



Labor, Health and Human Services, and Education: FY2009 Appropriations

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January 15, 2009

Congressional Research Service

7-5700

www.crs.gov

RL34577

Summary

This report tracks FY2009 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 13 related agencies. The report, which will be updated, summarizes L-HHS-ED discretionary funding issues but not authorization or entitlement issues.

President George W. Bush's FY2009 budget request to Congress included \$146.5 billion in discretionary L-HHS-ED funds. The FY2008 amount was \$148.4 billion, enacted through the Consolidated Appropriations Act, 2008 (P.L. 110-161, December 26, 2007). The Senate Appropriations Committee reported its FY2009 L-HHS-ED bill (S. 3230, S.Rept. 110-410), including \$155.7 billion in discretionary funds. The House Appropriations Committee did not report an FY2009 L-HHS-ED bill; a draft bill marked up by the subcommittee recommended \$157.6 billion. FY2009 continuing appropriations for L-HHS-ED, available through March 6, 2009, total about \$161.6 billion on an annualized basis, including emergency funding.

Department of Labor (DOL). DOL discretionary appropriations were \$11.7 billion for FY2008. The President requested \$10.5 billion for FY2009, a decrease of 9.8%. The request proposed reducing Workforce Investment Act (WIA) programs by \$553 million, while the House subcommittee recommended an increase of \$140 million, and the Senate committee recommended an increase of \$82 million.

Department of Health and Human Services (HHS). HHS discretionary appropriations were \$65.5 billion in FY2008; \$63.8 billion was requested for FY2009. The House subcommittee and the Senate committee recommended \$69.0 billion and \$68.2 billion, respectively. The request proposed increased funding for the Public Health and Social Services Emergency Fund, Medicare/Medicaid management activities, and Head Start, with decreases for Rural Health Programs, Mental Health, and the Low-Income Home Energy Assistance Program. Several programs were proposed for elimination. The bills increased most of those programs.

Department of Education (ED). ED discretionary appropriations were \$59.2 billion in FY2008; \$60.1 billion was requested for FY2009. The draft House bill and the Senate-reported bill increased discretionary appropriations to \$63.6 billion and \$62.5 billion, respectively. Elementary and Secondary Education Act (ESEA) programs were increased by \$127 million in the request, and by \$507 million in the House draft bill and \$131 million in the Senate-reported bill. The request eliminated funding for Educational Technology State Grants, Perkins Career and Technical Education, and Federal Supplemental Opportunity Grants; both the House draft bill and Senate-reported bill continued to fund these programs.

Related Agencies. Discretionary appropriations for L-HHS-ED Related Agencies were \$12.0 billion for FY2008. The Administration requested \$12.1 billion for FY2009. The House subcommittee recommended \$12.7 billion, and the Senate committee recommended \$12.6 billion.

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CRS Key Policy Staff for L-HHS-ED Appropriations	Error! Bookmark not defined.

Most Recent Developments

Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 Enacted (P.L. 110-329, H.R. 2638).

On September 30, 2008, President George W. Bush signed H.R. 2638 into law. The act, referred to in short form as the Consolidated Appropriations Act for FY2009, included three of the 12 regular appropriations acts for FY2009, continuing appropriations for the remaining nine regular appropriations acts for FY2009 (through March 6, 2009), and supplemental appropriations for disaster relief and recovery. For further details on the contents of and proceedings relative to H.R. 2638, see CRS Report RL34711, *Consolidated Appropriations Act for FY2009 (P.L. 110-329): An Overview*, by Robert Keith.

Interim FY2009 appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) were provided by Division A of P.L. 110-329, referred to as the Continuing Appropriations Resolution, 2009 (FY2009 CR). Most programs were funded, through March 6, 2009, at the rate of operations they had for FY2008, not counting emergency funding. The CR provides estimated discretionary L-HHS-ED funding (on an annualized basis) of \$161.6 billion, including \$150.2 billion in non-emergency funding and \$11.4 billion in emergency funding.¹ Those amounts may differ from the final totals for FY2009 depending on how the 111th Congress addresses funding for the nine regular appropriations acts for the remainder of the fiscal year.

Senate Bill S. 3230 Reported

On July 8, 2008, the Senate Committee on Appropriations reported S. 3230 (S.Rept. 110-410), its proposal for FY2009 L-HHS-ED appropriations. The bill recommended \$155.7 billion in discretionary funds for L-HHS-ED.

House Full Committee Markup

The House Committee on Appropriations convened a markup session on its draft bill on June 26, 2008, but adjourned before final action.

House Subcommittee Markup

On June 19, 2008, the House L-HHS-ED Appropriations Subcommittee marked up its draft bill and approved it for consideration by the full committee. The subcommittee recommended \$157.6 billion in discretionary funds for L-HHS-ED.

¹ Based on information provided by the Congressional Budget Office (see discussion and table in CRS Report RL34711, *Consolidated Appropriations Act for FY2009 (P.L. 110-329): An Overview*, by Robert Keith).

President's Budget Submitted

On February 4, 2008, President George W. Bush submitted the FY2009 budget to Congress; the request was for \$146.5 billion in discretionary funds for L-HHS-ED programs. Subsequent amendments to the request are not reflected in this report.

Table 1 summarizes the legislative status of FY2009 L-HHS-ED appropriations.

Table 1. Legislative Status of L-HHS-ED Appropriations, FY2009

Subcommittee Markup							Conference Report Approval		Public Law
House	Senate	House Committee	House Passage	Senate Committee	Senate Passage	Conf. Report	House Passage	Senate Passage	
6/19/08 ^a	6/24/08 ^b			7/8/08 ^c S. 3230, S.Rept. 110-410					9/30/08 ^d FY2009 CR,P.L. 110-329, Div. A

- a. The House Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2009 hearings on Feb. 13, 2008. The Subcommittee marked up its version of the FY2009 L-HHS-ED appropriations on June 19, 2008, approving it by a voice vote.
- b. The Senate Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2009 hearings on May 7, 2008. The Subcommittee marked up its version of the FY2009 L-HHS-ED bill on June 24, 2008, and approved it by voice vote.
- c. S. 3230: The Senate Committee on Appropriations approved the draft L-HHS-ED bill, amended, on June 26, 2008, by a vote of 26 to 3, and ordered the bill reported. Subsequently, S. 3230 (S.Rept. 110-410) was introduced and reported on July 8, 2008.
- d. P.L. 110-329: The FY2009 Continuing Appropriations Resolution, Division A of P.L. 110-329 (H.R. 2638), is providing temporary FY2009 funding for most L-HHS-ED activities for the period October 1, 2008, through March 6, 2009, unless regular L-HHS-ED appropriations are enacted sooner.

Note on Most Recent Data

In this report, unless stated otherwise, data on FY2008 appropriations and FY2009 appropriations proposals are based on tables from the House Committee on Appropriations (June 23, 2008) and Senate Committee on Appropriations (July 1, 2008). 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 FY2008 data reflect the funding provided under the terms of the Consolidated Appropriations Act, 2008 (P.L. 110-161, H.R. 2764, which was signed into law on December 26, 2007. Division G of the act provided funding for L-HHS-ED programs. A series of four continuing resolutions (CRs), beginning with P.L. 110-92, had provided temporary L-HHS-ED funding from October 1, 2007, through December 26, 2007. Later, Congress passed the Supplemental Appropriations Act, 2008, P.L. 110-252, signed into law on June 30, 2008. The law had a few provisions that affected

FY2008 funding levels for some L-HHS-ED agencies. FY2008 figures in this report do not include supplemental appropriations.

For additional information, please see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter, and CRS Report RL34451, *FY2008 Spring Supplemental Appropriations and FY2009 Bridge Appropriations for Military Operations, International Affairs, and Other Purposes (P.L. 110-252)*, by Stephen Daggett et al.

Overview and Key Issues

This report describes President Bush's proposal for FY2009 appropriations for L-HHS-ED programs, as submitted to Congress on February 4, 2008, and the congressional response to that proposal. It compares the President's FY2009 request to the FY2008 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 related to the President's budget initiatives. For a glossary of budget terms and relevant websites, see **Appendix**, "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 13 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 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 Appropriations and Current Year Appropriations

Table 2 summarizes the L-HHS-ED appropriations enacted for FY2008 and proposed for FY2009, including both discretionary and mandatory appropriations. The table shows various aggregate measures of L-HHS-ED appropriations, 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, both of the summary measures mentioned above 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, FY2008-FY2009
(\$ in billions)

Type of Budget Authority	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Discretionary Appropriations					
Program level: current bill for any year	148.4	146.5	157.6	155.7	
Current year: current year from any bill (after scorekeeping)	144.9	145.3	153.1	153.1	
Advances for future years (in the current bill)	21.3	20.9	24.8	23.0	
Advances from prior years (from previous bills)	19.2	21.3	21.3	21.3	
Scorekeeping adjustments	-1.4	-1.5	-0.9	-0.8	
Current Year Discretionary and Mandatory Funding					

Type of Budget Authority	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Discretionary (compare to 302(b) cap)	144.9	145.3	153.1	153.1	
Mandatory	455.4	473.3	473.4	473.3	
Total, current year	600.3	618.7	626.5	626.5	
Program Level Totals of Funding for L-HHS-ED Bill, Any Year					
Discretionary program level	148.4	146.5	157.6	155.7	
Mandatory program level	455.4	478.4	478.4	478.4	
Grand total, any year	603.7	624.8	636.0	634.1	

Source: Amounts for FY2008 comparable, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the Senate committee table dated July 1, 2008. Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. FY2008 amounts do not include FY2008 supplemental appropriations. 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 FY2008 and FY2009 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 \$148.4 billion in FY2008, an increase of \$21.2 billion, or 16.7%. Adjusted for inflation during this same period, using the Gross Domestic Product (GDP) deflator, L-HHS-ED discretionary funds in estimated FY2008 dollars dropped from \$148.6 billion in FY2002 to \$148.4 billion in FY2008, a decrease 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	148.4
L-HHS-ED discretionary in estimated FY2008 dollars	148.6	151.6	155.9	155.1	148.1	147.5	148.4
GDP deflator (FY2000 = 1.0)	1.0432	1.0643	1.0920	1.1270	1.1643	1.1955	1.2186

Sources: The GDP deflator is based on the *Budget of the United States Government, Historical Tables, Fiscal Year 2009*, 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 total is based on the December 17, 2007, committee table; FY2008 total is based on the July 1, 2008, table of the Senate Committee on Appropriations, but does not include FY2008 supplemental appropriations.

Discretionary Appropriations by Bill Title, FY2008-FY2009

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 13 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 (Division G of P.L. 110-161) included a Title VI that provided for establishment of a National Commission on Children and Disasters.

Table 4 summarizes by title the program level discretionary spending that was provided for FY2008 and proposed for FY2009 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,
FY2008-FY2009**

(\$ in millions)

	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Discretionary Appropriations, Program Level (total in bill for any year)					
Title I, Department of Labor	11,693	10,542	12,220	12,354	
Title II, Department of Health and Human Services	65,531	63,823	69,016	68,249	
Title III, Department of Education	59,181	60,053	63,616	62,499	
Title IV, Related Agencies	11,957	12,066	12,701	12,648	
Total discretionary, program level	148,363	146,484	157,552	155,749	
Total Discretionary, Current Year from Any Bill (after scorekeeping adjustments)					
Total, current year	144,914	145,349	153,121	153,128	

Source: Amounts for FY2008 comparable, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the Senate committee table dated July 1, 2008. Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. FY2008 amounts do

not include FY2008 supplemental appropriations. Appropriations are given only for programs included in the annual L-HHS-ED bill. Details may not add to totals due to rounding.

Major Discretionary Programs, FY2008-FY2009

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 FY2008 and proposals for FY2009, eight programs accounted for at least 62% of all L-HHS-ED discretionary appropriations. Each of the programs shown in **Table 5** received or is proposed for more than \$3.0 billion each year. The aggregate funding for this group was \$93.3 billion in FY2008, \$97.1 billion under President Bush's FY2009 request, \$99.9 billion in the draft House bill, and \$99.1 billion in the Senate committee recommendation. As shown in the previous tables, L-HHS-ED discretionary funding totaled \$148.4 billion in FY2008, \$146.5 billion in the FY2009 request, \$157.6 billion in the draft House bill, and \$155.7 billion in the Senate committee bill.

Table 5. Major Discretionary Programs, FY2008-FY2009

(\$ in millions)

Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
National Institutes of Health (NIH)	29,230	29,230	30,380	30,255	
Pell Grants	14,215	16,941	17,335	16,890	
Title I Part A Education for the Disadvantaged, Grants to LEAs	13,899	14,305	14,455	14,530	
IDEA Special Education, Part B Grants to States	10,948	11,285	11,552	11,425	
SSA Total Administrative Expenses	9,745	10,327	10,427	10,377	
Head Start	6,878	7,027	7,120	7,105	
WIA, all programs	5,186	4,633	5,326	5,269	
CMS Program Management	3,152	3,307	3,261	3,271	
Major L-HHS-ED subtotal	93,252	97,054	99,855	99,120	
Other L-HHS-ED discretionary	55,111	49,430	57,697	56,629	
L-HHS-ED discretionary total	148,363	146,484	157,552	155,749	
Major programs as a % of total	62.9%	66.3%	63.4%	63.6%	

Source: Amounts for FY2008 comparable, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the Senate committee table dated July 1, 2008. Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. FY2008 amounts in

this table do not include FY2008 supplemental appropriations, even though the Senate committee table included \$31 million for SSA administrative expenses from the Economic Stimulus Act of 2008 (P.L. 110-185).

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

FY2009 Appropriations: President's Request

On February 4, 2008, President George W. Bush submitted his FY2009 request to Congress. 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 FY2009 discretionary budget authority in comparison with the FY2008 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 FY2009 request with the FY2008 funding for many of the major programs in the L-HHS-ED bill.

Budget Highlights

Overall, \$146.5 billion in discretionary appropriations were requested for L-HHS-ED for FY2009, \$1.9 billion (1.3%) less than the FY2008 amount of \$148.4 billion.

- For the Department of Labor (DOL), the Bush Administration's FY2009 request included a decrease of \$553 million for WIA programs, from \$5.2 billion for FY2008 to \$4.6 billion for FY2009. The proposed reduction included \$241 million less for Dislocated Worker Assistance programs (funded at \$1.5 billion in FY2008) and \$150 million less for Adult Training grants to states (down from \$862 million for FY2008). The proposal decreased funding for the Community Service Employment for Older Americans program by \$172 million (from \$522 million for FY2008). It eliminated \$703 million in funding for Employment Service grants to states, leaving \$20 million in funding for other Employment Service activities. The request increased funding for state Unemployment Compensation operations by \$172 million (to \$2.6 billion for FY2009). Overall, the President requested \$10.5 billion in discretionary appropriations for DOL for FY2009, a 9.8% reduction from FY2008 funding of \$11.7 billion.
- For the Department of Health and Human Services (HHS), the FY2009 request proposed an increase of \$667 million for the Public Health and Social Services Emergency Fund (PHSSEF), covering homeland security activities and Pandemic Influenza Preparedness. Health programs proposed for elimination included Health Professions programs other than those for nursing (funded at \$194 million in FY2008), Children's Hospitals Graduate Medical Education (CHGME, \$302 million in FY2008), and Health Care-Related Facilities and Activities (\$304 million in FY2008). Decreases were proposed of \$112 million for Rural Health Programs and \$126 million for Mental Health. A \$198 million initiative for Fraud and Abuse Control at the Centers for Medicare and Medicaid Services (CMS) was proposed, along with a \$156 million increase for CMS Program Management. A decrease of \$570 million for the Low-Income Home Energy Assistance Program (LIHEAP) was proposed, while a \$149 million increase for

Head Start was requested. The \$654 million Community Services Block Grant (CSBG) received no funding in the request. Overall, \$63.8 billion in FY2009 discretionary appropriations were requested for HHS, 2.6% less than the FY2008 amount of \$65.5 billion.

- For the Department of Education (ED), the President's FY2009 request increased funding for the Elementary and Secondary Education Act of 1965 (ESEA) programs in the aggregate by \$125 million. The proposal increased funding by \$406 million for Title I, Part A, Grants to Local Educational Agencies (LEAs) for the Education of the Disadvantaged, and by \$607 million for Reading First State Grants. Teacher Quality State Grants were decreased by \$100 million. The request included a proposal for one new K-12 education initiative of at least \$100 million—the Pell Grants for Kids program, funded at \$300 million. The request proposed the elimination of the \$272 million Educational Technology State Grants program and the \$1.3 billion Perkins Career and Technical Education program. The request proposed reducing the 21st Century Community Learning Centers program by \$281 million, the Fund for the Improvement of Education by \$201 million, and Safe and Drug-Free Schools State Grants by \$195 million. The Teacher Incentive Fund was increased by \$103 million. An increase of \$337 million was requested for the Special Education Part B Grants to States program authorized by the Individuals with Disabilities Education Act (IDEA). The request also proposed the elimination of the \$757 million Supplemental Educational Opportunity Grants. In the request, Pell Grants were increased by \$2.7 billion, Aid for Institutional Development was decreased by \$139 million, and funding for the Institute for Education Sciences was increased by \$112 million. Overall, \$60.1 billion in FY2009 discretionary appropriations were requested for ED, 1.5% more than the FY2008 amount of \$59.2 billion.
- For the related agencies, the Administration's request for FY2009 increased funding for SSA administrative expenses by \$582 million, from \$9.7 billion for FY2008 to \$10.3 billion for FY2009. The request eliminated the two-year advance funding for the Corporation for Public Broadcasting (CPB) and rescinded \$220 million in advance funding for FY2010 (appropriated in FY2008) and \$200 million in advance funding for FY2009 (appropriated in FY2007). Overall, the Administration requested \$12.1 billion in discretionary appropriations for L-HHS-ED related agencies for FY2009, a 0.9% increase from FY2008 funding of \$12.0 billion.

FY2009 Appropriations: Draft House Bill

The House Committee on Appropriations did not report an FY2009 L-HHS-ED bill. On June 19, 2008, the House L-HHS-ED Appropriations Subcommittee marked up a draft bill and approved it for consideration by the full committee.

House Highlights

Overall, the draft House bill recommended FY2009 discretionary appropriations of \$157.6 billion for L-HHS-ED programs. President Bush requested \$146.5 billion; the FY2008 amount was \$148.4 billion. The House bill differed from the President's request in a number of details.

- For DOL, the House subcommittee recommended \$5.3 billion for WIA programs, \$693 million more than the Administration's request. The subcommittee funded WIA Dislocated Worker Assistance programs at \$1.5 billion, \$281 million above the request. The Job Corps received \$153 million more than the request of \$1.6 billion. The subcommittee recommended funding WIA Adult Training grants to states at \$862 million, \$150 million more than the request. Community Service Employment for Older Americans received \$222 million more than the request of \$350 million. The subcommittee recommended \$703 million for Employment Service grants to states, which would have been eliminated under the Administration's request. Overall, the measure reported by the House subcommittee included \$12.2 billion in discretionary funds for DOL. The Administration requested \$10.5 billion, and \$11.7 billion was provided for FY2008.
- For HHS, the draft House bill recommended the following amounts of funding for selected programs, compared to the Administration's request: Health Centers, \$2.17 billion, \$73 million more than the request; Health Professions other than nursing, \$244 million, with no funds requested; CHGME, \$310 million, with no funds requested; Ryan White HIV/AIDS programs, \$2.24 billion, \$99 million more than the request; Rural Health programs, \$122 million, \$97 million more than the request; Health Care-Related Facilities and Activities, \$158 million, with no funds requested; CDC Infectious Diseases program, \$1.96 billion, \$106 million more than requested; CDC Terrorism Preparedness and Response program, \$1.52 billion, \$100 million more than requested; Preventive Health and Health Services Block Grant (PHBG), \$100 million, with no funds requested; National Institutes of Health (NIH), \$30.38 billion, \$1.15 billion more than requested; Mental Health programs in the Substance Abuse and Mental Health Services Administration (SAMHSA), \$932 million, \$169 million more than requested. The Agency for Healthcare Research and Quality (AHRQ) was recommended for a specific appropriation of \$323 million, plus indirect funding of \$52 million, for a total of \$375 million; the request was for indirect funding of \$326 million. LIHEAP was recommended for \$2.77 billion, \$770 million more than requested; Head Start, \$7.12 billion, \$93 million more than requested; CSBG, \$700 million, with no funds requested; and Administration on Aging, \$1.49 billion, \$79 million more than requested. The subcommittee provided less than the request for the Public Health and Social Services Emergency Fund, recommending \$1.31 billion, \$89 million less than requested. Overall, the draft House bill included \$69.0 billion in discretionary funds for HHS, \$5.2 billion more than the request of \$63.8 billion, and \$3.5 billion more than the FY2008 amount of \$65.5 billion.
- For ED, the House subcommittee recommended the following amounts for selected programs: ESEA programs, \$24.9 billion in the aggregate, \$380 million more than was requested; Title I, Part A Grants to Local Educational Agencies (LEAs), \$14.5 billion, \$150 million more than was requested; School Improvement Grants, \$600 million, \$109 million more than requested; Reading First State Grants, no funding provided, while \$1 billion was requested. The House draft bill did not fund the President's proposed Pell Grants for Kids program. Teacher Quality State Grants were recommended for \$3.0 billion, \$125 million more than requested; Education Technology State Grants, \$267 million, with no funding in the request; 21st Century Community Learning Centers, \$1.1

billion, \$331 million more than requested; Fund for the Improvement of Education, \$202 million, \$150 million more than requested; Safe and Drug-Free Schools State Grants, \$295 million, \$195 million more than requested; IDEA, Part B, \$11.6 billion, \$267 million more than requested; Perkins Career and Technical Education, \$1.3 billion, with no funds requested; Pell Grants, \$17.3 billion, \$394 million more than requested, and with an increase in the maximum appropriated Pell Grant award to \$4,410 compared to \$4,310 under the request; Federal Supplemental Opportunity Grants, \$757 million, with no funds were requested; and Aid for Institutional Development for higher education, \$510 million, \$147 million more than requested. Overall, the House draft bill provided \$63.6 billion in FY2009 discretionary appropriations for ED, \$3.6 billion more than the request of \$60.1 billion and \$4.4 billion more than the FY2008 amount of \$59.2 billion.

- For Related Agencies, the draft House bill included \$430 million in two-year advance funding (for FY2011) for the Corporation for Public Broadcasting. The amount was \$430 million above the President's request and \$10 million more than the two-year advance provided in FY2008 (for FY2010). Unlike the Administration's request, the subcommittee did not reduce funding previously advanced for fiscal years 2009 and 2010. The subcommittee's bill increased funding for SSA administrative expenses to \$10.4 billion, \$100 million more than the Administration's request. Overall, the draft House bill recommended \$12.7 billion in discretionary funds for Related Agencies, \$635 million more than requested and \$744 million more than appropriated for FY2008.

FY2009 Appropriations: Senate Bill

The Senate Committee on Appropriations reported its version of the FY2009 L-HHS-ED appropriations as S. 3230 (S.Rept. 110-410) on July 8, 2008.

Senate Highlights

Overall, the Senate bill, as reported, recommended FY2009 discretionary appropriations of \$155.7 billion for L-HHS-ED programs. The draft House bill recommended \$157.6 billion; the President requested \$146.5 billion. The comparable FY2008 amount was \$148.4 billion. The Senate bill differed from the House proposal in a number of ways.

- For DOL, the bill passed by the Senate Appropriations Committee increased funding for state Unemployment Compensation operations by \$196 million above the \$2.6 billion recommended by the House subcommittee and requested by the President. Overall, the Senate committee recommended \$12.4 billion in discretionary funds for DOL, \$134 million more than included in the House draft bill, \$1.8 billion more than the request, and \$661 million more than appropriated for FY2008.
- For HHS, the Senate bill included \$93 million less than the draft House bill for Ryan White HIV/AIDS programs, \$150 million more for CDC Buildings and Facilities, \$125 million less for NIH, and \$200 million less for LIHEAP. AHRQ was recommended for a specific appropriation of \$91 million (\$232 million less than the House), plus indirect funding of \$244 million (\$192 million more than

the House), for a total of \$335 million, \$40 million less than the House subcommittee amount. Overall, the Senate-reported bill included \$68.2 billion in discretionary appropriations for HHS programs, \$0.8 billion less than the House subcommittee amount of \$69.0 billion, \$4.4 billion more than the requested amount of \$63.8 billion, and \$2.7 billion more than HHS funding of \$65.5 billion in FY2008.

- For ED, the Senate-reported bill recommended \$24.6 billion for ESEA programs in the aggregate, \$376 million less than provided by the House subcommittee. The bill included \$491 million for School Improvement Grants, \$109 million less than in the House draft bill; \$11.4 billion for IDEA Part B Grants to States, \$127 million less than the House amount; and \$16.9 billion for Pell Grants, \$445 million less than the House amount. The maximum appropriated Pell Grant award was set at \$4,310 compared with a House proposed maximum Pell Grant award of \$4,410. Overall, the Senate-reported bill included \$62.5 billion in FY2009 discretionary appropriations for ED, \$1.1 billion less than the House subcommittee amount of \$63.6 billion, \$2.4 billion more than the requested amount of \$60.1 billion, and \$3.3 billion more than the FY2008 amount of \$59.2 billion.
- For Related Agencies, the bill passed by the Senate Appropriations Committee did not differ from the House subcommittee draft by at least \$100 million for any program. Overall, the Senate committee recommended \$12.6 billion in discretionary funds for related agencies, \$53 million less than the House subcommittee, \$583 million more than requested, and \$691 million more than appropriated for FY2008.

Continuing Appropriations Resolution, 2009

As mentioned earlier in the “Most Recent Developments” section, a continuing appropriations resolution (Division A of P.L. 110-329, H.R. 2638) was enacted on September 30, 2008. It provides temporary FY2009 funding for most ongoing L-HHS-ED activities, including the costs of direct loans and loan guarantees. It covers the period October 1, 2008, through March 6, 2009, unless regular appropriations are enacted before the end of that period. An FY2009 continuing resolution was necessary because the regular L-HHS-ED appropriations were not enacted by the start of FY2009 on October 1, 2008.

Under the FY2009 continuing resolution, the funding level for most activities was provided at a rate of operations like that provided in FY2008 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 FY2009 funding decisions. For entitlements and other mandatory activities, spending was allowed that would maintain existing program levels under current law, including additional funding, if needed, to continue benefits for eligible beneficiaries. For additional information, please see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter.

- **Continuing Appropriations Resolution, 2009, Division A of P.L. 110-329 (H.R. 2638)**, provided temporary appropriations for the period October 1, 2008, through March 6, 2009, as long as regular appropriations were not enacted

sooner. H.R. 2638 was passed by the House on September 24 and by the Senate on September 27, and signed into law by President George W. Bush on September 30, 2008, as P.L. 110-329.

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 all 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 FY2009 budget resolution in early June, 2008, when the Senate (June 4) and the House (June 5) agreed to the conference report (H.Rept. 110-659) accompanying S.Con.Res. 70. The resolution established a 302(a) discretionary budget allocation to the Appropriations Committees of \$1,011.7 billion. The resolution allowed the Budget Committees to increase that amount if certain conditions relating to funding of specific programs were met. On July 16, 2008, the Senate Budget Committee increased its 302(a) allocation by \$968 million to \$1,012.7 billion. For the purpose of comparison, the 302(a) discretionary allocation originally agreed to for FY2008 was \$953.1 billion.

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 FY2009 L-HHS-ED appropriations determined by the House and Senate Committees on Appropriations. Comparable amounts for the FY2008 appropriations and the President's FY2009 budget request are also shown. Both the 302(a) and 302(b) allocations regularly become contested issues in their own right.

Table 6. FY2009 302(b) Discretionary Allocations for L-HHS-ED

(budget authority in billions of dollars)

FY2008 Comparable	FY2009 Request Comparable	FY2009 House Allocation	FY2009 Senate Allocation	FY2009 Enacted
144.8	145.4	152.6	153.1	

Sources: The FY2009 House allocation is based on H.Rept. 110-746, July 8, 2008; the FY2009 Senate allocation is based on S.Rept. 110-423, July 16, 2008. The comparable amounts for FY2008 budget authority and the FY2009 budget request are based on the July 1, 2008, table from Senate Appropriations Committee.

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, President Bush requested \$18.9 billion in discretionary advance appropriations for L-HHS-ED. Congress decided instead to add \$2.0 billion to the previous total, bringing the amount to \$21.3 billion. At that level, advance appropriations accounted for 14.3% of the L-HHS-ED program level discretionary total of \$148.4 billion in FY2008. In terms of current year funding, advances from previous years, at \$19.2 billion, represented 13.3% of the current year discretionary total of \$144.9 billion for FY2008. For FY2009, President Bush requested \$20.9 billion in advance appropriations for L-HHS-ED. The House subcommittee recommended advances of \$24.8 billion, while the Senate-reported bill included advance appropriations totaling \$23.0 billion.

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, \$21.3 billion;
- FY2009, President's budget request, \$20.9 billion;
- FY2009, House subcommittee draft recommendation, \$24.8 billion;
- FY2009, Senate committee-reported bill, \$23.0 billion.

Department of Labor

FY2008 discretionary appropriations for the Department of Labor (DOL) were \$11.7 billion. For FY2009, the Bush Administration requested \$10.5 billion, or \$1.2 billion (9.8%) less than the FY2008 amount, as shown in **Table 7**. The draft bill approved by the House L-HHS-ED Appropriations Subcommittee included \$12.2 billion in discretionary funding. The bill reported by the Senate Committee on Appropriations recommended \$12.4 billion in funding.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
Appropriations	11.7	10.5	12.2	12.4	

Sources: Amounts are based on tables from House Committee on Appropriations (June 23, 2008) and Senate Committee on Appropriations (July 1, 2008). FY2008 amounts do not include supplemental appropriations. Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory DOL programs included in the L-HHS-ED act were funded at \$3.0 billion in FY2008. Mandatory programs 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 administrative expenses for the Energy Employees Occupational Illness Compensation Fund (\$49 million).

Key Issues

President's Request

President George W. Bush's FY2009 budget request for DOL included funding changes for a number of activities. Proposed discretionary changes of at least \$100 million compared to FY2008 appropriations were as follows:

- The request reduced funding for Workforce Investment Act (WIA) programs by \$553 million, from \$5.2 billion for FY2008 to \$4.6 billion for FY2009.

- Appropriations for WIA Dislocated Worker Assistance programs, funded at \$1.5 billion in FY2008, were reduced by \$241 million.²
- WIA Adult Training grants to states, funded at \$862 million in FY2008, were reduced by \$150 million.
- Funding for Community Service Employment for Older Americans fell \$172 million, from \$522 million to \$350 million.
- The President proposed to eliminate \$703 million in funding for Employment Service grants to states, leaving \$20 million in funding for other Employment Service activities. These grants fund a nationwide system of employment services for job-seekers and employers. The President proposed that these services be provided by One-Stop Career Centers.
- The request increased funding for state Unemployment Compensation operations by \$172 million, from \$2,464 million for FY2008 to \$2,636 million for FY2009.

The President requested \$2.8 billion for new individual Career Advancement Accounts (CAA). To pay for the accounts, the request eliminated or reduced funding for WIA Adult, Youth, and Dislocated Worker programs; the Work Opportunity Tax Credit (WOTC); and workforce information. The request proposed that the maximum amount of an account be \$3,000 per year.

Draft House Bill

Funding for DOL, as recommended by the House L-HHS-ED Appropriations Subcommittee, differed by at least \$100 million from the President's budget request, as follows.

- The measure approved by the House subcommittee raised funding for WIA programs by \$693 million above the Administration's request for \$4.6 billion and by \$140 million above the amount appropriated for FY2008.
- The subcommittee's proposal funded WIA Dislocated Worker Assistance programs at \$1.5 billion, which is \$281 million above the Administration's request and \$40 million above funding approved for FY2008.
- The subcommittee increased funding for the Job Corps by \$153 million above the Administration's request of \$1.6 billion and \$107 million above funding for FY2008.
- The subcommittee funded WIA Adult Training grants to states at \$862 million, which is \$150 million more than the Administration's request and the same as funding for FY2008.
- Community Service Employment for Older Americans received \$222 million more than the Administration's request of \$350 million and \$50 million more than Congress appropriated for FY2008.

² Appropriations for FY2008 set aside \$123 million from the Dislocated Worker Assistance National Reserve program for the Community College initiative. The President requested \$125 million in direct appropriations for Community College grants.

- The subcommittee provided \$703 million for Employment Service grants to states, which is \$703 million above the President's request and the same as funding for FY2008.

The House subcommittee did not recommend the creation of individual Career Advancement Accounts (CAA).

Senate Bill

For DOL programs, the bill reported by the Senate Appropriations Committee differed from the draft bill approved by the House subcommittee by at least \$100 million as follows:

- The bill reported by the Senate committee increased funding for state Unemployment Compensation operations by \$196 million above the \$2.6 billion recommended by the House subcommittee and requested by the President.

The Senate committee did not recommend the creation of individual Career Advancement Accounts (CAA).

CRS Products

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

CRS Report RL34383, *Trade Adjustment Assistance (TAA) for Workers: Current Issues and Legislation*, by John J. Topoleski.

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

Websites

Department of Labor

<http://www.dol.gov>

<http://www.dol.gov/dol/aboutdol/main.htm#budget>

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	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
<i>Total Workforce Investment Act, Title I (WIA) (non-add)</i>	5,186	4,633	5,326	5,269	
<i>Employment and Training Administration (ETA)</i>					
<i>Training and Employment Services (TES)</i>					
WIA Adult Training Grants to States	862	712	862	864	
WIA Youth Training	924	841	924	931	
WIA Dislocated Worker Assistance (DWA)	1,465	1,224	1,505	1,482	
<i>DWA State Grants (non-add)</i>	1,184	943	1,184	1,200	
<i>DWA National Reserve Community College initiative set aside (non-add)^a</i>	123	0	145	125	
<i>DWA National Reserve, other (non-add)^a</i>	158	281	176	157	
WIA Migrant and Seasonal Farmworkers	80	0	82	83	
WIA Community College Grants (Community-Based Job Training) ^a	0	125	0	0	
Other WIA and TES Activities	246	285	230	259	
TES subtotal	3,576	3,061	3,602	3,619	
Community Service Employment for Older Americans	522	350	572	572	
Federal Unemployment Benefits and Allowances (mandatory) ^b	889	959	959	959	
<i>State Unemployment Insurance and Employment Service Operations (SUI/ESO)</i>					
Unemployment Compensation	2,464	2,636	2,636	2,832	
Employment Services ^c	723	20	725	724	
<i>Employment Service State Grants (non-add)^c</i>	703	0	703	704	
Foreign Labor Certification	54	78	66	70	
One-Stop Career Centers	52	49	51	52	
Work Incentives Grants	14	0	20	14	
SUI/ESO subtotal	3,307	2,783	3,498	3,692	
Advances to Unemployment Trust Fund and other funds (mandatory)	437	422	422	422	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
ETA Program Administration	131	144	130	131	
ETA subtotal	8,862	7,719	9,183	9,395	
Employee Benefits Security Administration	139	148	148	139	
<i>Pension Benefit Guaranty Corporation (non-add)</i>	427	445	445	445	
<i>Employment Standards Administration (ESA)</i>					
ESA Salaries and Expenses	421	469	455	438	
<i>Office of Labor-Management Standards (OLMS) (non-add)</i>	45	58	45	45	
ESA Special Benefits (mandatory)	203	163	163	163	
ESA Special Benefits for Disabled Coal Miners (mandatory)	270	244	244	244	
ESA Energy Employees Occupational Illness Compensation Fund (Part B administrative expenses) ^d (mandatory)	49	50	50	50	
ESA Black Lung Disability Trust Fund (mandatory)	1,068	1,072	1,072	1,072	
ESA subtotal	2,012	1,997	1,984	1,967	
Occupational Safety and Health Administration (OSHA)	486	502	513	505	
Mine Safety and Health Administration (MSHA)	332	332	335	347	
Bureau of Labor Statistics	545	593	596	598	
Office of Disability Employment Policy	27	12	21	27	
<i>Departmental Management</i>					
International Labor Affairs	81	15	81	86	
WIA Job Corps	1,611	1,565	1,717	1,651	
Veterans Employment and Training	228	238	240	238	
Departmental Management, other	287	331	312	310	
Departmental Management subtotal	2,207	2,149	2,351	2,285	
Working Capital Fund	0	0	0	0	
TOTALS, DEPARTMENT OF LABOR					
Total Appropriations^e	14,609	13,452	15,130	15,263	
Current Year Funding	12,084	10,933	12,611	12,744	
One-Year Advance Funding	2,525	2,519	2,519	2,519	

Sources: Amounts for FY2008, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the table in S.Rept. 110-410, accompanying S. 3230 (July 8, 2008). Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23,

2008. FY2008 amounts do not include FY2008 supplemental appropriations. Details may not add to totals due to rounding.

- a. The WIA community college initiative (i.e., Community-Based Job Training program) was funded at \$123 million in FY2008 from Dislocated Worker Assistance National Reserve funds. The President's budget for FY2009 requested direct appropriations of \$125 million. To reflect this difference, in **Table 8** the program is shown on two lines.
- b. Federal Unemployment Benefits and Allowances consist of funding for benefits and training for workers under the Trade Adjustment Assistance (TAA) program.
- c. The Supplemental Appropriations Act of 2008 (H.R. 2642, P.L. 110-252) included an additional \$110 million for State Unemployment Insurance and Employment Service Operations for grants to states to administer the Unemployment Compensation program for the balance of FY2008. For purposes of the Continuing Appropriations Resolution, 2009 (Division A of P.L. 110-329), the additional \$110 million is included in current, or baseline, appropriations until an FY2009 appropriations bill is enacted or until March 6, 2009, whichever is first.
- d. Before FY2009, appropriations for administrative and statutory activities under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) were in DOL, with some of the funding transferred to the Centers for Disease Control and Prevention (CDC) by interagency agreement. The FY2009 request proposed direct appropriations (mandatory) to CDC for the activities.
- e. Appropriations totals include discretionary and mandatory spending and may be subject to additional scorekeeping and other adjustments.

Department of Health and Human Services

FY2008 discretionary appropriations for the Department of Health and Human Services (HHS) were \$65.5 billion. For FY2009, the budget request was \$63.8 billion, \$1.7 billion (2.6%) less than the FY2008 amount, as shown in **Table 9**. The draft bill approved by the House L-HHS-ED Appropriations Subcommittee included \$69.0 billion in discretionary funding. The bill reported by the Senate Committee on Appropriations recommended \$68.2 billion for FY2009.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
Appropriations	65.5	63.8	69.0	68.2	

Sources: Amounts are based on tables from House Committee on Appropriations (June 23, 2008) and Senate Committee on Appropriations (July 1, 2008). FY2008 amounts do not include supplemental appropriations. 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 \$410.8 billion in FY2008, and consist primarily of Medicaid Grants to States (\$208.9 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

President George W. Bush's FY2009 budget request for HHS proposed increased support for the Public Health and Social Services Emergency Fund (PHSSEF), for Head Start, and for program management and a fraud control initiative for the administration of Medicare and Medicaid. At the same time, it proposed level funding for medical research, and overall funding reductions for health resources and services, disease control and prevention, 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 FY2009 budget for several HHS programs, as follows.

- Health Professions programs other than those for nursing, funded at \$194 million in FY2008, were eliminated.
- Children's Hospitals Graduate Medical Education (CHGME), funded at \$302 million in FY2008, was eliminated.
- Rural Health Programs, funded at \$136 million in FY2008, were reduced by \$112 million to \$25 million.
- Health Care-Related Facilities and Activities, funded at \$304 million in FY2008, were eliminated.
- At the Substance Abuse and Mental Health Services Administration (SAMHSA), Mental Health programs, funded at \$889 million in FY2008, were reduced by \$126 million to \$763 million.
- At the Centers for Medicare and Medicaid Services (CMS), a Fraud and Abuse Control Initiative was funded at \$198 million, while CMS Program Management was increased by \$156 million, from \$3.15 billion in FY2008 to \$3.31 billion.
- The Low-Income Home Energy Assistance Program (LIHEAP), funded at \$2.57 billion in FY2008, was decreased by \$570 million to \$2.0 billion.
- The Social Services Block Grant, funded at \$1.7 billion in FY2008, 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 \$6.88 billion in FY2008, was increased by \$149 million to \$7.03 billion.
- The Community Services Block Grant (CSBG), funded at \$654 million in FY2008, was eliminated.
- The PHSSEF, funded at \$729 million in FY2008, was increased by \$667 million to \$1.40 billion. Funding covers homeland security activities and pandemic influenza preparedness, both of which were proposed for increases.

House Draft Bill

Funding for HHS, as recommended by the House L-HHS-ED Appropriations Subcommittee, differed by at least \$100 million from the President's budget request, as follows.

- Health Professions other than nursing received \$244 million. No funds were requested; \$194 million was provided in FY2008.
- The CHGME received \$310 million. No funds were requested; \$302 million was provided in FY2008.
- Health Care-Related Facilities and Activities received \$158 million. No funds were requested; \$304 million was provided in FY2008.
- The CDC Infectious Diseases program received \$1.96 billion, \$106 million more than requested; \$1.89 billion was provided in FY2008.
- The CDC Terrorism Preparedness and Response program received \$1.52 billion, \$100 million more than requested; \$1.48 billion was provided in FY2008.
- The Preventive Health and Health Services Block Grant (PHBG) received \$100 million. No funds were requested; \$97 million was provided in FY2008.
- The National Institutes of Health (NIH) received \$30.38 billion, \$1.15 billion more than requested; \$29.23 billion was provided in FY2008.
- SAMHSA Mental Health programs received \$932 million, \$169 million more than requested; \$889 million was provided in FY2008.
- The Agency for Healthcare Research and Quality (AHRQ) received an appropriation of \$323 million; previously, all of its funding came from the PHS Evaluation Tap. The draft House bill provided an additional \$52 million from the PHS tap, for a total of \$375 million, \$49 million more than the request; AHRQ received \$335 million from the tap in FY2008.
- LIHEAP received \$2.77 billion, \$770 million more than requested; \$2.57 billion was provided in FY2008.
- The CSBG was funded at \$700 million. No funds were requested; \$654 million was provided in FY2008.
- The Administration on Aging received \$1.49 billion, \$79 million more than requested; \$1.41 billion was provided in FY2008.

Senate Bill

As reported, the Senate bill differed from the draft House measure by at least \$100 million for several HHS programs.

- CDC Buildings and Facilities was funded at \$150 million. No funds were recommended in the House draft bill, and none were requested; \$55 million was provided in FY2008.
- The NIH received \$30.25 billion, \$125 million less than the House amount of \$30.38 billion; \$29.23 billion was requested, the same amount as was provided in FY2008.

- AHRQ received an appropriation of \$91 million, \$232 million less than the House amount of \$323 million. The Senate bill provided an additional \$244 million from the PHS Evaluation Tap, for a total of \$335 million. The total is \$40 million less than the House total of \$375 million, and \$9 million more than the request; AHRQ received \$335 million from the tap in FY2008.
- LIHEAP was funded at \$2.57 billion, \$200 million less than the House amount of \$2.77 billion; \$2.00 billion was requested, and \$2.57 billion was provided in FY2008.

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 (now Medicare Advantage) 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, FY2007, and FY2008 L-HHS-ED appropriations retained the Weldon amendment language and the Hyde restrictions. The current 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.

Embryonic Stem Cell Research: Funding Restrictions. On August 9, 2001, President George W. 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. Scientists are concerned about the quality, longevity, and availability of eligible stem cell lines. NIH leadership and many others believe that the advancement of research requires new stem cell lines. 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 original FY2008 Senate L-HHS-ED bill, S. 1710 as reported, 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, before floor consideration. No similar language has appeared in FY2009 L-HHS-ED proposed legislation. 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.

CRS Report RL30731, *AIDS Funding for Federal Government Programs: FY1981-FY2009*, by Judith A. Johnson.

CRS Report RS21044, *Background and Legal Issues Related to Human Embryonic Stem Cell Research*, by Edward C. Liu.

CRS Report RL34448, *Federal Research and Development Funding: FY2009*, by John F. Sargent Jr. et al.

CRS Report RS22438, *Health Workforce Programs in the Public Health Service (PHS) Act: Appropriations History (FY2001-FY2009)*, by Bernice Reyes-Akinbileje and Mary Vennetta Wright.

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

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

CRS Report RL33279, *The Ryan White HIV/AIDS Program*, by Judith A. Johnson.

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 RL33805, *Early Childhood Care and Education Programs in the 110th Congress: Background and Funding*, by Melinda Gish and Gail McCallion.

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 RL33880, *Older Americans Act: FY2008 Funding and FY2009 Funding Proposals*, by Angela Napili.

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	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
<i>Public Health Service (PHS)</i>					
<i>Health Resources and Services Administration (HRSA)</i>					
Community Health Centers	2,065	2,092	2,165	2,215	
National Health Service Corps	123	121	135	135	
Health Professions, Nursing	156	110	174	168	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Health Professions, other	194	0	244	196	
Children's Hospitals Grad. Med. Educ.	302	0	310	310	
Maternal and Child Health Block Grant	666	666	675	666	
Autism and Other Develop'l Disorders	36	36	42	42	
Ryan White AIDS Programs	2,142	2,143	2,242	2,148	
Rural Health Programs ^a	136	25	122	143	
Family Planning (Title X)	300	300	315	300	
Health Care-Related Facilities & Activities	304	0	158	171	
Vaccine Injury Compensation Trust Fund (mandatory)	119	257	257	257	
HRSA, other	439	379	509	460	
HRSA subtotal	6,983	6,129	7,348	7,211	
<i>Centers for Disease Control and Prevention (CDC)</i>					
Infectious Diseases	1,892	1,857	1,963	1,897	
Health Promotion	961	932	1,011	990	
Energy Employees Occupational Illness Compensation Program (mandatory) ^b	55	55	55	55	
Terrorism Preparedness and Response	1,479	1,419	1,520	1,508	
Preventive Health/Health Services BG	97	0	100	97	
CDC Buildings and Facilities	55	0	0	150	
CDC, other	1,565	1,409	1,609	1,672	
CDC subtotal ^c	6,105	5,673	6,258	6,369	
National Institutes of Health (NIH) ^c	29,230	29,230	30,380	30,255	
<i>Substance Abuse and Mental Health Services Administration (SAMHSA)</i>					
Mental Health	889	763	932	909	
(Mental Health Block Grant, non-add)	400	400	400	400	
Substance Abuse Treatment	2,075	2,025	2,099	2,078	
Substance Abuse Prevention	194	158	194	191	
(Substance Abuse Blk Grant, non-add)	1,680	1,699	1,699	1,699	
SAMHSA, other	75	79	79	81	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
SAMHSA subtotal	3,234	3,025	3,303	3,260	
Agency for Healthcare Research and Quality (AHRQ)	0	0	323	91	
<i>AHRQ program level (non-add)</i>	335	326	375	335	
PHS subtotal	45,552	44,057	47,612	47,185	
<i>Centers for Medicare and Medicaid Services (CMS)</i>					
Medicaid Grants to States (mandatory)	208,921	221,035	221,035	221,035	
Medicare Trust Funds (mandatory)	188,445	195,308	195,383	195,308	
CMS Program Management	3,152	3,307	3,261	3,271	
Fraud and Abuse Control initiative	0	198	198	198	
CMS subtotal	400,517	419,848	419,877	419,812	
<i>Administration for Children and Families (ACF)</i>					
Family Support Payments (mandatory)	3,998	3,759	3,759	3,759	
Low Income Home Energy Assistance Program (LIHEAP)	2,570	2,000	2,770	2,570	
Refugee and Entrant Assistance	656	628	641	635	
Child Care and Development Block Grant (CCDBG)	2,062	2,062	2,112	2,137	
Social Services Block Grant (SSBG) (Title XX) (mandatory)	1,700	1,700 ^d	1,700	1,700	
Head Start	6,878	7,027	7,120	7,105	
Child Welfare Services	282	282	282	282	
Developmental Disabilities	180	180	183	185	
Community Services Block Grant	654	0	700	654	
Battered Women's Shelters	123	123	131	125	
Abstinence Education	109	137	109	80	
Children and Family Services, other	745	746	782	754	
Promoting Safe and Stable Families (PSSF) (mandatory)	345	345	345	345	
PSSF (discretionary)	63	63	63	73	
Foster Care and Adoption Assistance (mandatory)	6,843	6,896	6,896	6,896	
ACF subtotal	27,208	25,947	27,593	27,300	
Administration on Aging	1,413	1,381	1,493	1,478	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
(AOA)					
<i>Office of the Secretary</i>					
General Departmental Management	354	380	373	368	
Medical Benefits, Commissioned Officers (mandatory)	397	435	435	435	
Public Health and Social Services Emergency Fund (PHSSEF)	729	1,396	1,307	1,252	
Office of the Secretary, other	183	170	193	211	
Office of the Secretary subtotal	1,664	2,380	2,307	2,265	
TOTALS, DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Total Appropriations^a	476,354	493,614	498,881	498,039	
Current Year Funding	404,897	417,725	424,381	422,151	
One-Year Advance Funding	71,457	75,889	74,500	75,889	

Sources: Amounts for FY2008, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the table in S.Rept. 110-410, accompanying S. 3230 (July 8, 2008). Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. FY2008 amounts do not include FY2008 supplemental appropriations. Details may not add to totals due to rounding.

- The Denali Commission, previously funded under Rural Health Programs, is now grouped into the "HRSA, other" line in this table.
- Before FY2009, EEOICPA administrative and statutory activities were funded through DOL, with some of the funding transferred to CDC by interagency agreement. The FY2009 request proposed direct appropriations (mandatory) to CDC for the activities; Part B administrative expenses are still in DOL.
- 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.
- The \$1.7 billion shown reflects the current law entitlement to states for the Social Services Block Grant. For FY2009, the Bush Administration proposed a reduction of \$500 million in the entitlement, which would bring the requested total to \$1.2 billion.
- 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 FY2009, President George W. Bush's budget request included \$60.1 billion in discretionary funding for the Department of Education, \$871 million (1.5%) over the FY2008 amount of \$59.2 billion, as shown in **Table 11**. The draft bill approved by the House L-HHS-ED Appropriations

Subcommittee included \$63.6 billion in discretionary funding. The bill reported by the Senate Committee on Appropriations recommended \$62.5 billion for FY2009.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
Appropriations	59.2	60.1	63.6	62.5	

Sources: Amounts are based on tables from House Committee on Appropriations (June 23, 2008) and Senate Committee on Appropriations (July 1, 2008). FY2008 amounts do not include supplemental appropriations. 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 L-HHS-ED bill; the Vocational Rehabilitation State Grants program was funded at \$2.9 billion in FY2008.

Key Issues

President's Request

Under the FY2009 budget request, funding for several programs would have increased, and six new education programs were proposed.³ While the President's budget requested an increase in discretionary funding for education of \$871 million over the FY2008 funding level, it eliminated funding for 47 existing programs.

The President's FY2009 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 \$24.4 billion in FY2008, were increased by \$125 million in the President's FY2009 budget request.⁴

³ These new programs include Math Now (\$95 million), Pell Grants for Kids (\$300 million), Adjunct Teacher Corps (\$10 million), Advanced Placement and International Baccalaureate programs (\$70 million). Loans for Short-Term Training (\$3 million), and Advancing American through Foreign Language Partnerships (\$24 million). The Advanced Placement and International Baccalaureate programs authorized by the COMPETES Act would replace the Advancement Placement program (funded at \$44 million in FY2008) authorized by the Elementary and Secondary Education Act of 1965 (ESEA). The President's request also made substantial modifications to the 21st Century Community Learning Centers program, including renaming it the 21st Century Learning Opportunities program.

⁴ These totals are based only on funding for ESEA. When the House and Senate calculate total funding for the No Child Left Behind Act (NCLBA), which reauthorized the ESEA in 2001, the total includes funding for the Education for Homeless Children and Youth, and for Comprehensive Centers. The former is authorized by the McKinney-Vento Homeless Assistance Act, and the latter is authorized by the Educational Technical Assistance Act. Although both Acts were amended by the NCLBA, none of the funding for either of the two programs is authorized by ESEA. See **Table 12** for additional information.

- Title I, Part A, Grants to Local Educational Agencies (LEAs) for Education for the Disadvantaged, funded at \$13.9 billion in FY2008, were increased by \$406 million.
- Reading First State Grants, funded at \$393 million in FY2008, were increased by \$607 million.
- One K-12 education initiative of at least \$100 million was proposed by the President: \$300 million for Pell Grants for Kids.
- Teacher Quality State Grants, funded at \$2.9 billion in FY2008, were decreased by \$100 million.
- Educational Technology State Grants, funded at \$267 million in FY2008, were eliminated.
- 21st Century Community Learning Centers, funded at \$1.1 billion in FY2008, were decreased by \$281 million and renamed the 21st Century Learning Opportunities program.
- The Fund for the Improvement of Education (FIE), funded at \$254 million in FY2008, was reduced by \$201 million.
- The Teacher Incentive Fund, funded at \$97 million in FY2008, was increased by \$103 million.
- Safe and Drug-Free Schools State Grants, funded at \$295 million in FY2008, were decreased by \$195 million.
- The Individuals with Disabilities Education Act (IDEA) Part B Grants to States program, funded at \$10.9 billion in FY2008, were increased by \$337 million.
- The Perkins Career and Technical Education program, funded at \$1.3 billion in FY2008, was eliminated.
- The Pell Grants program, funded at \$14.2 billion in FY2008, was increased by \$2.7 billion. The maximum appropriated award was set at \$4,310; \$4,241 was the maximum award in FY2008.⁵
- Federal Supplemental Educational Opportunity Grants, funded at \$757 million in FY2008, were eliminated.
- Aid for Institutional Development, funded at \$501 million in FY2008, was decreased by \$139 million.
- The Institute for Education Sciences, funded at \$546 million in FY2008, was increased by \$112 million.

⁵ The College Cost Reduction Act (CCRA; P.L. 110-84) provided mandatory funding for the Pell Grant program beginning in FY2008. These mandatory funds (\$490 for FY2009) coupled with the maximum discretionary amount included in the President's request would have resulted in a maximum Pell Grant award of \$4,800 for FY2009. The total maximum Pell Grant award in FY2008 was \$4,731.

Draft House Bill

Funding for ED programs, as recommended by the House L-HHS-ED Appropriations Subcommittee, differed by at least \$100 million from the President's budget request, as follows.

- Programs authorized by the ESEA in aggregate received \$24.9 billion, \$380 million more than requested; \$24.4 billion was provided in FY2008.⁶
- Title I, Part A, Grants to LEAs received \$14.5 billion, \$150 million more than requested; \$13.9 billion was provided in FY2008.
- School Improvement Grants received \$600 million, \$109 million more than requested; \$491 million was provided in FY2008.
- Reading First State Grants received no funding, whereas \$1 billion was requested; \$393 million was provided in FY2008.
- No funds were provided for the President's proposed Pell Grants for Kids initiative, requested at \$300 million.
- Teacher Quality State Grants received \$3.0 billion, \$125 million more than requested; \$2.9 billion was provided in FY2008.
- Education Technology State Grants received \$272 million; no funds were requested; \$267 million was provided in FY2008.
- The 21st Century Community Learning Centers received \$1.1 billion, \$331 million more than requested; \$1.1 billion was provided in FY2008.⁷
- The Fund for the Improvement of Education received \$202 million, \$150 million more than requested; \$254 million was provided in FY2008.
- Safe and Drug-Free Schools State Grants received \$295 million, \$195 million more than requested; \$295 million was provided in FY2008.
- IDEA Part B Grants to States received \$11.6 billion, \$267 million more than requested; \$10.9 billion was provided in FY2008.
- Perkins Career and Technical Education received \$1.3 billion; no funds were requested; \$1.3 billion was provided in FY2008.
- Pell Grants received \$17.3 billion, \$394 million more than requested; \$14.2 billion was provided in FY2008. The Pell Grant maximum appropriated award was increased to \$4,410; \$4,310 was requested as the appropriated maximum award; \$4,241 was the maximum award in FY2008.⁸

⁶ As previously discussed, this comparison is based only on programs authorized by the ESEA. In determining their totals for NCLB, the House and Senate Appropriations Committees also include funds for the Education for Homeless Children and Youth, and for Comprehensive Centers; neither program is authorized by the ESEA. See **Table 12** for additional information.

⁷ The request proposed \$800 million for a reformed and renamed program, the 21st Century Learning Opportunities program. The House and Senate bills continued to fund the current 21st Century Community Learning Center program.

⁸ When mandatory funding provided by the CCRA is added to the discretionary maximum grant amount recommended by the House Appropriations Subcommittee, the maximum Pell Grant would have been \$4,900.

- Federal Supplemental Opportunity Grants received \$757 million; no funds were requested; \$757 million was provided in FY2008.
- Aid for Institutional Development for higher education received \$510 million, \$147 million more than requested; \$501 million was provided in FY2008.

Senate Bill

As reported, the Senate bill differed from the draft House measure by at least \$100 million for several ED programs.

- ESEA programs in aggregate received \$24.5 billion, \$376 million less than the House amount of \$24.9 billion; \$24.5 billion was requested; \$24.4 billion was provided in FY2008.⁹
- School Improvement Grants received \$491 million, \$109 million less than the House amount of \$600 million; \$491 million was requested; \$491 million was provided in FY2008.
- IDEA Part B Grants to States received \$11.4 billion, \$127 million less than the House amount of \$11.6 billion; \$11.3 billion was requested; \$10.9 billion was provided in FY2008.
- Pell Grants received \$16.9 billion, \$445 million less than the House amount of \$17.3 billion; \$16.9 billion was requested; \$14.2 billion was provided in FY2008. The FY2009 maximum appropriated award would have been \$4,310 under the Senate bill, compared to \$4,410 under the House bill. The maximum appropriated award would have been \$4,310 under the request. In FY2008, the maximum appropriated Pell Grant award was \$4,241.¹⁰
- Aid for Institutional Development for higher education received \$363 million, \$147 million less than the House amount of \$510 million; \$363 million was requested; \$501 million was provided in FY2008.

ESEA Funding Shortfall?

Since the enactment of the No Child Left Behind Act of 2001, 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

⁹ As previously discussed, this comparison is based only on programs authorized by the ESEA. In determining their totals for NCLB, the House and Senate Appropriations Committees also include funds for the Education for Homeless Children and Youth, and for Comprehensive Centers; neither program is authorized by the ESEA. See **Table 12** for additional information.

¹⁰ As previously discussed, the CCRA supplemented the maximum appropriated Pell Grant with an additional \$490 in mandatory funding. Thus, under the Senate reported bill, the maximum Pell Grant would be \$4,800, compared with \$4,900 under the House recommended level and \$4,800 under the request.

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, had 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 were 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 were 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 remained the same for FY2008. Therefore, for FY2008, the aggregate authorization for the five programs was \$28.9 billion, and the programs were funded at \$15.7 billion, or \$13.1 billion less than the amount authorized.

The GEPA extension applied for one year only. For FY2009, all funding for ESEA programs is taken to be based on authorizations provided implicitly by appropriations, with funds used under the policies in effect at the end of the explicit authorization period. That is, if one assumes that appropriations will continue to be provided for ESEA programs despite an expired authorization, it may also be reasonable to assume that the use of these funds will continue to be governed by the same policies as they were when the ESEA was still explicitly authorized. Under these circumstances, the authorization levels for the five ESEA programs with specific authorization levels for FY2007 would continue to have the same authorization levels in FY2009. Thus, the aggregate authorization for these five programs would continue to be \$28.9 billion. President Bush's FY2009 request for these five programs was \$15.4 billion, or \$13.5 billion less than the authorization.

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 FY2008, the authorized amount was \$19.2 billion, and \$10.9 billion was appropriated, or \$8.3 billion less than the amount authorized. For FY2009, the authorized amount was \$21.5 billion, and the request was for \$11.3 billion, or \$10.2 billion less than the authorized amount. 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 Ann Lordeman.

Forward Funding and Advance Appropriations

Most appropriations are available for obligation during the federal fiscal year of the appropriations bill. For example, most FY2009 appropriations will be available for obligation from October 1, 2008, through September 30, 2009. 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, FY2009 appropriations for some programs will become available for obligation to the states on July 1, 2009, and will remain available until September 30, 2010. 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 FY2009 appropriations will be used primarily to support grants for the 2009-2010 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 FY2009 appropriations, funds normally would have become available October 1, 2008, under regular funding provisions, but will not become available for some programs until July 1, 2009, under the forward funding provisions discussed above. However, if the July 1, 2009 forward funding date for obligation were to be postponed by three months—until October 1, 2009—the appropriation would be reclassified as an advance appropriation since the funds would become available *only in a subsequent fiscal year*, FY2010. For example, the FY2009 budget request for Title I, Part A Grants to LEAs was \$14.3 billion. This amount includes not only forward funding of \$6.4 billion (to become available July 1, 2009), but also an advance appropriation of \$7.9 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.

CRS Products

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

CRS Report RL33805, *Early Childhood Care and Education Programs in the 110th Congress: Background and Funding*, by Melinda Gish and Gail McCallion.

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 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 et al.

CRS Report RL33749, *The No Child Left Behind Act: An Overview of Reauthorization Issues for the 111th Congress*, by Wayne C. Riddle.

CRS Report RL34214, *A Primer on the Higher Education Act (HEA)*, by Blake Alan Naughton.

CRS Report RL34017, *Vocational Rehabilitation Grants to States and Territories: Overview and Analysis of the Allotment Formula*, by Scott Szymendera.

Websites

Department of Education

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

<http://www.ed.gov/about/overview/budget/index.html?src=gu>

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	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
<i>No Child Left Behind Act (non-add)^a</i>	24,540	24,665	25,048	24,671	
<i>Education for the Disadvantaged</i>					
Title I, Part A Education for the Disadvantaged, Grants to LEAs	13,899	14,305	14,455	14,530	
Even Start	66	0	66	66	
School Improvement Grants	491	491	600	491	
Reading First State Grants	393	1,000	0	0	
Math Now	0	95	0	0	
Pell Grants for Kids	0	300	0	0	
Migrant Education State Grants	380	400	400	390	
Education for the Disadvantaged, other	260	326	267	258	
Education for the Disadvantaged subtotal	15,489	16,917	15,788	15,736	
<i>Impact Aid</i>					
Impact Aid	1,241	1,241	1,291	1,241	
<i>School Improvement Programs</i>					
Teacher Quality State Grants	2,935	2,835	2,960	2,935	
Mathematics and Science Partnerships	179	179	199	179	
Educational Technology State Grants	267	0	272	267	
21 st Century Community Learning Centers ^b	1,081	800	1,131	1,081	
State Assessments	409	409	409	411	
Rural Education	172	172	175	172	
School Improvement, other	246	172	253	247	
School Improvement subtotal	5,289	4,566	5,400	5,292	
<i>Indian Education</i>					
Indian Education	120	120	125	120	
<i>Innovation and Improvement</i>					
Charter School Grants	211	236	236	216	
Fund for the Improvement of Education general funds (FIE)	254	52	202	196	
Teacher Incentive Fund	97	200	112	97	
Innovation and Improvement, other	424	379	426	435	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Innovation and Improvement subtotal	986	868	977	944	
<i>Safe Schools and Citizenship Education</i>					
Safe and Drug-Free Schools State Grants	295	100	295	295	
Safe Schools and Citizenship, other	399	182	420	372	
Safe Schools and Citizenship subtotal	693	282	714	666	
<i>English Language Acquisition</i>					
English Language Acquisition State Grants	700	730	730	730	
<i>Special Education</i>					
IDEA, Part B, Grants to States	10,948	11,285	11,552	11,425	
Special Education, other	1,046	1,051	1,036	1,087	
Special Education subtotal	11,994	12,336	12,588	12,512	
<i>Rehabilitation Services and Disability Research</i>					
Vocational Rehabilitation State Grants (mandatory)	2,874	2,975	2,975	2,975	
Rehabilitation Services, other	403	344	413	404	
Rehabilitation Services subtotal	3,277	3,319	3,387	3,379	
<i>Special Institutions for Persons with Disabilities</i>					
Special Institutions for Persons With Disabilities	195	200	206	209	
<i>Vocational and Adult Education</i>					
Perkins Career and Technical Education	1,272	0	1,274	1,272	
Adult Education	567	575	567	567	
Vocational and Adult, other	102	0	110	24	
Vocational and Adult Education subtotal	1,942	575	1,952	1,863	
<i>Student Financial Aid</i>					
Pell Grants, maximum award (in dollars, non-add)	4,241	4,310	4,410	4,310	
Pell Grants ^c	14,215	16,941	17,335	16,890	
Supplemental Educational Opportunity Grants	757	0	757	757	
Federal Work-Study	980	980	980	980	
Federal Perkins Loans	64	0	64	70	
Leveraging Educational Assistance	64	0	64	64	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcom.	FY2009 Senate Comm.	FY2009 Enacted
Partnership (LEAP)					
Student Financial Aid subtotal	16,081	17,921	19,201	18,762	
<i>Student Aid Administration</i>					
Student Aid Administration	696	714	714	705	
<i>Higher Education</i>					
Aid for Institutional Development	501	363	510	363	
Fund for the Improvement of Postsecondary Education (FIPSE)	120	37	113	64	
TRIO Programs	828	828	858	838	
GEAR UP	303	303	318	308	
Higher Education, other	269	202	283	283	
Higher Education subtotal	2,022	1,734	2,081	1,856	
<i>Howard University</i>					
Howard University	233	233	237	233	
<i>Institute of Education Sciences</i>					
Institute of Education Sciences	546	658	616	642	
<i>Departmental Management</i>					
Departmental Management	552	600	573	572	
Department of Education, other^d					
<i>Department of Education, other</i>	1	14	11	11	
TOTALS, Department of Education					
Total Appropriations^e	62,056	63,027	66,590	65,473	
Current Year Funding	45,038	46,010	44,684	46,706	
One-Year Advance Funding	17,017	17,017	21,906	18,767	

Sources: Amounts for FY2008, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the table in S.Rept. 110-410, accompanying S. 3230 (July 8, 2008). Amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. FY2008 amounts do not include FY2008 supplemental appropriations. Details may not add to totals due to rounding.

- a. The NCLBA total reported in this table for the FY2008 comparable appropriations and FY2009 request does not match the NCLBA total reported by ED. ED only includes in its total programs that are authorized specifically by ESEA, as amended by the NCLBA, while the House and Senate include funding for the Education for Homeless Children and Youth, and Comprehensive Centers. The former is authorized by the McKinney-Vento Homeless Assistance Act, and the latter is authorized by the Educational Technical Assistance Act. While both Acts were amended by the NCLBA, none of the funding for either of the two programs is authorized by NCLBA. According to ED, the NCLBA total for FY2008 enacted was \$24,419 million, and the total for the FY2009 request was \$24,544 million. In addition, if only programs authorized by the ESEA were included in the total, the House recommended level would be \$24,924 million and the Senate reported level would be \$24,548.
- b. In the President's request, the 21st Century Community Learning Centers program was renamed the 21st Century Learning Opportunities program.

- c. Under the Continuing Appropriations Resolution, 2009 (Division A of P.L. 10-329), a rate of operations of \$18.627 billion was provided for the Student Financial Assistance Account, including \$16.761 billion in discretionary funding for Pell Grants, an amount that is \$2.5 billion above the FY2008 level (Section 158).
- d. "Department of Education, other" includes two appropriations for FY2008 and for the House and Senate FY2009 appropriations: College Housing and Academic Facilities Loans, and the Historically Black Colleges and Universities Capital Financing program. The FY2009 request includes these programs as well as the Loans for Short-Term Training program, a new program included in the FY2009 request. Neither the House nor Senate bills included funding for this new program.
- e. Appropriations totals include discretionary and mandatory funds, and are subject to additional scorekeeping and other adjustments.

Related Agencies

FY2008 discretionary appropriations for L-HHS-ED related agencies were \$12.0 billion, as shown in **Table 13**. For FY2009, the Bush Administration requested \$12.1 billion, or \$0.1 billion (0.9%) more than the FY2008 amount. The draft bill approved by the House L-HHS-ED Appropriations Subcommittee included \$12.7 billion in discretionary funding. The bill reported by the Senate Committee on Appropriations recommended \$12.6 billion for FY2009.

Table 13. Related Agencies Discretionary Appropriations

(\$ in billions)

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
Appropriations	12.0	12.1	12.7	12.6	

Sources: Amounts are based on tables from House Committee on Appropriations (June 23, 2008) and Senate Committee on Appropriations (July 1, 2008). FY2008 amounts do not include supplemental appropriations. 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.

One independent agency formerly funded by the L-HHS-ED appropriations act was disbanded in FY2008. The functions of the National Commission on Libraries and Information Science were transferred to the Institute of Museum and Library Services.

Key Issues

President's Request

President George W. Bush's FY2009 budget request for related agencies included changes in discretionary spending of at least \$100 million for the following agencies:

- In recent years, the Corporation for Public Broadcasting (CPB) has been funded two years in advance. The President's FY2009 budget did not request two-year advance funding (for FY2011) for the CPB. The request also proposed to reduce the \$420 million advance for FY2010 (appropriated in FY2008) by \$220 million

and the \$400 million advance for FY2009 (appropriated in FY2007) by \$200 million.¹¹

- The Administration's request for FY2009 increased funding for SSA administrative expenses by \$582 million, from \$9.7 billion for FY2008 to \$10.3 billion for FY2009.¹²

House Draft Bill

Funding for Related Agencies, as recommended by the House L-HHS-ED Appropriations Subcommittee, differed by at least \$100 million from the President's budget request, as follows.

- The House subcommittee bill provided \$430 million in two-year advance funding (for FY2011) for the Corporation for Public Broadcasting (CPB). This amount was \$430 million above the President's request and \$10 million more the two-year advance provided in FY2008 (for FY2010). Unlike the Administration's request, the subcommittee did not reduce funding previously advanced for FY2009 and FY2010.
- The subcommittee increased funding for SSA administrative expenses by \$100 million above the requested amount of \$10.3 billion; \$9.7 billion was provided in FY2008.

Senate Bill

For Related Agencies, the bill reported by the Senate committee did not differ from the House subcommittee recommendations by at least \$100 million for any program. Overall, the Senate committee recommendation for Related Agencies was \$53 million less than the House subcommittee amount.

CRS Products

CRS Report RL33931, *The Corporation for National and Community Service: Overview of Programs and FY2009 Funding*, by Ann Lordeman and Abigail B. Rudman.

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

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.

¹¹ In L-HHS-ED appropriations for FY2006, Congress approved a two-year advance of \$400 million for CPB for FY2008. This amount was reduced by 1.747% (to \$393 million) in L-HHS-ED appropriations for FY2008 (P.L. 110-161).

¹² FY2008 appropriations for SSA administrative expenses do not include \$31 million in supplemental funding from the Economic Stimulus Act of 2008 (H.R. 5140, P.L. 110-185).

Websites

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.ims.gov>

Medicare Payment Advisory Commission

<http://www.medpac.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	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
Committee for Purchase from People Who Are Blind or Severely Disabled	5	5	5	5	
<i>Corporation for National and Community Service (CNCS)</i>					
CNCS Domestic Volunteer Service Programs (DVSP)					
Volunteers in Service to America (VISTA)	94	92	94	94	
National Senior Volunteer Corps	214	174	214	214	
DVSP subtotal	308	266	308	308	
CNCS National and Community Service Programs (NCSP)					
National Service Trust ^a	123	132	130	132	
AmeriCorps Grants	257	274	250	271	
National Civilian Community Corps	24	10	20	28	
NCSP, other	72	70	72	72	
NCSP subtotal	475	486	472	503	
CNCS, other	74	78	78	78	
CNCS subtotal	856	830	858	888	
<i>Corporation for Public Broadcasting (CPB)</i>					
CPB, two-year advance for FY2011 (current request) with FY2010 comparable	420	0	430	430	
CPB advance for FY2010 with FY2009 comparable (non-add)	400	420	420	420	
CPB FY2010 rescission (non-add)	0	-220	0	0	
CPB advance for FY2009 with FY2008 comparable (non-add)	393	400	400	400	
CPB FY2009 rescission (non-add)	0	-200	0	0	
CPB Digitalization Program	29	0	40	29	
CPB Interconnection	26	0	27	26	

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Subcomm.	FY2009 Senate Comm.	FY2009 Enacted
CPB FY2008/FY2009 subtotal	55	0	67	55	
Federal Mediation and Conciliation Service	43	45	45	45	
Federal Mine Safety and Health Review Committee	8	9	9	9	
Institute of Museum and Library Services (IMLS)	264	271	280	259	
Medicare Payment Advisory Commission	11	11	11	11	
National Commission on Libraries and Information Science (NCLIS) ^b	0.4	0	0	0	
National Council on Disability	3	3	3	3	
National Labor Relations Board	252	263	263	263	
National Mediation Board	13	12	13	13	
Occupational Safety and Health Review Commission	11	11	11	11	
Railroad Retirement Board	181	180	180	180	
<i>Social Security Administration (SSA)^c</i>					
SSA Payments to Social Security Trust Funds (mandatory)	28	20	20	20	
Supplemental Security Income (SSI) (mandatory)	38,728	42,665	42,665	42,665	
SSI Administrative Expenses	3,019	3,149	3,198	3,165	
SSA SSI subtotal	41,746	45,814	45,863	45,830	
Social Security and Medicare Administrative Expenses	6,726 ^d	7,178	7,229	7,212	
<i>Total SSA Administrative Expenses (non-add)</i>	<i>9,745</i>	<i>10,327</i>	<i>10,427</i>	<i>10,377</i>	
SSA Office of Inspector General	92	98	98	98	
SSA subtotal	48,592	53,111	53,211	53,161	
TOTALS, RELATED AGENCIES					
Total Appropriations^e	50,713	54,751	55,386	55,334	
Current Year Funding	35,493	39,351	39,556	39,504	
One-Year Advance Funding	14,800	15,400	15,400	15,400	
Two-Year Advance Funding	420	0	430	430	

Sources: Amounts for FY2008, FY2009 request, and FY2009 Senate Appropriations Committee recommendations are based on the table in S.Rept. 110-410, accompanying S. 3230 (July 8, 2008), except that FY2008 amounts do not include FY2008 supplemental appropriations (see note c below). FY2009 amounts recommended by the House L-HHS-ED Appropriations Subcommittee are based on its table dated June 23, 2008. Details may not add to totals due to rounding.

- a. The House L-HHS-ED subcommittee table treats the National Service Trust as separate from National and Community Service Programs (NCSP). This report follows the Senate Appropriations Committee table and includes the National Service Trust in the NCSP.
- b. Funding for NCLIS ended in FY2008, and IMLS assumed the Commission's advisory role.
- c. 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 in appropriations for L-HHS-ED and related agencies.
- d. The Economic Stimulus Act of 2008 (H.R. 5140, P.L. 110-185) included \$31 million in supplementary funding for FY2008 for SSA Administrative Expenses to distribute individual income tax rebates (not included in this table).
- e. Appropriations totals include discretionary and mandatory spending, and are subject to additional scorekeeping and other adjustments.

Appendix. 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>

Statements of Administration Policy (SAPs):

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

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Wage and hour standards	Gerald Mayer	7-7815	gmayer@crs.loc.gov
Mine Safety and Health Administration	Linda Levine	7-7756	llevine@crs.loc.gov
Occupational Safety and Health Admin.	Linda Levine	7-7756	llevine@crs.loc.gov
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Pension and welfare benefits	Patrick Purcell	7-7571	ppurcell@crs.loc.gov
	John Topoleski	7-2290	jtopoleski@crs.loc.gov
Trade adjustment assistance	John Topoleski	7-2290	jtopoleski@crs.loc.gov
Unemployment compensation	Julie M. Whittaker	7-2587	jwhittaker@crs.loc.gov
Veterans employment	Christine Scott	7-7366	cscott@crs.loc.gov
Workforce Investment Act	Ann Lordeman	7-2323	alordeman@crs.loc.gov
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Abortion, legal issues	Karen J. Lewis	7-6190	klewis@crs.loc.gov
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Child abuse and neglect, child welfare	Emilie Stoltzfus	7-2324	estoltzfus@crs.loc.gov
Child care and development	Karen E. Lynch	7-6899	klynch@crs.loc.gov
Developmental Disabilities Act	Andrew R. Sommers	7-4624	asommers@crs.loc.gov
Domestic violence	Garrine Laney	7-2518	glaney@crs.loc.gov
Family Planning, Title X	Angela Napili	7-0135	anapili@crs.loc.gov
Federal health centers	Barbara English	7-1927	benglish@crs.loc.gov
Foster care and adoption	Emilie Stoltzfus	7-2324	estoltzfus@crs.loc.gov
Global health; international AIDS, TB, and malaria	Tiaji Salaam-Blyther	7-7677	tsalaam@crs.loc.gov
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