative Expenses (non-add)	9,296	9,597	9,697	9,872	9,747
SSA Office of Inspector General	92	95	95	96	92
SSA subtotal	52,339	48,448	48,548	48,725	48,595
TOTALS, RELATED AGENCIES					
Total Appropriations^c	54,474	50,082	50,670	50,886	50,716
Current Year Funding	37,264	35,282	35,450	35,666	35,496
One-Year Advance Funding	16,810	14,800	14,800	14,800	14,800
Two-Year Advance Funding	400	0	420	420	420

Source: Amounts are based on the Dec. 17, 2007, table from House Appropriations Committee, reflecting the explanatory statement on Division G of H.R. 2764, Consolidated Appropriations Act, 2008, printed in *Congressional Record*, Dec. 17, 2007, Book II. Details may not add to totals due to rounding.

- 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 have been funded in L-HHS-ED since FY2006.
- b. The Social Security trust funds are considered off-budget, but the Supplemental Security Income (SSI) program, SSA administrative expenses, and certain related SSA activities are included under L-HHS-ED related agencies.
- c. Appropriations totals include discretionary and mandatory spending, and are subject to additional scorekeeping and other adjustments.

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*, by Robert Keith and Allen Schick. 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 chambers 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://republicans.appropriations.house.gov/>]
[<http://budget.house.gov/>]
[<http://budget.house.gov/republicans/>]

Senate Committees

[<http://appropriations.senate.gov/>]
[<http://budget.senate.gov/democratic/>]
[<http://budget.senate.gov/republican/>]

Congressional Budget Office (CBO)

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

Congressional Research Service (CRS)

[http://apps.crs.gov/cli/level_2.aspx?PRDS_CLI_ITEM_ID=73]

Government Accountability Office (GAO)

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

Government Printing Office (GPO)

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

Office of Management and Budget (OMB)

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