



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

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## 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 not be further updated, summarizes L-HHS-ED discretionary funding issues but not authorization or entitlement issues.

President George W. Bush's FY2009 budget request to Congress, including amendments, proposed \$147.4 billion in discretionary L-HHS-ED funds; the comparable FY2008 amount was \$148.6 billion. 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 considered but did not report an FY2009 L-HHS-ED bill; a draft bill recommended \$157.7 billion. Two continuing resolutions (CRs) provided temporary FY2009 funding until enactment of P.L. 111-8, the Omnibus Appropriations Act, 2009, on March 11, 2009. Division F of the omnibus act provided \$155.0 billion for discretionary L-HHS-ED programs, adding to \$5.1 billion provided in the first CR, for an FY2009 total in regular appropriations of \$160.1 billion. FY2009 emergency supplemental appropriations totaling \$124.2 billion for discretionary L-HHS-ED programs were provided in the economic stimulus legislation enacted February 17, 2009, P.L. 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA).

**Department of Labor (DOL).** DOL discretionary appropriations were \$12.4 billion for FY2009, an increase of \$0.6 billion (5.2%) over funding for FY2008. The request for FY2009 was \$10.5 billion, including a reduction in funding for Workforce Investment Act (WIA) programs of \$553 million. P.L. 111-8 increased funding for WIA by \$127 million. ARRA added \$4.8 billion in funding for DOL, including \$4.2 billion for WIA programs.

**Department of Health and Human Services (HHS).** HHS discretionary appropriations were \$71.4 billion for FY2009, an increase of \$5.7 billion (8.7%) over funding for FY2008. The request for FY2009 was \$64.7 billion. P.L. 111-8 increased funding over FY2008 for Health Centers (\$125 million); National Institutes of Health (NIH, \$938 million); Centers for Medicare and Medicaid Services (CMS) Program Management (\$154 million); CMS Fraud and Abuse Control Initiative (\$198 million); Low-Income Home Energy Assistance Program (LIHEAP, \$2.5 billion); Head Start (\$235 million); and Public Health and Social Services Emergency Fund (\$669 million). ARRA added \$21.9 billion in funding for HHS, including \$10.4 billion for NIH.

**Department of Education (ED).** ED discretionary appropriations were \$63.5 billion in FY2009, an increase of \$4.4 billion (7.4%) over funding for FY2008. Elementary and Secondary Education Act (ESEA) programs were funded at \$24.8 billion in FY2009, an increase of \$412 million (1.7%) over funding for FY2008. Pell Grants were increased by \$3.1 billion to \$17.3 billion. ARRA added \$96.2 billion in discretionary funding for ED, including \$14.0 billion for ESEA programs.

**Related Agencies.** Discretionary appropriations for L-HHS-ED were \$12.7 billion for FY2009, an increase of \$0.8 billion (6.6%) over funding for FY2008. The Administration requested \$12.1 billion. P.L. 111-8 added \$709 million for SSA administrative expenses. ARRA added \$1.2 billion for Related Agencies, including \$1.0 billion for SSA.

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## **Most Recent Developments**

### **Supplemental Appropriations Act, 2009 Enacted (P.L. 111-32, H.R. 2346).**

*Note:* New funding from this law is *not* reflected in discussions of appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) in this report. On June 24, 2009, President Obama signed the Supplemental Appropriations Act, 2009, which provided a total of \$106 billion in supplemental FY2009 funds for a variety of purposes. Most of the funding is for defense and intelligence activities in Iraq and Afghanistan, international affairs, and selected domestic purposes. The Department of Health and Human Services (HHS) received a total of \$7.7 billion for pandemic influenza preparedness, \$1.9 billion available immediately and \$5.8 billion in a contingency fund to be used if the President determines it is needed. For further information, see CRS Report R40531, *FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations*, coordinated by (name redacted) and (name redacted), and CRS Report R40554, *The 2009 Influenza Pandemic: An Overview*, by (name redacted) and (name redacted).

### **Omnibus Appropriations Act, 2009 Enacted (P.L. 111-8, H.R. 1105).**

On February 23, 2009, after lengthy negotiations between House and Senate appropriators and with the new Obama Administration, the chairman of the House Appropriations Committee introduced an omnibus FY2009 appropriations bill, H.R. 1105, accompanied by an explanatory statement. The bill and statement, which took the place of a conference report, had a division for each of the nine regular appropriations measures that had not yet been enacted. The bill was passed by the House on February 25 and by the Senate on March 10, and was signed by the President on March 11, 2009. Division F of the law provided the FY2009 L-HHS-ED appropriations, including \$155.0 billion in discretionary funding. Adding that amount to the \$5.1 billion provided earlier in P.L. 110-329 brought regular FY2009 discretionary appropriations for L-HHS-ED programs to a total of \$160.1 billion.

### **FY2009 Continuing Resolution Extended (P.L. 111-6, H.J.Res. 38).**

On March 6, 2009, the President signed H.J.Res. 38 into law, which amended the first FY2009 continuing resolution, Division A of P.L. 110-329, to extend temporary funding for government agencies to March 11, 2009.

### **American Recovery and Reinvestment Act of 2009 (ARRA) Enacted (P.L. 111-5, H.R. 1).**

On February 17, 2009, President Obama signed a broad economic stimulus package, the American Recovery and Reinvestment Act of 2009 (ARRA), that provided emergency supplemental appropriations to selected federal programs, among many other provisions. Discretionary L-HHS-ED programs received a total of \$124.2 billion; the funds were generally made available for obligation until September 30, 2010 (the end of FY2010). H.R. 1 passed the House on January 28, 2009, and the Senate passed its version on February 10. The conference report (H.Rept. 111-16) was filed February 12 and agreed to in the House and the Senate on February 13. The bill became P.L. 111-5 on February 17, 2009. For more information, see CRS

Report R40537, *American Recovery and Reinvestment Act of 2009 (P.L. 111-5): Summary and Legislative History*, by (name redacted) et al.

### **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 (name redacted).

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. One HHS program, the Low-Income Home Energy Assistance Program (LIHEAP), received its full-year funding of \$5.1 billion in the CR.

### **Budget Amendment Submitted**

On August 1, 2008, President Bush submitted a budget amendment, requesting an additional \$955 million for L-HHS-ED programs, primarily for preparedness activities in HHS.

### **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. It adopted one package of amendments (a “manager’s amendment”), but the session was subsequently adjourned before the committee took final action on the draft bill. Adoption of the manager’s amendment raised the discretionary total in the bill to \$157.7 billion.

### **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.

## President's Budget Submitted

On February 4, 2008, President George W. Bush submitted his FY2009 budget to Congress; the request was for \$146.5 billion in discretionary funds for L-HHS-ED programs. The request was amended in August 2008 (see above).

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 Comm.	House Passage	Senate Comm.	Senate Passage	Conf. Report	House Passage		Senate Passage
<b>Regular FY2009 Appropriations Legislation (110<sup>th</sup> Congress, unfinished)</b>									
6/19/08 <sup>a</sup>	6/24/08 <sup>b</sup>	6/26/09 <sup>c</sup> (no bill reported)		7/8/08 <sup>d</sup> S. 3230, S.Rept. 110-410					9/30/08 <sup>e</sup> FY2009 CR, P.L. 110-329, Div. A
<b>Regular FY2009 Appropriations: Omnibus Appropriations Act, 2009 (111<sup>th</sup> Congress)<sup>f</sup></b>									
						2/23/09 H.R. 1105	2/25/09	3/10/09	3/11/09 P.L. 111-8
<b>Supplemental FY2009 Appropriations: American Recovery and Reinvestment Act of 2009 (111<sup>th</sup> Congress)</b>									
		1/21/09 <sup>g</sup> H.R. 679 H.Rept. 111-4	1/28/09 <sup>h</sup> H.R. 1	1/27/09 <sup>i</sup> S. 336 S.Rept. 111-3	2/10/09 <sup>j</sup> H.R. 1	2/12/09 <sup>k</sup> H.Rept. 111-16	2/13/09 <sup>k</sup>	2/13/09 <sup>k</sup>	2/17/09 <sup>l</sup> P.L. 111-5

- a. The House Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations began FY2009 hearings on February 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. The House Committee on Appropriations convened a markup session on its draft L-HHS-ED bill on June 26, 2008, and adopted a manager's amendment by voice vote. The markup session was adjourned before the committee took final action on the draft bill.
- d. 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.
- e. P.L. 110-329: The FY2009 Continuing Appropriations Resolution, Division A of P.L. 110-329 (H.R. 2638), provided temporary FY2009 funding for most L-HHS-ED activities for the period October 1, 2008, through March 6, 2009. One HHS program received full-year funding in the law. A second CR, P.L. 111-6, extended the temporary funding to March 11, 2009.
- f. H.R. 1105: An original bill, Omnibus Appropriations Act, 2009, was introduced Feb. 23, 2009, accompanied by an explanatory statement; the bill and statement were printed in the *Congressional Record* of February 23, 2009, Books I and II. The bill had a division for each of the nine regular appropriations measures that had not yet been enacted (L-HHS-ED was Division F) and took the place of a conference report. Subsequently, the Government Printing Office made available an unnumbered committee print of the House Committee on Appropriations that contained the text of the bill and the explanatory statement (available at



- <http://www.gpoaccess.gov/congress/house/appropriations/09conappro2.html>). The bill was passed without amendment by the House on February 25 (245-178), and by the Senate on March 10 (62-35 on a cloture vote, then passed by voice vote), and was signed by the President on March 11, 2009, becoming P.L. 111-8.
- g. H.R. 679: The House Committee on Appropriations marked up a measure containing the appropriations-related provisions of the American Recovery and Reinvestment Act of 2009 on January 21, 2009, approving it by a vote of 35-22. Subsequently, H.R. 679 (H.Rept. 111-4) was introduced and reported on January 26, 2009.
  - h. H.R. 1: The American Recovery and Reinvestment Act of 2009, H.R. 1, was introduced on January 26, 2009. It combined the provisions of several separate bills, including H.R. 679, that had been approved by several House committees. The House considered H.R. 1 on January 27-28, and passed it, amended, on January 28, 2009, by a vote of 244-188.
  - i. S. 336: The Senate Committee on Appropriations marked up a measure containing the appropriations-related provisions of the American Recovery and Reinvestment Act of 2009 on January 27, 2009, approving it by a vote of 21-9. Subsequently, S. 336 (S.Rept. 111-3) was introduced and reported on January 27, 2009.
  - j. H.R. 1: The Senate debated a substitute version of the bill, combining the provisions of S. 336 and a revenue measure that had been approved by the Senate Finance Committee, on February 2-10, 2009, and passed it, amended, on February 10, 2009, by a vote of 61-37.
  - k. H.R. 1: Conference report H.Rept. 111-16 was filed on February 12, 2009. On February 13, 2009, both chambers agreed to the conference report; the House vote was 246-183 and the Senate vote was 60-38.
  - l. P.L. 111-5: President Obama signed H.R. 1 into law on February 17, 2009.

## **Note on Most Recent Data**

In this report, unless stated otherwise, data on FY2008 and FY2009 appropriations are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA).

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 include the June supplemental appropriations.

For additional information, please see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by (name redacted), 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 (name redacted) et al.

## Overview and Key Issues

This report describes President George W. Bush's proposal for FY2009 appropriations for L-HHS-ED programs, as submitted to Congress on February 4, 2008, and amended on August 1, 2008, and the congressional response to that proposal. It compares the President's FY2009 request to the FY2008 L-HHS-ED enacted amounts. It tracks legislative action and congressional issues related to the regular L-HHS-ED appropriations, as well as to the supplemental appropriations provided in ARRA. Discussions focus primarily on discretionary programs. 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 the **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 for human embryonic 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 and enacted for L-HHS-ED; and discusses related issues such as 302(b) allocations and advance appropriations. Later sections provide details on individual L-HHS-ED departments and agencies.

## Discretionary and Mandatory Funding: Program-Level Appropriations and Current-Year Appropriations

**Table 2** summarizes the L-HHS-ED appropriations enacted for FY2008 and proposed and enacted 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, FY2009 appropriations that were enacted in the FY2008 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 FY2008 act that could not be spent before FY2009 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 Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
<b>Discretionary Appropriations</b>							
Program-level: current bill for any year	148.6	147.4	157.7	155.7	160.1	124.2	284.2
Current-year: current year from any bill (after scorekeeping)	144.9	145.1	153.1	153.1	152.3	0	152.3
Advances for future years (in the current bill)	21.3	20.9	24.8	23.0	24.8	0	24.8
Advances from prior years (from previous bills)	19.2	21.3	21.3	21.3	21.3	0	21.3
Scorekeeping adjustments	-1.7	-2.7	-1.0	-0.8	-4.3	-124.2	-128.4
<b>Current-Year Discretionary and Mandatory Funding</b>							
Discretionary (compare to 302(b) cap)	144.9	145.1	153.1	153.1	152.3	0	152.3
Mandatory	455.4	473.3	473.4	473.3	473.4	2.0	475.4
Total, current-year	600.3	618.4	626.5	626.5	625.6	2.0	627.6
<b>Program-Level Totals of Funding for L-HHS-ED Bill, Any Year</b>							
Discretionary program-level	148.6	147.4	157.7	155.7	160.1	124.2	284.2
Mandatory program-level	455.4	478.4	478.4	478.4	478.4	2.0	480.4
Grand total, any year	604.0	625.8	636.1	634.1	638.5	126.2	764.6

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2009 Omnibus column also includes FY2009 funding for LIHEAP provided by P.L. 110-329 (September 2008). 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-FY2009

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 regular L-HHS-ED appropriations for FY2002 through FY2009. During the past eight years, L-HHS-ED discretionary funds have grown from \$127.2 billion in FY2002 to \$160.1 billion in FY2009, an increase of \$32.9 billion, or 25.9%. Adjusted for inflation during this same period, using the Gross Domestic Product (GDP) deflator, L-HHS-ED discretionary funds in estimated FY2008 dollars grew from \$148.6 billion in FY2002 to \$156.9 billion in FY2009, an increase of \$8.3 billion, or 5.6%.

**Table 3. Discretionary Funding Trends, FY2002-FY2009**

(budget authority in billions of dollars)

Type of Funds	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009
L-HHS-ED discretionary	127.2	132.4	139.7	143.4	141.5	144.7	148.6	160.1
L-HHS-ED discretionary in estimated FY2008 dollars	148.6	151.6	155.9	155.1	148.1	147.5	148.6	156.9
GDP deflator (FY2000 = 1.0)	1.0432	1.0643	1.0920	1.1270	1.1643	1.1955	1.2186	1.2432

**Sources:** The GDP deflator is based on the *Budget of the United States Government, Historical Tables, Fiscal Year 2009*, Table 10.1. FY2008 and FY2009 are estimates. 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. Subsequent years are based on tables from the House Committee on Appropriations: FY2006 total from the April 17, 2007, table; FY2007 total from the December 17, 2007, table; and FY2008 and FY2009 totals from the March 2009 table. FY2009 total reflects only regular L-HHS-ED appropriations, not the supplemental funding from the ARRA.

## 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, the act has one or more additional titles, 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, while the FY2009 L-HHS-ED appropriations act (Division F of P.L. 111-8) included the Afghan Allies Protection Act of 2009 (relating to special immigrant status) as Title VI.

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

	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
<b>Discretionary Appropriations, Program-Level (total in bill for any year)</b>							
Title I, Department of Labor	11,803	10,542	12,215	12,354	12,411	4,806	17,217
Title II, Department of Health and Human Services	65,681	64,728	69,158	68,249	71,385	21,917	93,302
Title III, Department of Education	59,181	60,103	63,624	62,499	63,533	96,224	159,757
Title IV, Related Agencies	11,957	12,071	12,701	12,648	12,748	1,203	13,951
Total discretionary, program-level	148,623	147,444	157,698	155,749	160,077	124,150	284,227
<b>Total Discretionary, Current-Year from Any Bill (after scorekeeping adjustments)</b>							
Total, current-year	144,914	145,097	153,121	153,128	152,255	0	152,255

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2009 Omnibus column also includes FY2009 funding for LIHEAP provided by P.L. 110-329 (September 2008). 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**

Which are the largest among the discretionary programs funded in the regular L-HHS-ED appropriations act? **Table 5** shows the L-HHS-ED discretionary programs with the highest funding levels; in FY2009, nine programs accounted for about 65% of all L-HHS-ED discretionary appropriations. Each of the programs shown in **Table 5** received more than \$3.0 billion in regular FY2009 appropriations. The aggregate funding for this group was \$96.0 billion in FY2008 and \$104.9 billion in FY2009. As shown in the previous tables, L-HHS-ED discretionary funding totaled \$148.6 billion in FY2008 and \$160.1 billion in FY2009.



**Table 5. Major Discretionary Programs, FY2008-FY2009**

(\$ in millions)

<b>Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
National Institutes of Health (NIH)	29,380	29,230	30,380	30,255	30,317	10,000	40,317
Pell Grants	14,215	16,941	17,335	16,890	17,288	15,640	32,928
Title I Part A Education for the Disadvantaged, Grants to LEAs	13,899	14,305	14,454	14,530	14,492	10,000	24,492
IDEA Special Education, Part B Grants to States	10,948	11,285	11,552	11,425	11,505	11,300	22,805
SSA Total Administrative Expenses	9,745	10,327	10,427	10,377	10,454	1,000	11,454
Head Start	6,878	7,027	7,120	7,105	7,113	2,100	9,213
WIA, all programs	5,186	4,633	5,326	5,269	5,314	4,200	9,514
Low Income Home Energy Assistance Program (LIHEAP)	2,570	2,000	2,770	2,570	5,100	0	5,100
CMS Program Management	3,152	3,307	3,261	3,271	3,305	0	3,305
<b>Major L-HHS-ED subtotal</b>	<b>95,972</b>	<b>99,054</b>	<b>102,626</b>	<b>101,690</b>	<b>104,888</b>	<b>54,240</b>	<b>159,128</b>
<b>Other L-HHS-ED discretionary</b>	<b>52,651</b>	<b>48,390</b>	<b>55,072</b>	<b>54,059</b>	<b>55,189</b>	<b>69,910</b>	<b>125,099</b>
<b>L-HHS-ED discretionary total</b>	<b>148,623</b>	<b>147,444</b>	<b>157,698</b>	<b>155,749</b>	<b>160,077</b>	<b>124,150</b>	<b>284,227</b>
Major programs as a % of total	64.6%	67.2%	65.1%	65.3%	65.5%	43.7%	56.0%

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2009 Omnibus column also includes FY2009 funding for LIHEAP provided by P.L. 110-329 (September 2008).

**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, proposing \$146.5 billion in discretionary appropriations. On August 1, 2008, he submitted a budget amendment requesting an additional \$955 million. With regard to the President's budget, 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, \$147.4 billion in discretionary appropriations were requested for L-HHS-ED for FY2009, \$1.2 billion (0.8%) less than the FY2008 amount of \$148.6 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. Overall, the President requested \$10.5 billion in discretionary appropriations for DOL for FY2009, a 10.7% reduction from FY2008 funding of \$11.8 billion.
- For the Department of Health and Human Services (HHS), the FY2009 amended request proposed an increase of \$1.6 billion 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, \$150 million for NIH, 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, \$64.7 billion in FY2009 discretionary appropriations were requested for HHS, 1.5% less than the FY2008 amount of \$65.7 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 \$267 million Educational Technology State Grants program and the \$1.3 billion Perkins Career and Technical Education program. The request proposed reducing the 21<sup>st</sup> 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, 1.6% 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 proposed to rescind \$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 over 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. On June 26, the House Committee on Appropriations convened a markup session on its draft bill and adopted a manager's amendment, but adjourned before final action.

### *House Committee Highlights*

Overall, the draft House bill recommended FY2009 discretionary appropriations of \$157.7 billion for L-HHS-ED programs. President Bush requested \$147.4 billion; the FY2008 amount was \$148.6 billion. The House bill differed from the President's request in a number of details.

- For DOL, the draft House bill recommended \$5.3 billion for WIA programs, \$693 million more than the Administration's request. The bill 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 bill 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 bill recommended \$703 million for Employment Service grants to states, which would have been eliminated under the Administration's request. Overall, the draft measure considered by the House committee included \$12.2 billion in discretionary funds for DOL. The Administration requested \$10.5 billion, and \$11.8 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. For the Public Health and Social Services Emergency Fund, the draft bill provided \$1.44 billion, \$48 million more than the President's original request but \$857 million less than the revised request. Overall, the draft House bill included \$69.2 billion in discretionary funds for HHS, \$4.4 billion more than the request of \$64.7 billion, and \$3.5 billion more than the FY2008 amount of \$65.7 billion.
- For ED, the draft House bill 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 draft House 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, \$272 million, with no funding in the request; 21<sup>st</sup> Century Community Learning Centers, \$1.1 billion, \$331 million more than requested; Fund for the Improvement of Education, \$203 million,

\$151 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 draft House bill provided \$63.6 billion in FY2009 discretionary appropriations for ED, \$3.5 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 draft bill did not reduce funding previously advanced for fiscal years 2009 and 2010. The bill increased funding for SSA administrative expenses to \$10.4 billion, \$100 million more than the Administration's request and \$682 million more than provided for FY2008. Overall, the draft House bill recommended \$12.7 billion in discretionary funds for Related Agencies, \$630 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 Committee 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 \$157.7 billion; the President requested \$147.4 billion. The comparable FY2008 amount was \$148.6 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 in the draft House bill and requested by the President. Overall, the Senate committee recommended \$12.4 billion in discretionary funds for DOL, \$138 million more than included in the House draft bill, \$1.8 billion more than the request, and \$551 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 bill

amount. Overall, the Senate-reported bill included \$68.2 billion in discretionary appropriations for HHS programs, \$0.9 billion less than the House bill amount of \$69.2 billion, \$3.5 billion more than the requested amount of \$64.7 billion, and \$2.6 billion more than HHS funding of \$65.7 billion in FY2008.

- For ED, the Senate-reported bill recommended \$24.6 billion for ESEA programs in the aggregate, \$374 million less than provided by the House draft bill. 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 draft House bill 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 draft House bill 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 amount, \$578 million more than requested, and \$691 million more than appropriated for FY2008.

## **FY2009 Regular Appropriations: P.L. 111-8, Omnibus Appropriations Act, 2009**

The 110<sup>th</sup> Congress did not complete action on any regular FY2009 appropriations until passage of the Consolidated Appropriations Act for FY2009, P.L. 110-329, on September 30, 2008. That law provided full-year funding for three of the 12 regular appropriations acts for FY2009 (those related to defense, veterans, and homeland security), temporary funding (continuing appropriations) through March 6, 2009, for the remaining nine regular appropriations acts (including L-HHS-ED), and supplemental appropriations for disaster relief and recovery. One HHS program received its full-year funding in the law (\$5.1 billion for LIHEAP). On February 23, 2009, after lengthy negotiations between House and Senate appropriators and with the new Obama Administration, the chairman of the House Appropriations Committee introduced an omnibus FY2009 appropriations bill, H.R. 1105, accompanied by an explanatory statement. The bill and statement, which took the place of a conference report, had a division for each of the nine regular appropriations measures that had not yet been enacted. The bill was passed by the House on February 25 and by the Senate on March 10, and was signed into law by the President on March 11, 2009, as P.L. 111-8. Division F of the law provided the FY2009 L-HHS-ED appropriations, including \$155.0 billion in discretionary funding. Adding that amount to the \$5.1 billion provided earlier in P.L. 110-329 brought regular FY2009 discretionary appropriations for L-HHS-ED programs to a total of \$160.1 billion. (Note that in the tables and discussions in this report, regular FY2009 HHS and L-HHS-ED funding is frequently described as having come from P.L. 111-8, without distinguishing the separate source of the LIHEAP funding.)

### ***FY2009 Funding Highlights***

As shown in **Table 2**, P.L. 111-8 provided discretionary appropriations at the program level of \$160.1 billion for L-HHS-ED programs, compared to \$155.7 billion in the Senate-reported bill,

\$157.7 billion in the draft House bill, and \$147.4 billion in the President's request. The comparable FY2008 amount was \$148.6 billion.

In current-year terms (the amounts generally cited by the President when making comparisons to his budget), P.L. 111-8 provided \$152.3 billion for discretionary L-HHS-ED programs, an increase of \$7.2 billion (4.9%) over the President's requested level of \$145.1 billion. The FY2009 total was an increase of \$7.3 billion (5.1%) over the FY2008 level of \$144.9 billion, whereas the President's request represented an increase of \$0.2 billion (0.1%) over FY2008. In comparison, estimated current-year funding for mandatory L-HHS-ED programs was slated to increase by \$18.0 billion (3.9%), from \$455.4 billion in FY2008 to \$473.4 billion in FY2009.

Compared to FY2008 funding levels, the FY2009 program-level discretionary amounts were increased or decreased by at least \$100 million for the following programs. Additional details and funding amounts are provided in separate agency summaries.

- For DOL, P.L. 111-8 increased funding for WIA programs by \$127 million, from \$5.2 billion for FY2008 to \$5.3 billion for FY2009. State Unemployment Insurance and Employment Service Operations received an additional \$260 million, up from \$2.6 billion for FY2008 to \$2.8 billion for FY2009. Overall, the omnibus provided \$12.4 billion in discretionary funds for DOL for FY2009, \$608 million more than FY2008 funding of \$11.8 billion.
- For HHS, funding was increased by the following amounts compared to FY2008: Community Health Centers, \$125 million; NIH, \$938 million; CMS Program Management, \$154 million; CMS Fraud and Abuse Control Initiative, \$198 million; LIHEAP, \$2.5 billion; Head Start, \$235 million; and Public Health and Social Services Emergency Fund, \$669 million. Overall, HHS received \$71.4 billion in discretionary funds for FY2009, \$5.7 billion more than FY2008 funding of \$65.7 billion.
- For ED, ESEA programs were funded at \$24.8 billion in the aggregate, \$412 million more than in FY2008. Two K-12 education programs received an increase of at least \$100 million in funding from FY2008 to FY2009: Title I, Part A Grants to LEAs were increased by \$594 million; and IDEA Part B grants to states were increased by \$558 million. The only K-12 education program that lost \$100 million or more was the Reading First State Grants program, which received no funding, a decrease of \$393 million from FY2008. One postsecondary program, Pell Grants, received \$3.1 billion more in FY2009. The maximum appropriated Pell Grant award was \$4,860, an increase of \$619 over the appropriated Pell award of \$4,241 in FY2008. Overall ED received \$63.5 billion in discretionary funds, \$4.4 billion more than FY2008 funding of \$59.2 billion.
- For Related Agencies, P.L. 111-8 increased funding for SSA administrative expenses by \$709 million, from \$9.7 billion for FY2008 to \$10.5 billion for FY2009. Overall, for FY2009, the Omnibus provided \$12.7 billion in discretionary funding for L-HHS-ED Related Agencies, an increase of \$791 million over FY2008 appropriations of \$12.0 billion.

## **FY2009 Emergency Supplemental Appropriations: P.L. 111-5, American Recovery and Reinvestment Act of 2009**

On February 17, 2009, President Obama signed a broad economic stimulus package, the American Recovery and Reinvestment Act of 2009 (ARRA), that provided emergency supplemental appropriations to selected federal programs, among many other provisions. Discretionary L-HHS-ED programs received a total of \$124.2 billion; the funds were generally made available for obligation until September 30, 2010 (the end of FY2010). H.R. 1 passed the House on January 28, 2009, and the Senate passed its version on February 10. The conference report (H.Rept. 111-16) was filed February 12 and agreed to in the House and the Senate on February 13. The bill became P.L. 111-5 on February 17, 2009. For more information, see CRS Report R40537, *American Recovery and Reinvestment Act of 2009 (P.L. 111-5): Summary and Legislative History*, by (name redacted) et al.

Two titles of ARRA provided funding for the Departments of Labor, Health and Human Services, and Education, and Related Agencies. Title VIII provided a total of \$70.6 billion in discretionary funding, including \$4.8 billion for the Department of Labor, \$21.9 billion for the Department of Health and Human Services, \$42.6 billion for the Department of Education, and \$1.2 billion for Related Agencies. Title XIV provided \$53.6 billion to the Department of Education for a new State Fiscal Stabilization Fund, bringing the ARRA Education total to \$96.2 billion for discretionary programs. The ARRA discretionary total from the two titles was \$124.2 billion, a 78% supplement to the \$160.1 billion in regular discretionary appropriations for Labor, Health and Human Services, Education, and Related Agencies for FY2009.

- For DOL, ARRA included a total of \$4.8 billion. Of that amount, \$4.2 billion was for WIA programs. The remainder was for the Community Service Employment for Older Americans program (\$120 million), state unemployment insurance and employment service operations (\$400 million), departmental management (\$80 million), and the Office of the Inspector General (\$6 million).
- For HHS, ARRA included a total of \$21.9 billion for the agencies funded by the L-HHS-ED bill. NIH received the largest share at \$10.0 billion. The Administration for Children and Families received \$5.2 billion for the Child Care and Development Block Grant (\$2.0 billion) and for Children and Family Services programs (\$3.2 billion). The Office of the HHS Secretary received a total of \$3.1 billion for several programs, including a new Prevention and Wellness Fund (\$1.0 billion) and health information technology activities (\$2.0 billion). The Health Resources and Services Administration received \$2.5 billion, \$2.0 billion for health centers and \$500 million for health professions training programs. The Agency for Healthcare Research and Quality received a total of \$1.1 billion for comparative effectiveness research (\$300 million for AHRQ programs, \$400 million for transfer to NIH, and \$400 million for the Secretary to allocate). The Administration on Aging received \$100 million for senior nutrition programs.
- For ED, ARRA provided \$96.2 billion in discretionary funding for programs that are or will be administered by the Department. Of the total, \$42.6 billion was appropriated for existing ED programs. Three programs received the largest shares of the funding, while the balance was provided in smaller amounts to numerous other ED programs. ARRA provided \$10.0 billion for Title I-A, Education for the Disadvantaged, Grants to Local Educational Agencies. The



Individuals with Disabilities Education Act (IDEA), Part B Grants to States program received \$11.3 billion. At the postsecondary level, ARRA provided \$15.6 billion in discretionary funding for Pell Grants. The remaining \$53.6 billion in ARRA funding for ED was appropriated for the new State Fiscal Stabilization Fund. The bulk of the money will be provided to states through formula grants.

- For Related Agencies, ARRA included \$1.2 billion. ARRA provided an additional \$1.0 billion to the Social Security Administration (SSA). Of this amount, \$500 million was designated for replacing SSA's National Computer Center and \$500 million for processing disability and retirement claims. SSA's Office of the Inspector General received an additional \$2 million. ARRA also provided \$201 million in additional funding for the Corporation for National and Community Service.

## **Continuing Appropriations Resolution, 2009**

As mentioned earlier in the "Most Recent Developments" section, a continuing appropriations resolution (CR, enacted as Division A of P.L. 110-329, H.R. 2638) was signed into law on September 30, 2008. It provided temporary FY2009 funding for most ongoing L-HHS-ED activities, including the costs of direct loans and loan guarantees. It covered the period October 1, 2008, through March 6, 2009, because regular appropriations were not enacted before the end of that period. A continuing resolution for FY2009 was necessary because the regular L-HHS-ED appropriations were not enacted by the start of FY2009 on October 1, 2008. The CR was amended on March 6 by P.L. 111-6 to extend the temporary funding through March 11, 2009.

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. (An exception was the provision of full-year funding to HHS for LIHEAP; see HHS discussions later in this report.) 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 (name redacted).

- **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.
- **Further Continuing Appropriations, 2009, P.L. 111-6 (H.J.Res. 38)**, extended the provisions of Division A of P.L. 110-329 through March 11, 2009. H.J.Res. 38 was passed by the House and the Senate on March 6, 2009, and was signed into law as P.L. 111-6 by President Obama the same day.

## 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)

<b>FY2008 Comparable</b>	<b>FY2009 Request Comparable</b>	<b>FY2009 House Allocation</b>	<b>FY2009 Senate Allocation</b>	<b>FY2009 Enacted</b>
144.8	145.4	152.6	153.1	152.3

**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. The FY2009 Enacted amount is based on the March 2009 table from the House 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. 110-161, which enacted FY2008 L-

HHS-ED appropriations, provided \$420 million for the Corporation for Public Broadcasting (CPB) for use in FY2010. 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, President Bush requested \$18.9 billion, but Congress decided to add \$2.0 billion to the previous total, bringing the amount to \$21.3 billion. For FY2009, President Bush requested \$20.9 billion in discretionary advance appropriations for L-HHS-ED. The House draft bill recommended advances of \$24.8 billion, while the Senate-reported bill included advance appropriations totaling \$23.0 billion. The final amount included in the Omnibus Appropriations Act, 2009, was \$24.8 billion. At that level, advance appropriations accounted for 15.5% of the L-HHS-ED program-level discretionary total of \$160.1 billion in FY2009. In terms of current-year funding, advances from previous years, at \$21.3 billion, represented 14.0% of the current-year discretionary total of \$152.3 billion for FY2009.

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 committee draft recommendation, \$24.8 billion;
- FY2009, Senate committee-reported bill, \$23.0 billion; and
- FY2009, P.L. 111-8, \$24.8 billion.

## Department of Labor

FY2008 discretionary appropriations for the Department of Labor (DOL) were \$11.8 billion. For FY2009, the George W. Bush Administration requested \$10.5 billion, \$1.3 billion (10.7%) less than the FY2008 amount, as shown in **Table 7**. The draft bill marked up but not reported by the House Appropriations Committee included \$12.2 billion in discretionary funding, an increase of \$413 million (3.5%) over FY2008. The bill reported by the Senate Committee on Appropriations recommended \$12.4 billion for FY2009, an increase of \$551 million (4.7%) over FY2008. P.L. 111-8 provided \$12.4 billion, increasing funding by \$608 million (5.2%) over spending for FY2008. ARRA provided an additional \$4.8 billion in discretionary funding for FY2009, some portion of which will not be obligated until FY2010. Total discretionary appropriations for DOL for FY2009 were \$17.2 billion, an increase of \$5.4 billion (45.9%) over FY2008.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Comm.	FY2009 Senate Comm.	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
Appropriations	11.8	10.5	12.2	12.4	12.4	4.8	17.2

**Sources:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). Amounts represent discretionary spending funded by L-HHS-ED appropriations; funds for mandatory programs are excluded.

Mandatory DOL programs included in P.L. 111-8 were funded at \$2.9 billion and consist of the Black Lung Disability Trust Fund (\$1,072 million), Federal Unemployment Benefits and Allowances (\$959 million), Advances to the Unemployment Insurance and Other Trust Funds (\$422 million), Special Benefits for Disabled Coal Miners (\$244 million), Employment Standards Administration (ESA) Special Benefits (\$163 million), and administrative expenses for the Energy Employees Occupational Illness Compensation Fund (\$50 million). ARRA did not include additional funding for DOL for mandatory programs.

## 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.<sup>1</sup>
- 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 Insurance and Employment Service Operations by \$172 million, from \$2,464 million for FY2008 to \$2,636 million for FY2009. The Supplemental Appropriations Act of 2008 (H.R. 2642, P.L. 110-252) included an additional \$110 million for these operations for FY2008, for a total of \$2.574 billion. Thus, the President's request was \$62 million above total FY2008 funding.

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**

The House Appropriations Committee did not complete its markup of the draft L-HHS-ED bill. Recommended funding for DOL, taken from a table reflecting committee actions, differed by at least \$100 million from the President's budget request, as follows.

- The draft House bill 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 draft proposal funded WIA Dislocated Worker Assistance programs at \$1.5 billion, which was \$281 million above the Administration's request and \$40 million above funding approved for FY2008.
- The draft 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.

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<sup>1</sup> 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 draft funded WIA Adult Training grants to states at \$862 million, which was \$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.
- The draft bill provided \$703 million for Employment Service grants to states, which was \$703 million above the President's request and the same as funding for FY2008.

The House committee 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 House bill by at least \$100 million as follows:

- The bill reported by the Senate committee increased funding for State Unemployment Insurance and Employment Service Operations by \$196 million above the \$2.6 billion recommended in the draft House bill and requested by the President.

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

### **FY2009 Regular Appropriations: P.L. 111-8, Omnibus Appropriations Act, 2009**

Compared to FY2008 funding, P.L. 111-8 increased discretionary funding by at least \$100 million in the following areas:

- WIA funding was increased by \$127 million, from \$5.2 billion for FY2008 to \$5.3 billion for FY2009.
- Funding for State Unemployment Insurance and Employment Service Operations was raised by \$260 million, from a total of \$2.6 billion in FY2008 to \$2.8 billion for FY2009.

### **FY2009 Emergency Supplemental Appropriations: P.L. 111-5, American Recovery and Reinvestment Act**

ARRA included a total of \$4.8 billion for the Department of Labor. All of the stimulus funding was for discretionary programs, and represented a 39% supplement to the \$12.4 billion in regular FY2009 discretionary funding for DOL. Of the \$4.8 billion total, \$4.2 billion was provided for employment and training programs authorized by WIA, and the remaining \$606 million went to related DOL programs. The amount for WIA programs represented a 79% supplement to the \$5.3 billion in the Omnibus Appropriations Act, 2009. Of the \$4.2 billion in WIA funding, a total of \$4.0 billion was appropriated for Training and Employment Services activities as follows: (1) formula grants to states received \$3.0 billion, including \$500 million in grants for adult

employment and training, \$1.2 billion in grants for youth activities, and \$1.3 billion in grants for dislocated worker assistance; (2) the Dislocated Workers Assistance National Reserve received \$200 million; (3) the YouthBuild program received \$50 million; and (4) \$750 million was provided for a new program of competitive grants for worker training and placement in high-growth and emerging industries. The remaining \$250 million in WIA funding went to the Office of Job Corps for construction and renovation of Job Corps centers. The balance of ARRA funding for DOL was for the Community Service Employment for Older Americans program (\$120 million), state unemployment insurance and employment service operations (\$400 million), departmental management (\$80 million), and the Office of the Inspector General (\$6 million).<sup>2</sup>

Unlike most regular appropriations, ARRA made the stimulus funds available for obligation for two years, until the end of FY2010. DOL has developed program-specific plans for spending the money, indicating how much they expect to obligate in FY2009 and FY2010. The plans are available at <http://www.dol.gov/recovery>, together with other DOL Recovery Act reports.

## **CRS Products**

CRS Report R40182, *Funding for Workforce Development in the American Recovery and Reinvestment Act (ARRA) of 2009*, by (name redacted) and (name redacted).

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

CRS Report RS22718, *Trade Adjustment Assistance for Workers (TAA) and Reemployment Trade Adjustment Assistance (RTAA)*, by (name redacted).

CRS Report RL33362, *Unemployment Insurance: Available Unemployment Benefits and Legislative Activity*, by (name redacted) and (name redacted).

CRS Report R40368, *Unemployment Insurance Provisions in the American Recovery and Reinvestment Act of 2009*, by (name redacted), (name redacted), and (name redacted).

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

## **Websites**

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

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<sup>2</sup> For more information on ARRA funds for DOL, see CRS Report R40182, *Funding for Workforce Development in the American Recovery and Reinvestment Act (ARRA) of 2009*, by (name redacted) and (name redacted).

## **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 Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
<i>Total Workforce Investment Act, Title I (WIA) (non-add)</i>	5,186	4,633	5,326	5,269	5,314	4,200	9,514
<b>Employment and Training Administration (ETA)</b>							
<b>Training and Employment Services (TES)</b>							
WIA Adult Training Grants to States	862	712	862	864	862	500	1,362
WIA Youth Training	924	841	924	931	924	1,200	2,124
WIA Dislocated Worker Assistance (DWA)	1,465	1,224	1,505	1,482	1,467	1,450	2,917
<i>DWA State Grants (non-add)</i>	1,184	943	1,184	1,200	1,184	1,250	2,434
<i>DWA National Reserve Community College initiative set aside (non-add)<sup>a</sup></i>	123	0	145	125	125	0	125
<i>DWA National Reserve, other (non-add)<sup>a</sup></i>	158	281	176	157	158	200	358
WIA Migrant and Seasonal Farmworkers	80	0	82	83	83	0	83
WIA Community College Grants (Community-Based Job Training) <sup>a</sup>	0	125	0	0	0	0	0
Other WIA and TES Activities	246	285	230	259	291	800	1,091
<i>TES subtotal</i>	3,576	3,061	3,602	3,619	3,626	3,950	7,576
<b>Community Service Employment for Older Americans</b>	522	350	572	572	572	120	692
<b>Federal Unemployment Benefits and Allowances (mandatory)<sup>b</sup></b>	889	959	959	959	959	0	959
<b>State Unemployment Insurance and Employment Service Operations (SUI/ESO)</b>							
Unemployment Compensation	2,574	2,636	2,636	2,832	2,833	0	2,833
Employment Service	723	20	725	724	724	400	1,124
<i>Employment Service State Grants (non-add)</i>	703	0	703	704	704	400	1,104
Foreign Labor Certification	54	78	66	70	68	0	68

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
One-Stop Career Centers	52	49	51	52	52	0	52
Work Incentives Grants	14	0	20	14	17	0	17
<i>SUI/ESO subtotal</i>	3,417	2,783	3,498	3,692	3,695	400	4,095
<b>Advances to Unemployment Trust Fund and other funds (mandatory)</b>	437	422	422	422	422	0	422
<b>ETA Program Administration</b>	131	144	130	131	130	0	130
<i>ETA subtotal</i>	8,972	7,719	9,183	9,395	9,405	4,470	13,875
<b>Employee Benefits Security Administration</b>	139	148	148	139	143	0	143
<i>Pension Benefit Guaranty Corporation (non-add)</i>	427	445	445	445	445	0	445
<b>Employment Standards Administration (ESA)</b>							
ESA Salaries and Expenses	421	469	451	438	440	0	440
<i>Office of Labor-Management Standards (OLMS) (non-add)</i>	45	58	45	45	45	0	45
ESA Special Benefits (mandatory)	203	163	163	163	163	0	163
ESA Special Benefits for Disabled Coal Miners (mandatory)	270	244	244	244	244	0	244
ESA Energy Employees Occupational Illness Compensation Fund (Part B administrative expenses) <sup>c</sup> (mandatory)	49	50	50	50	50	0	50
ESA Black Lung Disability Trust Fund (mandatory)	1,068	1,072	1,072	1,072	1,072	0	1,072
<i>ESA subtotal</i>	2,012	1,997	1,980	1,967	1,969	0	1,969
<b>Occupational Safety and Health Administration (OSHA)</b>	486	502	513	505	513	0	513
<b>Mine Safety and Health Administration (MSHA)</b>	332	332	335	347	347	0	347
<b>Bureau of Labor Statistics</b>	545	593	596	598	597	0	597
<b>Office of Disability Employment Policy</b>	27	12	21	27	27	0	27

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
<b>Departmental Management</b>							
International Labor Affairs	81	15	81	86	86	0	86
WIA Job Corps	1,611	1,565	1,717	1,651	1,684	250	1,934
Veterans Employment and Training	228	238	240	238	239	0	239
Departmental Management, other	287	331	312	310	310	86	396
<i>Departmental Management subtotal</i>	2,207	2,149	2,351	2,285	2,320	336	2,656
<b>Working Capital Fund</b>	0	0	0	0	0	0	0
<b>TOTALS, DEPARTMENT OF LABOR</b>							
<b>Total Appropriations<sup>d</sup></b>	<b>14,719</b>	<b>13,452</b>	<b>15,125</b>	<b>15,263</b>	<b>15,321</b>	<b>4,806</b>	<b>20,127</b>
<b>Current-Year Funding</b>	<b>12,194</b>	<b>10,933</b>	<b>12,606</b>	<b>12,744</b>	<b>12,802</b>	<b>4,806</b>	<b>17,608</b>
<b>One-Year Advance Funding</b>	<b>2,525</b>	<b>2,519</b>	<b>2,519</b>	<b>2,519</b>	<b>2,519</b>	<b>0</b>	<b>2,519</b>

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2008 comparable includes supplemental appropriations from P.L. 110-252 (June 2008), 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. 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.
- d. 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 \$65.7 billion. For FY2009, President George W. Bush's revised budget request was \$64.7 billion, \$953 million (1.5%) less than the FY2008 amount, as shown in **Table 9**. The draft bill marked up but not reported by the House Appropriations Committee included \$69.2 billion in discretionary funding, an increase of \$3.5 billion (5.3%) over FY2008. The bill reported by the Senate Committee on Appropriations recommended \$68.2 billion for FY2009, an increase of \$2.6 billion (3.9%) over FY2008. Regular discretionary appropriations for HHS totaled \$71.4 billion (\$66.3 billion from the FY2009 Omnibus Appropriations Act, P.L. 111-8, and \$5.1 billion for LIHEAP from the FY2009 Continuing Resolution, Division A of P.L. 110-329). The total was an increase of \$5.7 billion (8.7%) over FY2008. ARRA provided an additional \$21.9 billion in discretionary funding for FY2009, some portion of which will not be obligated until FY2010. Total discretionary appropriations for HHS for FY2009 were \$93.3 billion, an increase of \$27.6 billion (42.1%) over FY2008.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Comm.	FY2009 Senate Comm.	FY2009 Omnibus + CR	FY2009 ARRA P.L. 111-5	FY2009 Total
Appropriations	65.7	64.7	69.2	68.2	71.4	21.9	93.3

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations (see **Table 10** for more details on sources). 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 \$429.8 billion in FY2009, and consist primarily of Medicaid Grants to States (\$221.0 billion), Payments to Medicare Trust Funds (\$195.4 billion, including both Part B Supplementary Medical Insurance and Part D Prescription Drugs), Foster Care and Adoption Assistance State Payments (\$6.9 billion), Family Support Payments to States (\$3.8 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 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.
- National Institutes of Health, funded at \$29.4 billion in FY2008, was reduced by \$150 million to \$29.2 billion.
- 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 proposed for new funding at \$198 million, while CMS Program Management was increased by \$156 million, from \$3.2 billion in FY2008 to \$3.3 billion.
- The Low-Income Home Energy Assistance Program (LIHEAP), funded at \$2.6 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 \$6.9 billion in FY2008, was increased by \$149 million to \$7.0 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 in the revised request by \$1.6 billion to \$2.3 billion. Funding includes homeland security activities (increased by \$685 million) and pandemic influenza preparedness (increased by \$873 million).

### **Draft House Bill**

The House Appropriations Committee did not complete its markup of the draft L-HHS-ED bill. Recommended funding for HHS, taken from a table reflecting committee actions, 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 \$2.0 billion, \$106 million more than requested; \$1.9 billion was provided in FY2008.
- The CDC Terrorism Preparedness and Response program received \$1.5 billion, \$100 million more than requested; \$1.5 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 \$30.4 billion, \$1.2 billion more than requested; \$29.4 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 \$2.8 billion, \$770 million more than requested; \$2.6 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 \$1.5 billion, \$111 million more than requested; \$1.4 billion was provided in FY2008.
- The PHSSEF received \$1.4 billion, \$857 million less than was included in the revised request; \$729 million was provided in FY2008. Funding for homeland security activities was decreased by \$486 million and for pandemic influenza preparedness by \$363 million.

## **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 \$30.3 billion, \$125 million less than the House amount of \$30.4 billion; \$29.2 billion was requested, and \$29.4 billion 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. Total funding for AHRQ was \$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 \$2.6 billion, \$200 million less than the House amount of \$2.8 billion; \$2.0 billion was requested, and \$2.6 billion was provided in FY2008.
- The PHSSEF received \$1.3 billion, \$192 million less than the House amount of \$1.4 billion; \$2.3 billion was included in the revised request, and \$729 million was provided in FY2008. Funding for homeland security activities was decreased by \$187 million below the House amount, while the recommended level for pandemic influenza preparedness was the same as in the draft House bill.

### **FY2009 Regular Appropriations: P.L. 111-8, Omnibus Appropriations Act, 2009**

Compared to FY2008 funding, P.L. 111-8 changed discretionary spending by at least \$100 million for several HHS programs.

- Community Health Centers received \$2.2 billion, \$98 million more than requested and \$125 million more than the FY2008 amount of \$2.1 billion.
- NIH received \$30.3 billion, \$1.1 billion more than requested and \$938 million more than the FY2008 amount of \$29.4 billion.
- CMS Program Management received \$3.3 billion, \$2 million less than requested and \$154 million more than the FY2008 amount of \$3.2 billion.
- The CMS Fraud and Abuse Control Initiative received \$198 million, the same as was requested; there was no funding in FY2008.
- LIHEAP received no funding in P.L. 111-8 because it had received its full-year appropriation in the FY2009 Continuing Appropriations Resolution, P.L. 110-329, Division A. LIHEAP was funded at \$5.1 billion, \$3.1 billion more than requested and \$2.5 billion more than the FY2008 amount of \$2.6 billion.
- Head Start received \$7.1 billion, \$86 million more than requested and \$235 million more than the FY2008 amount of \$6.9 billion.
- The PHSSEF received \$1.4 billion, \$903 million less than requested and \$669 million more than the FY2008 amount of \$729 million. Included in the funding was \$788 million for homeland security activities and \$585 million for pandemic influenza preparedness; the comparable FY2008 amounts were \$633 million and \$75 million.

### **FY2009 Emergency Supplemental Appropriations: P.L. 111-5, American Recovery and Reinvestment Act**

ARRA included a total of \$21.9 billion for the HHS agencies funded by the annual L-HHS-ED appropriations act. All of the stimulus funding was for discretionary programs, and represented a

31% supplement to the \$71.4 billion in regular FY2009 discretionary funding for HHS. Of the \$21.9 billion, the National Institutes of Health (NIH) received the largest share at \$10.0 billion (a 33% supplement to regular FY2009 appropriations). The Administration for Children and Families received \$5.2 billion, including \$2.0 billion for the Child Care and Development Block Grant (a 94% supplement) and \$3.2 billion for Children and Family Services programs (a 34% supplement). The Office of the HHS Secretary received a total of \$3.1 billion for several programs, including \$1.0 billion for a new Prevention and Wellness Fund and \$2.0 billion to implement activities authorized under the Health Information Technology for Economic and Clinical Health Act (Division A, Title XIII of ARRA).<sup>3</sup> The Health Resources and Services Administration received \$2.5 billion, including \$2.0 billion for health centers (a 91% supplement) and \$500 million for health professions training programs. The Agency for Healthcare Research and Quality (AHRQ) received a total of \$1.1 billion for comparative effectiveness research (\$300 million for AHRQ programs, \$400 million for transfer to NIH, and \$400 million for the Secretary to allocate). Finally, the Administration on Aging received \$100 million for senior nutrition programs.<sup>4</sup>

Unlike most regular appropriations, ARRA made the stimulus funds available for obligation for two years, until the end of FY2010. HHS agencies have developed implementation plans for spending the money, indicating how much they expect to obligate in FY2009 and FY2010. The plans are available at <http://www.hhs.gov/recovery/reports/index.html>, together with other HHS Recovery Act reports.

### **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 103<sup>rd</sup> 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

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<sup>3</sup> For more information, see CRS Report R40161, *The Health Information Technology for Economic and Clinical Health (HITECH) Act*, by (name redacted).

<sup>4</sup> For more information on HHS programs in ARRA, see CRS Report R40181, *Selected Health Funding in the American Recovery and Reinvestment Act of 2009*, coordinated by (name redacted); CRS Report R40211, *Human Services Provisions of the American Recovery and Reinvestment Act*, by (name redacted) et al.; and CRS Report RL33880, *Older Americans Act (OAA) Funding*, by (name redacted).



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, FY2008, and FY2009 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. 111-8, Division F. For additional information, please see CRS Report RL33467, *Abortion: Legislative Response*, by (name redacted).

## **Human Embryonic Stem Cell Research: Funding Restrictions**

Many scientists are interested in pursuing research using human embryonic stem cells, but funding restrictions have been in place for a number of years. The use of stem cells raises ethical issues for some because the embryos are destroyed in order to obtain the cells. In August 2001, President George W. Bush had announced that for the first time, federal funds could be used to support research on human embryonic stem cells, but that funding would be limited to “existing stem cell lines.” On March 9, 2009, President Barack Obama signed an executive order reversing that limitation. The Obama decision directed the National Institutes of Health to issue new guidelines for the conduct of embryonic stem cell research. Draft guidelines were released on April 23, 2009, and final guidelines were issued on July 6, 2009.

As part of a continuing resolution for FY1996 appropriations (P.L. 104-99, §128), Congress prohibited NIH from using funds 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 is found in §509 of P.L. 111-8, Division F. For additional information, please see CRS Report RL33540, *Stem Cell Research: Federal Research Funding and Oversight*, by (name redacted) and (name redacted).

## **CRS Products**

### **Health**

CRS Report R40554, *The 2009 Influenza Pandemic: An Overview*, by (name redacted) and (name redacted).

CRS Report RL33467, *Abortion: Legislative Response*, by (name redacted).

CRS Report RL30731, *AIDS Funding for Federal Government Programs: FY1981-FY2009*, by (name redacted).

CRS Report RL34448, *Federal Research and Development Funding: FY2009*, coordinated by (name redacted)

CRS Report RS22438, *Health Workforce Programs in the Public Health Service (PHS) Act: Appropriations History, FY2001-FY2010*, by (name redacted) and (name redacted).

CRS Report RS21044, *Legal Issues Related to Human Embryonic Stem Cell Research*, by (name redacted).

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

CRS Report RL34098, *Public Health Service (PHS) Agencies: Background and Funding*, coordinated by (name redacted).

CRS Report RL33279, *The Ryan White HIV/AIDS Program*, by (name redacted).

CRS Report R40181, *Selected Health Funding in the American Recovery and Reinvestment Act of 2009*, coordinated by (name redacted).

CRS Report RL33540, *Stem Cell Research: Federal Research Funding and Oversight*, by (name redacted) and (name redacted).

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

### **Human Services**

CRS Report RL34121, *Child Welfare: Recent and Proposed Federal Funding*, by (name redacted).

CRS Report RL32872, *Community Services Block Grants (CSBG): Background and Funding*, by (name redacted).

CRS Report R40212, *Early Childhood Care and Education Programs: Background and Funding*, by (name redacted) and (name redacted).

CRS Report R40473, *Family Violence Prevention and Services Act: Programs and Funding*, by (name redacted).

CRS Report R40211, *Human Services Provisions of the American Recovery and Reinvestment Act*, by (name redacted) et al.

CRS Report RS22185, *Individual Development Accounts (IDAs): Background and Current Legislation for Federal Grant Programs to Help Low-Income Families Save*, by (name redacted).

CRS Report RL31865, *The Low-Income Home Energy Assistance Program (LIHEAP): Program and Funding*, by (name redacted).

CRS Report RL33880, *Older Americans Act (OAA) Funding*, by (name redacted).

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

CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*, by (name redacted).

CRS Report RL33975, *Vulnerable Youth: Background and Policies*, by Adrienne L. Fernandes.

## **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)

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
<b>Public Health Service (PHS)</b>							
<b>Health Resources and Services Administration (HRSA)</b>							
Community Health Centers	2,065	2,092	2,165	2,215	2,190	2,000	4,190
National Health Service Corps	123	121	135	135	135	300	435
Health Professions, Nursing	156	110	174	168	171	0	171
Health Professions, other	194	0	244	196	222	200	422
Children's Hospitals Graduate Medical Education	302	0	310	310	310	0	310
Maternal and Child Health Block Grant	659	666	665	659	662	0	662
Autism and Other Developmental Disorders	36	36	42	42	42	0	42
Ryan White AIDS Programs	2,142	2,143	2,242	2,148	2,213	0	2,213
Rural Health Programs <sup>a</sup>	136	25	122	143	149	0	149
Family Planning (Title X)	300	300	315	300	307	0	307
Health Care-Related Facilities & Activities	304	0	158	171	310	0	310
Vaccine Injury Compensation Trust Fund (mandatory)	119	257	257	257	257	0	257
HRSA, other	446	379	519	467	531	0	531
<i>HRSA subtotal</i>	6,983	6,129	7,348	7,211	7,500	2,500	10,000
<b>Centers for Disease Control and Prevention (CDC)</b>							
Infectious Diseases	1,892	1,857	1,963	1,897	1,935	0	1,935
Health Promotion	961	932	1,011	990	1,020	0	1,020

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
Energy Employees Occupational Illness Compensation Program (mandatory) <sup>b</sup>	55	55	55	55	55	0	55
Terrorism Preparedness and Response	1,479	1,419	1,520	1,508	1,515	0	1,515
Preventive Health/Health Services Block Grant	97	0	100	97	102	0	102
CDC Buildings and Facilities	55	0	0	150	152	0	152
CDC, other	1,565	1,409	1,609	1,672	1,560	0	1,560
<i>CDC subtotal<sup>c</sup></i>	6,105	5,673	6,258	6,369	6,339	0	6,339
<b>National Institutes of Health (NIH)</b>							
National Institutes of Health <sup>c</sup>	29,380	29,230	30,380	30,255	30,317	10,000	40,317
<b>Substance Abuse and Mental Health Services Administration (SAMHSA)</b>							
Mental Health	889	763	932	909	948	0	948
<i>(Mental Health Block Grant, non-add)</i>	400	400	400	400	400	0	400
Substance Abuse Treatment	2,075	2,025	2,099	2,078	2,105	0	2,105
Substance Abuse Prevention	194	158	194	191	201	0	201
<i>(Substance Abuse Block Grant, non-add)</i>	1,680	1,699	1,699	1,699	1,699	0	1,699
SAMHSA, other	75	79	79	81	81	0	81
<i>SAMHSA subtotal</i>	3,234	3,025	3,303	3,260	3,335	0	3,335
<b>Agency for Healthcare Research and Quality (AHRQ)</b>							
AHRQ Appropriation	0	0	323	91	0	1,100	1,100
<i>Evaluation Tap funding (non-add)</i>	335	326	52	244	372	0	372
<i>AHRQ program level (non-add)</i>	335	326	375	335	372	1,100	1,472
<i>PHS subtotal</i>	45,702	44,057	47,612	47,185	47,491	13,600	61,091

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
<b>Centers for Medicare and Medicaid Services (CMS)</b>							
Medicaid Grants to States (mandatory)	208,921	221,035	221,035	221,035	221,035	0	221,035
Medicare Trust Funds (mandatory)	188,445	195,308	195,383	195,308	195,383	0	195,383
CMS Program Management	3,152	3,307	3,261	3,271	3,305	0	3,305
Fraud and Abuse Control initiative	0	198	198	198	198	0	198
<i>CMS subtotal</i>	400,517	419,848	419,877	419,812	419,921	0	419,921
<b>Administration for Children and Families (ACF)</b>							
Family Support Payments (mandatory)	3,998	3,759	3,759	3,759	3,759	0	3,759
Low Income Home Energy Assistance Program (LIHEAP)	2,570	2,000	2,770	2,570	5,100 <sup>d</sup>	0	5,100
Refugee and Entrant Assistance	656	628	641	635	633	0	633
Child Care and Development Block Grant (CCDBG)	2,062	2,062	2,117	2,137	2,127	2,000	4,127
Social Services Block Grant (SSBG) (Title XX) (mandatory)	1,700 (2,300) <sup>e</sup>	1,700 <sup>f</sup>	1,700	1,700	1,700	0	1,700
Head Start	6,878	7,027	7,120	7,105	7,113	2,100	9,213
Child Welfare Services	282	282	282	282	282	0	282
Developmental Disabilities	180	180	183	185	184	0	184
Community Services Block Grant	654	0	700	654	700	1,000	1,700
Battered Women's Shelters	123	123	131	125	128	0	128
Abstinence Education	109	137	109	80	95	0	95
Children and Family Services, other	745	746	783	754	800	50	850
Promoting Safe and Stable Families (PSSF) (mandatory)	345	345	345	345	345	0	345
PSSF (discretionary)	63	63	63	73	63	0	63

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
Foster Care and Adoption Assistance (mandatory)	6,843	6,896	6,896	6,896	6,850	0	6,850
<i>ACF subtotal</i>	27,208	25,947	27,599	27,300	29,879	5,150	35,029
<b>Administration on Aging (AOA)</b>							
Administration on Aging	1,413	1,381	1,493	1,478	1,491	100	1,591
<b>Office of the Secretary</b>							
General Departmental Management	354	380	372	368	396	0	396
Office of the National Coordinator for Health Information Technology	42	18	43	23	44	2,000	2,044
Medical Benefits, Commissioned Officers (mandatory)	397	435	435	435	435	0	435
Public Health and Social Services Emergency Fund (PHSSEF)	729	2,301	1,444	1,252	1,398	50	1,448
<i>Office of the Assistant Secretary for Preparedness and Response (non-add)</i>	633	1,318	831	645	788	0	788
<i>Pandemic Influenza Preparedness (non-add)</i>	75	948	585	585	585	0	585
<i>PHSSEF, other (non-add)</i>	22	35	27	22	25	50	75
Prevention and Wellness Fund	0	0	0	0	0	1,000	1,000
Office of the Secretary, other	141	152	150	188	150	17	167
<i>Office of the Secretary subtotal</i>	1,664	3,285	2,443	2,265	2,422	3,067	5,489
<b>TOTALS, DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>							
<b>Total Appropriations<sup>s</sup></b>	<b>476,504</b>	<b>494,519</b>	<b>499,023</b>	<b>498,039</b>	<b>501,204</b>	<b>21,917</b>	<b>523,121</b>
<b>Current-Year Funding</b>	<b>405,047</b>	<b>418,630</b>	<b>424,523</b>	<b>422,151</b>	<b>426,704</b>	<b>21,917</b>	<b>448,621</b>
<b>One-Year Advance Funding</b>	<b>71,457</b>	<b>75,889</b>	<b>74,500</b>	<b>75,889</b>	<b>74,500</b>	<b>0</b>	<b>74,500</b>

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2008 Comparable column includes supplemental appropriations from P.L. 110-252 (June 2008), but not from P.L. 110-329 (September 2008); see Note e, below. FY2009 Omnibus column also includes FY2009 funding for LIHEAP provided by P.L. 110-329; see Note d, below. Details may not add to totals due to rounding.

- a. The Denali Commission, previously funded under Rural Health Programs, is now grouped into the “HRSA, other” line in this table.
- b. Before FY2009, EEOICPA administrative and statutory activities were funded through DOL, with some of the funding transferred to CDC by interagency agreement. For FY2009, CDC received direct appropriations (mandatory) for the activities; Part B administrative expenses are still in DOL.
- c. Two HHS agencies also received FY2008 and FY2009 funds from Interior-Environment appropriations—\$74 million for CDC and \$78 million for NIH each year. The amounts are not included in this table.
- d. LIHEAP received no funding in the FY2009 Omnibus Appropriations Act because the FY2009 Continuing Appropriations Resolution (Division A of P.L. 110-329, enacted September 30, 2008) had provided full-year funding of \$5,100 million for the program. Totals in the FY2009 Omnibus columns throughout this report include the LIHEAP funding where appropriate.
- e. The Disaster Relief and Recovery Supplemental Appropriations Act, 2008 (Division B of P.L. 110-329) provided FY2008 emergency supplemental appropriations of \$600 million for the Social Services Block Grant, to remain available through FY2009. In the tables in this report, the amount is not reflected in the totals for either year.
- f. 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.
- g. 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 FY2009: the Food and Drug Administration (FDA) in Agriculture appropriations (\$2.0 billion), and the Indian Health Service (IHS) in Interior-Environment appropriations (\$3.6 billion); neither agency is included in this table.



## Department of Education

FY2008 discretionary appropriations for the Department of Education (ED) were \$59.2 billion. For FY2009, President George W. Bush's budget request was \$60.1 billion, \$921 million (1.6%) over the FY2008 amount, as shown in **Table 11**. The draft bill marked up but not reported by the House Appropriations Committee included \$63.6 billion in discretionary funding, an increase of \$4.4 billion (7.5%) over FY2008. The bill reported by the Senate Committee on Appropriations recommended \$62.5 billion for FY2009, an increase of \$3.3 billion (5.6%) over FY2008. P.L. 111-8 provided \$63.5 billion, increasing funding by \$4.4 billion (7.4%) over spending for FY2008. ARRA provided an additional \$96.2 billion in discretionary funding for FY2009, some of which will not be obligated until FY2010. Total discretionary appropriations for ED (including ARRA funding) for FY2009 were \$159.8 billion, an increase of \$100.6 billion (170%) over FY2008.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Comm.	FY2009 Senate Comm.	FY2009 Omnibus	FY2009 ARRA	FY2009 Total
Appropriations	59.2	60.1	63.6	62.5	63.5	96.2	159.8

**Sources:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). 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 provided funding of \$2.9 billion in FY2009, the same amount it received 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.<sup>5</sup> While President Bush's budget requested an increase in discretionary funding for education of \$921 million over the FY2008 funding level, it eliminated funding for 47 existing programs.

<sup>5</sup> 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 21<sup>st</sup> Century Community Learning Centers program, including renaming it the 21<sup>st</sup> Century Learning Opportunities program.

The President's FY2009 budget request proposed changes of at least \$100 million for the following ED programs:

- 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;<sup>6</sup>
- 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;
- 21<sup>st</sup> Century Community Learning Centers, funded at \$1.1 billion in FY2008, were decreased by \$281 million and renamed the 21<sup>st</sup> 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;<sup>7</sup>

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<sup>6</sup> 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.

<sup>7</sup> 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.

- 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; and
- The Institute for Education Sciences, funded at \$546 million in FY2008, was increased by \$112 million.

### **Draft House Bill**

The House Appropriations Committee did not complete its markup of the draft L-HHS-ED bill. Recommended funding for ED, taken from a table reflecting committee actions, 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.<sup>8</sup>
- 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, funding of \$300 million was requested.
- 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 21<sup>st</sup> Century Community Learning Centers received \$1.1 billion, \$331 million more than requested; \$1.1 billion was provided in FY2008.<sup>9</sup>
- The Fund for the Improvement of Education received \$203 million, \$151 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.

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<sup>8</sup> 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.

<sup>9</sup> The request proposed \$800 million for a reformed and renamed program, the 21<sup>st</sup> Century Learning Opportunities program. The House and Senate bills continued to fund the current 21<sup>st</sup> Century Community Learning Center program.

- 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.<sup>10</sup>
- 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 \$24.6 billion, \$374 million less than the House amount of \$24.9 billion; \$24.5 billion was requested; \$24.4 billion was provided in FY2008.<sup>11</sup>
- 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.<sup>12</sup>
- 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.

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<sup>10</sup> When mandatory funding provided by the CCRA is added to the discretionary maximum grant amount recommended in the draft House bill, the maximum Pell Grant would have been \$4,900.

<sup>11</sup> 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.

<sup>12</sup> 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.

## **FY2009 Regular Appropriations: P.L. 111-8, Omnibus Appropriations Act, 2009**

Compared to FY2008 funding, P.L. 111-8 changed discretionary spending by at least \$100 million for several ED programs.

- ESEA programs in aggregate received \$24.8 billion, \$287 million more than requested, and \$412 million more than the FY2008 amount of \$24.4 billion.
- Title I, Part A, Grants to LEAs received \$14.5 billion, \$188 million more than requested, and \$594 million more than the FY2008 amount of \$13.9 billion.
- Reading First State Grants received no funding, \$1 billion less than requested, and \$393 million less than the FY2008 amount.
- IDEA Part B Grants to States received \$11.5 billion, \$221 million more than requested, and \$558 million more than the FY2008 amount of \$10.9 billion.
- Pell Grants received \$17.3 billion, \$347 million more than requested, and \$3.1 billion more than the FY2008 amount of \$14.2 billion. The FY2009 maximum appropriated grant award was \$4,860, \$550 more than requested and \$619 more than the FY2008 amount of \$4,241.

## **FY2009 Emergency Supplemental Appropriations: P.L. 111-5, American Recovery and Reinvestment Act**

ARRA provided \$96.2 billion in total discretionary funding for programs that are or will be administered by the Department of Education. This was a 151% supplement to the \$63.5 billion in regular FY2009 discretionary appropriations for ED.

Of the \$96.2 billion total, \$42.6 billion in discretionary funds was appropriated for existing ED programs (a 90% supplement to the regular FY2009 appropriations for these programs). Three programs that received the largest shares of the funding are discussed here; the balance of ARRA funding for existing programs was provided in smaller amounts to numerous other ED programs.<sup>13</sup> Most of ARRA funds for existing elementary and secondary education programs were appropriated for programs that provide formula grants directly to states or local educational agencies (LEAs), while most funds at the postsecondary level were appropriated for Pell Grants, which go directly to students. For some programs, these appropriations provided a substantial increase over the amount of funding provided through the regular appropriations process in recent years. ARRA provided \$10.0 billion for Title I-A, Education for the Disadvantaged, Grants to LEAs, a 69% supplement to the \$14.5 billion in regular FY2009 appropriations for the program. Similarly, ARRA provided \$11.3 billion for the Individuals with Disabilities Education Act (IDEA), Part B Grants to States, a 98% supplement to the \$11.5 billion in regular FY2009 appropriations. At the postsecondary level, ARRA provided \$15.6 billion in discretionary funding for Pell Grants, a 90% supplement to the \$17.3 billion in regular FY2009 appropriations.<sup>14</sup>

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<sup>13</sup> For more information on ED programs in ARRA, see CRS Report R40151, *Funding for Education in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)*, by (name redacted) et al.

<sup>14</sup> Pell Grants also received mandatory appropriations in ARRA to increase the maximum Pell Grant award. The total provided was \$1.47 billion, of which \$643.0 million was for FY2009 and \$831.0 million was for FY2010.

The remaining \$53.6 billion in ARRA funding was appropriated for the new State Fiscal Stabilization Fund. After making reservations from the appropriation,<sup>15</sup> including a \$5.0 billion reservation for the Secretary of Education to provide State Incentive Grants and establish an Innovation Fund, \$48.3 billion will be provided to governors through formula grants to each state that chooses to apply for funding through this program. Governors must use 81.8% of the funds received to restore state support for public elementary and secondary education<sup>16</sup> and for public institutions of higher education (IHEs)<sup>17</sup> to the greater of the FY2008 or FY2009 level for FY2009, FY2010, and FY2011. Governors are required to use the remaining 18.2% of the state allocation for “public safety and other government services,” which may include assistance for elementary and secondary education and public IHEs, and for modernization, renovation, and repair of public school and IHE facilities.

Unlike most regular appropriations, ARRA made the stimulus funds available for obligation for two years, until the end of FY2010. The Department has established an ARRA website that provides detailed guidance. See <http://www.ed.gov/policy/gen/leg/recovery/index.html>.

### **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 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); 21<sup>st</sup> Century Community Learning Centers (21CCLC); State Grants for Innovative Programs;<sup>18</sup> 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.

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<sup>15</sup> The Secretary may also reserve up to 0.5% for the outlying areas and up to \$14 million for administration, oversight, and evaluation of the State Fiscal Stabilization Fund.

<sup>16</sup> This may also include, if applicable, funding state formula increases to support elementary and secondary education for FY2010 and FY2011 and the phasing-in of state equity and adequacy adjustments if these increases were enacted in state law prior to October 1, 2008.

<sup>17</sup> State support for public institutions of higher education excludes tuition and fees paid by students.

<sup>18</sup> This program has not received funding since FY2007.

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; the programs were funded at \$15.9 billion, or \$13.0 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 excess cost of educating children with disabilities ages 3-21 that each state serves.<sup>19</sup> 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 \$11.5 billion was appropriated, or \$10.0 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.

### **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

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<sup>19</sup> For a detailed explanation of how excess cost and full funding are calculated, see CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*, by (name redacted).

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 did 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 included 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 (name redacted).

## **CRS Products**

CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by (name redacted).

CRS Report R40212, *Early Childhood Care and Education Programs: Background and Funding*, by (name redacted) and (name redacted).

CRS Report RL33960, *The Elementary and Secondary Education Act, as Amended by the No Child Left Behind Act: A Primer*, by (name redacted) and (name redacted).



CRS Report RL31668, *Federal Pell Grant Program of the Higher Education Act: Background and Reauthorization*, by (name redacted).

CRS Report RL32085, *Individuals with Disabilities Education Act (IDEA): Current Funding Trends*, by (name redacted).

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

CRS Report RL33749, *The No Child Left Behind Act: An Overview of Reauthorization Issues for the 111<sup>th</sup> Congress*, by (name redacted).

CRS Report RL34214, *A Primer on the Higher Education Act (HEA)*, by (name redacted).

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)

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
<i>No Child Left Behind Act (non-add)<sup>a</sup></i>	24,540	24,665	25,048	24,671	24,954	14,020	38,974
<i>Total Elementary and Secondary Education Act</i>	24,419	24,544	24,924	24,550	24,831	13,950	38,781
<b>Education for the Disadvantaged</b>							
Title I, Part A Education for the Disadvantaged, Grants to LEAs	13,899	14,305	14,455	14,530	14,492	10,000	24,492
Even Start	66	0	66	66	66	0	66
School Improvement Grants	491	491	600	491	546	3,000	3,546
Reading First State Grants	393	1,000	0	0	0	0	0
Math Now	0	95	0	0	0	0	0
Pell Grants for Kids	0	300	0	0	0	0	0
Migrant Education State Grants	380	400	400	390	395	0	395
Education for the Disadvantaged, other	260	326	267	258	261	0	261
<i>Education for the Disadvantaged subtotal</i>	15,489	16,917	15,788	15,736	15,760	13,000	28,760
<b>Impact Aid</b>							
Impact Aid	1,241	1,241	1,291	1,241	1,266	100	1,366
<b>School Improvement Programs</b>							
Teacher Quality State Grants	2,935	2,835	2,960	2,935	2,948	0	2,948
Mathematics and Science Partnerships	179	179	199	179	179	0	179
Educational Technology State Grants	267	0	272	267	270	650	920
21 <sup>st</sup> Century Community Learning Centers <sup>b</sup>	1,081	800	1,131	1,081	1,131	0	1,131

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
State Assessments	409	409	409	411	411	0	411
Rural Education	172	172	175	172	173	0	173
School Improvement, other	246	172	253	247	250	70	320
<i>School Improvement subtotal</i>	5,289	4,566	5,400	5,292	5,362	720	6,082
<b>Indian Education</b>							
Indian Education	120	120	125	120	122	0	122
<b>Innovation and Improvement</b>							
Charter School Grants	211	236	236	216	216	0	216
Fund for the Improvement of Education general funds (FIE)	254	52	203	196	250	0	250
Teacher Incentive Fund	97	200	112	97	97	200	297
Innovation and Improvement, other	424	379	426	435	433	0	433
<i>Innovation and Improvement subtotal</i>	986	868	978	944	996	200	1,196
<b>State Fiscal Stabilization Fund</b>							
State Fiscal Stabilization Fund	0	0	0	0	0	53,600	53,600
<b>Safe Schools and Citizenship Education</b>							
Safe and Drug-Free Schools State Grants	295	100	295	295	295	0	295
Safe Schools and Citizenship, other	399	182	419	372	396	0	396
<i>Safe Schools and Citizenship subtotal</i>	693	282	713	666	690	0	690
<b>English Language Acquisition</b>							
English Language Acquisition State Grants	700	730	730	730	730	0	730
<b>Special Education</b>							
IDEA, Part B, Grants to States	10,948	11,285	11,552	11,425	11,505	11,300	22,805

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
Special Education, other	1,046	1,051	1,036	1,087	1,074	900	1,974
<i>Special Education subtotal</i>	11,994	12,336	12,588	12,512	12,580	12,200	24,780
<b>Rehabilitation Services and Disability Research</b>							
Vocational Rehabilitation State Grants (mandatory)	2,874	2,975	2,975	2,975	2,975	540	3,515
Rehabilitation Services, other	403	344	413	404	413	140	553
<i>Rehabilitation Services subtotal</i>	3,277	3,319	3,387	3,379	3,388	680	4,068
<b>Special Institutions for Persons with Disabilities</b>							
Special Institutions for Persons With Disabilities	195	200	206	209	211	0	211
<b>Vocational and Adult Education</b>							
Perkins Career and Technical Education	1,272	0	1,294	1,272	1,272	0	1,272
Adult Education	567	575	567	567	567	0	567
Vocational and Adult, other	102	0	98	24	105	0	105
<i>Vocational and Adult Education subtotal</i>	1,942	575	1,960	1,863	1,944	0	1,944
<b>Student Financial Aid</b>							
<i>Pell Grants, maximum award (in dollars, non-add)</i>	4,241	4,310	4,410	4,310	4,860	4,860	9,720
Pell Grants <sup>d</sup>	14,215	16,941	17,335	16,890	17,288	15,640	32,928
Supplemental Educational Opportunity Grants	757	0	757	757	757	0	757
Federal Work-Study	980	980	980	980	980	200	1,180
Federal Perkins Loans	64	0	64	70	67	0	67
Leveraging Educational Assistance Partnership (LEAP)	64	0	64	64	64	0	64
<i>Student Financial Aid subtotal</i>	16,081	17,921	19,201	18,762	19,157	15,840	34,997

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
<b>Student Aid Administration</b>							
Student Aid Administration	696	764	714	705	753	60	813
<b>Higher Education</b>							
Aid for Institutional Development	501	363	510	363	507	0	507
Fund for the Improvement of Postsecondary Education (FIPSE)	120	37	113	64	134	0	134
TRIO Programs	828	828	858	838	848	0	848
GEAR UP	303	303	318	308	313	0	313
Higher Education, other	269	202	283	283	298	100	398
<i>Higher Education subtotal</i>	2,022	1,734	2,081	1,856	2,100	100	2,200
<b>Howard University</b>							
Howard University	233	233	237	233	235	0	235
<b>Institute of Education Sciences</b>							
Institute of Education Sciences	546	658	616	642	617	250	867
<b>Departmental Management</b>							
Departmental Management	552	600	573	572	585	14	599
<b>Department of Education, other<sup>e</sup></b>							
Department of Education, other	1	14	11	11	11	0	11
<b>Pell Grants (mandatory)</b>							
Pell Grants (mandatory)	0	0	0	0	0	1,474	1,474
<b>TOTALS, DEPARTMENT OF EDUCATION</b>							
<b>Total Appropriations<sup>f</sup></b>	<b>62,056</b>	<b>63,077</b>	<b>66,598</b>	<b>65,473</b>	<b>66,508</b>	<b>98,238</b>	<b>164,746</b>
<b>Current-Year Funding</b>	<b>45,038</b>	<b>46,060</b>	<b>44,692</b>	<b>46,706</b>	<b>44,602</b>	<b>98,238</b>	<b>142,840</b>
<b>One-Year Advance Funding</b>	<b>17,017</b>	<b>17,017</b>	<b>21,906</b>	<b>18,767</b>	<b>21,906</b>	<b>0</b>	<b>21,906</b>

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2008 comparable does not include supplemental appropriations from P.L. 110-329(September 2008); see Note c below. Details may not add to totals due to rounding.

- a. The NCLBA total reported in this 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 enacted for FY2009 was \$24,544 million.
- b. In the President’s request, the 21<sup>st</sup> Century Community Learning Centers program was renamed the 21<sup>st</sup> Century Learning Opportunities program.
- c. To assist with recovery following natural disasters in 2008, the Disaster Relief and Recovery Supplemental Appropriations Act, 2008 (Division B of P.L. 110-329) provided FY2008 emergency supplemental appropriations of \$15 million for School Improvement Programs for education for homeless children and youth, and another \$15 million for Higher Education Disaster Relief, to remain available through FY2009. In the tables in this report, these amounts are not reflected in the totals for either year.
- d. Under the Continuing Appropriations Resolution, 2009 (Division A of P.L. 110-329), 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 was \$2.5 billion above the FY2008 level (Section 158).
- e. “Department of Education, other” includes funding for two programs: College Housing and Academic Facilities Loans, and the Historically Black Colleges and Universities Capital Financing program. In addition, the FY2009 request proposed a new Loans for Short-Term Training program. Funding for this new program was not included in the FY2009 Omnibus or in either the House or Senate bills.
- f. 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 George W. Bush Administration requested \$12.1 billion, \$114 million (0.9%) more than the FY2008 amount. The draft bill marked up but not reported by the House Appropriations Committee included \$12.7 billion in discretionary funding, an increase of \$744 million (6.2%) over FY2008. The bill reported by the Senate Committee on Appropriations recommended \$12.6 billion for FY2009, an increase of \$691 million (5.8%) over FY2008. P.L. 111-8 provided \$12.7 billion for FY2009, \$791 million (6.6%) more than for FY2008. ARRA provided an additional \$1.2 billion in discretionary funding for FY2009, some portion of which will not be obligated until FY2010. Total discretionary appropriations for Related Agencies for FY2009 were \$14.0 billion, an increase of \$2.0 billion (16.7%) over FY2008.

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

Funding	FY2008 Comparable	FY2009 Request	FY2009 House Comm.	FY2009 Senate Comm.	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
Appropriations	12.0	12.1	12.7	12.6	12.7	1.2	14.0

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). 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 \$42.7 billion for FY2009, 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;<sup>20</sup> and

- 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.<sup>21</sup>

### **Draft House Bill**

The House Appropriations Committee did not complete its markup of the draft L-HHS-ED bill. Recommended funding for Related Agencies, taken from a table reflecting committee actions, differed by at least \$100 million from the President's budget request, as follows.

- The draft House 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 draft bill did not reduce funding previously advanced for FY2009 and FY2010.
- The draft bill increased funding for SSA administrative expenses by \$100 million above the requested amount of \$10.3 billion, for a total increase over FY2008 of \$682 million.

### **Senate Bill**

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

### **FY2009 Regular Appropriations: P.L. 111-8, Omnibus Appropriations Act, 2009**

Compared to appropriations for FY2008, P.L. 111-8 increased discretionary funding by at least \$100 million for SSA administrative expenses.

- The omnibus increased funding for SSA administrative expenses by \$709 million to \$10.5 billion, up from \$9.7 billion for FY2008.

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<sup>20</sup> 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).

<sup>21</sup> 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).



## **FY2009 Emergency Supplemental Appropriations: P.L. 111-5, American Recovery and Reinvestment Act**

ARRA included a total of \$1.2 billion for Related Agencies. All of the stimulus funding was for discretionary programs, and represented a 9% supplement to the \$12.7 billion in regular FY2009 discretionary funding for these agencies. Of the \$1.2 billion, ARRA provided \$1.0 billion to the Social Security Administration. Of this amount, \$500 million was designated for replacing SSA's National Computer Center and \$500 million for processing disability and retirement claims. SSA's Office of the Inspector General received \$2 million.<sup>22</sup> ARRA provided \$201 million to the Corporation for National and Community Service. This amount included \$89 million for AmeriCorps State and National Grants, \$65 million for the AmeriCorps Volunteers in Service to America program, and \$40 million for the National Service Trust. Among other activities, the National Service Trust provides educational awards to participants in AmeriCorps, VISTA, and the National Civilian Community Corps.

Unlike regular appropriations for SSA and CNCS, ARRA made the stimulus funds available for obligation for two years, until the end of FY2010. Both SSA and CNCS have developed implementation plans for spending the money. The plans for SSA and CNCS are available at <http://www.ssa.gov/recovery> and <http://www.nationalservice.gov/about/recovery/index.asp>, respectively.

## **CRS Products**

CRS Report RS22677, *Social Security Administration: Administrative Budget Issues*, by (name redacted).

CRS Report R40207, *Social Security Administration: Workloads, Resources, and Service Delivery*, by (name redacted).

CRS Report R40188, *Social Security Provisions in the American Recovery and Reinvestment Act of 2009*, by Scott Szymendera.

CRS Report RL33544, *Social Security Reform: Current Issues and Legislation*, by (name redacted).

CRS Report RL33931, *The Corporation for National and Community Service: Overview of Programs and FY2009 Funding*, by Abigail B. Rudman and (name redacted).

CRS Report R40432, *Reauthorization of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 (P.L. 111-13)*, by (name redacted).

CRS Report RS22168, *The Corporation for Public Broadcasting: Federal Funding Facts and Status*, by (name redacted) and (name redacted).

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<sup>22</sup> For more information on ARRA funds for SSA, see CRS Report R40188, *Social Security Provisions in the American Recovery and Reinvestment Act of 2009*, by Scott Szymendera.

## **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 Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
<b>Committee for Purchase from People Who Are Blind or Severely Disabled</b>	5	5	5	5	5	0	5
<b>Corporation for National and Community Service (CNCS)</b>							
CNCS Domestic Volunteer Service Programs (DVSP)							
Volunteers in Service to America (VISTA)	94	92	94	94	96	65	161
National Senior Volunteer Corps	214	174	214	214	214	0	214
<i>DVSP subtotal</i>	308	266	308	308	310	65	375
CNCS National and Community Service Programs (NCSP)							
AmeriCorps Grants	242	274	250	271	271	89	360
National Civilian Community Corps	23	10	20	28	28	0	28
NCSP, other	72	70	72	72	72	0	72
<i>NCSP subtotal</i>	338	354	342	371	371	89	460
National Service Trust <sup>a</sup>	138	132	130	132	131	40	171
CNCS, other	74	78	78	78	78	7	85
<i>CNCS subtotal</i>	856	830	858	888	890	201	1,091
<b>Corporation for Public Broadcasting (CPB)</b>							
CPB, two-year advance for FY2011 (current request) with FY2010 comparable	420	0	430	430	430	0	430
<i>CPB advance for FY2010 with FY2009 comparable (non-add)</i>	400	420	420	420	420	0	420
<i>CPB FY2010 rescission (non-add)</i>	0	-220	0	0	0	0	0

<b>Office or Major Program</b>	<b>FY2008 Comparable</b>	<b>FY2009 Request</b>	<b>FY2009 House Committee</b>	<b>FY2009 Senate Committee</b>	<b>FY2009 Omnibus P.L. 111-8</b>	<b>FY2009 ARRA P.L. 111-5</b>	<b>FY2009 Total</b>
<i>CPB advance for FY2009 with FY2008 comparable (non-add)</i>	393	400	400	400	400	0	400
<i>CPB FY2009 rescission (non-add)</i>	0	-200	0	0	0	0	0
CPB Digitalization Program	29	0	40	29	35	0	35
CPB Interconnection	26	0	27	26	27	0	27
<i>CPB FY2008/FY2009 subtotal</i>	55	0	67	55	61	0	61
<b>Federal Mediation and Conciliation Service</b>	43	45	45	45	45	0	45
<b>Federal Mine Safety and Health Review Committee</b>	8	9	9	9	9	0	9
<b>Institute of Museum and Library Services (IMLS)</b>	264	271	280	259	275	0	275
<b>Medicare Payment Advisory Commission</b>	11	11	11	11	11	0	11
<b>National Commission on Libraries and Information Science (NCLIS)<sup>b</sup></b>	0.4	0	0	0	0	0	0
<b>National Council on Disability</b>	3	3	3	3	3	0	3
<b>National Labor Relations Board</b>	252	263	263	263	263	0	263
<b>National Mediation Board</b>	13	12	13	13	13	0	13
<b>Occupational Safety and Health Review Commission</b>	11	11	11	11	11	0	11
<b>Railroad Retirement Board</b>	181	185	180	180	180	0	180
<b>Social Security Administration (SSA)<sup>c</sup></b>							
SSA Payments to Social Security Trust Funds (mandatory)	28	20	20	20	20	0	20
Supplemental Security Income (SSI) (mandatory)	38,728	42,665	42,665	42,665	42,665	0	42,665
SSI Administrative Expenses	3,019	3,149	3,198	3,165	3,207	1,000	4,207
<i>SSA SSI subtotal</i>	41,746	45,814	45,863	45,830	45,872	1,000	46,872

Office or Major Program	FY2008 Comparable	FY2009 Request	FY2009 House Committee	FY2009 Senate Committee	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total
Social Security and Medicare Administrative Expenses	6,726 <sup>d</sup>	7,178	7,229	7,212	7,247	0	7,247
<i>Total SSA Administrative Expenses (non-add)</i>	<i>9,745</i>	<i>10,327</i>	<i>10,427</i>	<i>10,377</i>	<i>10,454</i>	<i>1,000</i>	<i>11,454</i>
SSA Office of Inspector General	92	98	98	98	98	2	100
<i>SSA subtotal</i>	<i>48,592</i>	<i>53,111</i>	<i>53,211</i>	<i>53,161</i>	<i>53,237</i>	<i>1,002</i>	<i>54,239</i>
<b>TOTALS, RELATED AGENCIES</b>							
<b>Total Appropriations<sup>e</sup></b>	<b>50,713</b>	<b>54,756</b>	<b>55,386</b>	<b>55,334</b>	<b>55,434</b>	<b>1,203</b>	<b>56,637</b>
<b>Current-Year Funding</b>	<b>35,493</b>	<b>39,356</b>	<b>39,556</b>	<b>39,504</b>	<b>39,604</b>	<b>1,203</b>	<b>40,807</b>
<b>One-Year Advance Funding</b>	<b>14,800</b>	<b>15,400</b>	<b>15,400</b>	<b>15,400</b>	<b>15,400</b>	<b>0</b>	<b>15,400</b>
<b>Two-Year Advance Funding</b>	<b>420</b>	<b>0</b>	<b>430</b>	<b>430</b>	<b>430</b>	<b>0</b>	<b>430</b>

**Source:** Amounts are based on a March 2009 table from the House Committee on Appropriations, reflecting House and Senate committee work in the 110<sup>th</sup> Congress on proposed FY2009 L-HHS-ED bills, and final passage of P.L. 111-8 (FY2009 Omnibus Appropriations) and P.L. 111-5 (ARRA). FY2008 comparable does not include supplemental appropriations from P.L. 110-185 (February 2008); see Note d below. Details may not add to totals due to rounding.

- a. In FY2008 appropriations for L-HHS-ED, the National Service Trust was included under National and Community Service Programs (NCSP). The National Service Trust is authorized by the National and Community Service Act of 1990 (NCSA, P.L. 101-610), as amended. NCSA also authorizes AmeriCorps, the National Civilian Community Corps, and other National and Community Service Programs.
- 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 (name redacted) 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](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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<b>Department of Labor (DOL)</b>			
<b>DOL appropriations coordinator</b>	(name redacted)	7-....	/redacted/@crs.loc.gov
Job training and employment services	(name redacted)	7-....	/redacted/@crs.loc.gov
Labor market information	(name redacted)	7-....	/redacted/@crs.loc.gov
Mine Safety and Health Administration	(name redacted)	7-....	/redacted/@crs.loc.gov
Occupational Safety and Health Admin.	(name redacted)	7-....	/redacted/@crs.loc.gov
Office of Workers' Compensation Programs	Scott Szymendera	7-....	/redacted/@crs.loc.gov
Older Americans Act, employment programs	(name redacted)	7-....	/redacted/@crs.loc.gov
Pension and welfare benefits	(name redacted)	7-....	/redacted/@crs.loc.gov
	(name redacted)	7-....	/redacted/@crs.loc.gov
Trade adjustment assistance	(name redacted)	7-....	/redacted/@crs.loc.gov
Unemployment compensation	(name redacted)	7-....	/redacted/@crs.loc.gov
	(name redacted)	7-....	/redacted/@crs.loc.gov
Veterans employment	(name redacted)	7-....	/redacted/@crs.loc.gov
Wage and hour standards	(name redacted)	7-....	/redacted/@crs.loc.gov
Workforce Investment Act (WIA)	(name redacted)	7-....	/redacted/@crs.loc.gov
<b>Department of Health and Human Services (HHS)</b>			
<b>HHS appropriations coordinator</b>	(name redacted)	7-....	/redacted/@crs.loc.gov
Abortion, legal issues	(name redacted)	7-....	/redacted/@crs.loc.gov
Abortion procedures	(name redacted)	7-....	/redacted/@crs.loc.gov
Agency for Healthcare Research and Quality (AHRQ)	(name redacted)	7-....	/redacted/@crs.loc.gov
AIDS, Ryan White programs	(name redacted)	7-....	/redacted/@crs.loc.gov
Bioterrorism, HHS funding	Sarah Lister	7-....	/redacted/@crs.loc.gov
Cancer research	(name redacted)	7-....	/redacted/@crs.loc.gov
Centers for Disease Control and Prevention (CDC)	(name redacted)	7-....	/redacted/@crs.loc.gov
Chafee Foster Care Independence Program	Adrienne L. Fernandes	7-....	/redacted/@crs.loc.gov
Child abuse and neglect, child welfare	(name redacted)	7-....	/redacted/@crs.loc.gov
Child care and development	(name redacted)	7-....	/redacted/@crs.loc.gov
Children's Health Insurance Program (CHIP)	(name redacted)	7-....	/redacted/@crs.loc.gov
Developmental Disabilities Act	Scott Szymendera	7-....	/redacted/@crs.loc.gov



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Domestic violence	Garrine Laney	7-....	/redacted/@crs.loc.gov
Family Planning, Title X	(name redacted)	7-....	/redacted/@crs.loc.gov
Federal health centers	Barbara English	7-....	/redacted/@crs.loc.gov
Foster care and adoption	(name redacted)	7-....	/redacted/@crs.loc.gov
Global health; international AIDS, TB, and malaria	Tiaji Salaam-Blyther (name redacted)	7-.... 7-....	/redacted/@crs.loc.gov /redacted/@crs.loc.gov
Head Start	(name redacted)	7-....	/redacted/@crs.loc.gov
Health professions/Health workforce programs	(name redacted)	7-....	/redacted/@crs.loc.gov
Health Resources and Services Admin.	(name redacted)	7-....	/redacted/@crs.loc.gov
Immunization	(name redacted)	7-....	/redacted/@crs.loc.gov
Low-Income Home Energy Assistance Program (LIHEAP)	(name redacted)	7-....	/redacted/@crs.loc.gov
Maternal and child health, general	(name redacted)	7-....	/redacted/@crs.loc.gov
Maternal and Child Health Block Grant	(name redacted)	7-....	/redacted/@crs.loc.gov
Medicaid	(name redacted)	7-....	/redacted/@crs.loc.gov
Medicare	Holly Sue Stockdale	7-....	/redacted/@crs.loc.gov
Mentoring programs for vulnerable youth	Adrienne L. Fernandes	7-....	/redacted/@crs.loc.gov
Needle exchange, AIDS	(name redacted)	7-....	/redacted/@crs.loc.gov
NIH, health research policy	(name redacted)	7-....	/redacted/@crs.loc.gov
Older Americans Act	(name redacted)	7-....	/redacted/@crs.loc.gov
Pandemic influenza/bird flu	(name redacted)	7-....	/redacted/@crs.loc.gov
Public Health Service	(name redacted)	7-....	/redacted/@crs.loc.gov
Randolph-Sheppard Act	Scott Szymendera	7-....	/redacted/@crs.loc.gov
Refugee Resettlement Assistance	(name redacted)	7-....	/redacted/@crs.loc.gov
Runaway and Homeless Youth Act	Adrienne L. Fernandes	7-....	/redacted/@crs.loc.gov
Social Services Block Grant	(name redacted)	7-....	/redacted/@crs.loc.gov
Stem cell research, cloning	(name redacted) (name redacted)	7-.... 7-....	/redacted/@crs.loc.gov /redacted/@crs.loc.gov
Substance Abuse and Mental Health Services Administration (SAMHSA)	(name redacted)	7-....	/redacted/@crs.loc.gov
Temporary Assistance for Needy Families (TANF)	(name redacted)	7-....	/redacted/@crs.loc.gov
<b>Department of Education (ED)</b>			
<b>ED appropriations coordinator</b>	<b>(name redacted)</b>	<b>7-....</b>	<b>/redacted/@crs.loc.gov</b>
Adequate Yearly Progress (AYP)	(name redacted)	7-....	/redacted/@crs.loc.gov
Adult education and literacy	(name redacted)	7-....	/redacted/@crs.loc.gov
After-school programs	(name redacted)	7-....	/redacted/@crs.loc.gov

<b>Area of Expertise</b>	<b>Name</b>	<b>Phone</b>	<b>E-mail</b>
Assessment in education	Erin D. Caffrey	7-....	/redacted/@crs.loc.gov
Career (vocational) and technical education	(name redacted) (name redacted)	7-.... 7-....	/redacted/@crs.loc.gov /redacted/@crs.loc.gov
Charter schools/school choice	(name redacted)	7-....	/redacted/@crs.loc.gov
College costs and prices	(name redacted)	7-....	/redacted/@crs.loc.gov
Education block grants	(name redacted)	7-....	/redacted/@crs.loc.gov
Education for the Disadvantaged, Title I	(name redacted)	7-....	/redacted/@crs.loc.gov
Education technology	Erin D. Caffrey	7-....	/redacted/@crs.loc.gov
Elementary and Secondary Education	(name redacted)	7-....	/redacted/@crs.loc.gov
English language acquisition	(name redacted)	7-....	/redacted/@crs.loc.gov
Higher education	(name redacted)	7-....	/redacted/@crs.loc.gov
Impact Aid	(name redacted)	7-....	/redacted/@crs.loc.gov
Indian education	(name redacted)	7-....	/redacted/@crs.loc.gov
Pell Grants	Shannon Mahan	7-....	/redacted/@crs.loc.gov
Reading programs	(name redacted)	7-....	/redacted/@crs.loc.gov
Rehabilitation Act	Scott Szymendera	7-....	/redacted/@crs.loc.gov
Safe & Drug-Free Schools & Communities	(name redacted)	7-....	/redacted/@crs.loc.gov
Special education, IDEA	(name redacted)	7-....	/redacted/@crs.loc.gov
Special education, IDEA, legal issues	(name redacted)	7-....	/redacted/@crs.loc.gov
Student aid/need analysis	(name redacted) Shannon Mahan	7-.... 7-....	/redacted/@crs.loc.gov /redacted/@crs.loc.gov
Student loans	(name redacted)	7-....	/redacted/@crs.loc.gov
Teacher recruitment, preparation, & training	(name redacted)	7-....	/redacted/@crs.loc.gov
<b>Related Agencies</b>			
Corp. for National & Community Service (VISTA, Senior Corps, AmeriCorps)	(name redacted) Abigail B. Rudman	7-.... 7-....	/redacted/@crs.loc.gov /redacted/@crs.loc.gov
Corporation for Public Broadcasting	(name redacted)	7-....	/redacted/@crs.loc.gov
Institute of Museum and Library Services	(name redacted)	7-....	/redacted/@crs.loc.gov
National Labor Relations Board	(name redacted)	7-....	/redacted/@crs.loc.gov
Natl Labor Relations Board, legal issues	(name redacted)	7-....	/redacted/@crs.loc.gov
Railroad Retirement Board	(name redacted)	7-....	/redacted/@crs.loc.gov
Social Security Administration (SSA), administrative expenses	(name redacted)	7-....	/redacted/@crs.loc.gov
Supplemental Security Income (SSI)	Scott Szymendera	7-....	/redacted/@crs.loc.gov

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