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Summary

This report provides an overview of actions taken by Congress to provide FY2012 appropriations for the accounts funded by the Departments of Labor, Health and Human Services, Education, and Related Agencies (L-HHS-ED) appropriations bill. The L-HHS-ED bill provides funding for all accounts subject to the annual appropriations process at the Departments of Labor and Education. It provides annual appropriations for most agencies within the Department of Health and Human Services, with certain exceptions (e.g., the Food and Drug Administration is funded via the Agriculture appropriations bill). The L-HHS-ED bill also provides funding for more than a dozen related agencies, including the Social Security Administration. The bill includes discretionary and mandatory funding, but this report focuses primarily on discretionary funding.

On December 23, 2011, following several short-term continuing resolutions for FY2012, President Obama signed into law the Consolidated Appropriations Act, 2012 (P.L. 112-74) and the Disaster Relief Appropriations Act, 2012 (P.L. 112-77). Combined, these two appropriations laws provide $164 billion in discretionary funding for L-HHS-ED, which is 0.6% less than the comparable FY2011 funding level of $165 billion and 8.6% less than the FY2012 President's Budget request of $179 billion. In addition, the FY2012 annual appropriations law (P.L. 112-74) provides an estimated $577 billion in mandatory L-HHS-ED funding, for a total of $741 billion for L-HHS-ED as a whole. Note that the FY2012 amounts discussed here and throughout the report have not been adjusted to reflect the 0.189% across-the-board rescission required by P.L. 112-74, Division F, for most discretionary L-HHS-ED appropriations.

Prior to the enactment of P.L. 112-74, both the House and Senate had initiated action on full-year FY2012 L-HHS-ED appropriations. On September 29, the House introduced a bill (H.R. 3070) that would have provided nearly $160 billion in discretionary funding for L-HHS-ED accounts. On September 22, the Senate Committee on Appropriations reported a bill (S. 1599, S.Rept. 112-84) that would have provided $165 billion in discretionary funding for L-HHS-ED accounts.

Department of Labor (DOL): The FY2012 annual appropriations law provides $12.6 billion in discretionary funding for DOL. This amount is 0.7% less than the comparable FY2011 funding level of $12.7 billion and 2% less than the FY2012 President's request of $12.8 billion.

Department of Health and Human Services (HHS): The FY2012 annual appropriations law provides $69.8 billion in discretionary funding for HHS. This amount is 1% less than the comparable FY2011 funding level of $70.4 billion and 5% less than the FY2012 President's request of $73.1 billion.

Department of Education (ED): The FY2012 annual appropriations law provides $68.2 billion in discretionary funding for ED. This amount is 0.3% less than the comparable FY2011 funding level of $68.4 billion and 12% less than the FY2012 President's request of $77.4 billion.

Related Agencies: The FY2012 annual appropriations law provides $13.4 billion in discretionary funding for related agencies included in L-HHS-ED appropriations. In addition, the FY2012 disaster relief appropriations law (P.L. 112-77) provides $493 million in discretionary funding for the Social Security Administration (one of the L-HHS-ED related agencies), for a combined total of $13.9 billion. This amount is 0.1% more than the comparable FY2011 funding level of $13.8 billion and 9% less than the FY2012 President's request of $15.2 billion.

Contents

Introduction 1
Report Roadmap and Useful Terminology 1
Scope of the Report 2
Important Budget Concepts 2
Mandatory vs. Discretionary Appropriations 2
Total Budget Authority Provided in the Bill Versus Total Budget Authority Available in the Fiscal Year 3
Status of FY2012 L-HHS-ED Appropriations 4
Enacted FY2012 Appropriations 4
Initial Congressional Actions on an FY2012 L-HHS-ED Bill 5
FY2012 President's Budget Request 6
Conclusion of the FY2011 Annual Appropriations Process 6
Summary of FY2012 L-HHS-ED Appropriations 6
Discretionary L-HHS-ED Funding Trends 9
FY2012 Budget Enforcement Activities 10
The Budget Control Act of 2011 10
FY2012 Budget Resolution and 302(b) Allocations 11
Department of Labor 12
About DOL 13
FY2012 DOL Appropriations Overview 13
FY2012 DOL Discretionary Highlights 14
Employment and Training Administration (ETA) 14
Employee Benefit Security Administration (EBSA) 15
Wage and Hour Division (WHD) 15
Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) 15
Bureau of Labor Statistics (BLS) 16
Detailed DOL Appropriations Table 16
Department of Health and Human Services 18
About HHS 18
FY2012 HHS Appropriations Overview 19
FY2012 HHS Discretionary Highlights 20
Public Health Service Evaluation Tap 21
HHS Highlights by Program Area 21
Funding Restrictions Related to Certain Controversial Issues 25
Detailed HHS Appropriations Table 25
Department of Education 30
About ED 30
FY2012 ED Appropriations Overview 31
FY2012 ED Discretionary Highlights 31
Detailed ED Appropriations Table 34
Related Agencies 39
FY2012 Related Agencies Appropriations Overview 39
FY2012 Related Agencies Discretionary Highlights 41

Detailed Related Agencies Appropriations Table 42

Figures

Figure 1. FY2012 Discretionary and Mandatory Appropriations for Labor, HHS, Education, and Related Agencies 5
Figure 2. FY2012 L-HHS-ED Appropriations by Title 9
Figure 3. FY2012 HHS Appropriations by Agency 20

Tables

Table 1. Status of Full-Year L-HHS-ED Appropriations Legislation, FY2012 4
Table 2. L-HHS-ED Appropriations Overview by Bill Title, FY2011-FY2012 7
Table 3. Trends in Annual L-HHS-ED Discretionary Appropriations, FY2003-FY2012 9
Table 4. FY2012 Discretionary 302(b) Allocations and Comparable L-HHS-ED Appropriations 12
Table 5. Department of Labor Appropriations Overview 13
Table 6. Detailed Department of Labor Appropriations 16
Table 7. Department of Health and Human Services Appropriations Overview 19
Table 8. Detailed Department of Health and Human Services Appropriations 26
Table 9. Department of Education Appropriations Overview 31
Table 10. Detailed Department of Education Appropriations 35
Table 11. Related Agencies Appropriations Overview 40
Table 12. Detailed Related Agencies Appropriations 42

Contacts

Author Information 44

Introduction

This report provides an overview of the Obama Administration's FY2012 budget request and the status of FY2012 appropriations for accounts traditionally funded in the appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies (L-HHS-ED). This bill provides discretionary and mandatory appropriations to three federal departments: the Department of Labor (DOL), the Department of Health and Human Services (HHS), and the Department of Education (ED). In addition, the bill provides annual appropriations for more than a dozen related agencies, including the Social Security Administration (SSA).

Discretionary funds represent less than one-quarter of the total funds appropriated in the L-HHS-ED bill. Nevertheless, the L-HHS-ED bill is typically the largest single source of discretionary funds for domestic non-defense federal programs among the various appropriations bills (the Department of Defense bill is the largest source of discretionary funds among all federal programs). The bulk of this report is focused on discretionary appropriations because these funds receive the most attention during the appropriations process.

The L-HHS-ED bill typically is one of the more controversial of the regular appropriations bills because of the size of its funding total and the scope of its programs, as well as various related issues, such as restrictions on the use of federal funds for abortion and for research on human embryos and stem cells.

Report Roadmap and Useful Terminology

This report is divided into several sections. The current section provides an explanation of the scope of the L-HHS-ED bill (and hence, the scope of this report), as well as an introduction to important terminology and concepts that carry throughout the report.

This is followed by a section on the status of the FY2012 appropriations process for the L-HHS-ED bill as a whole. This section provides a broad overview of the major congressional actions on FY2012 L-HHS-ED appropriations, including House (H.R. 3070) and Senate (S. 1599) steps toward full-year funding which culminated in the enactment of the Consolidated Appropriations Act, 2012 (P.L. 112-74). For context, this section also briefly reviews the conclusion of the FY2011 appropriations process.

The next section provides a brief summary and analysis of final mandatory and discretionary FY2012 appropriations, by bill title, compared to proposed funding for FY2012 and comparable funding for FY2011.

This is followed by a section which provides an overview of discretionary L-HHS-ED funding over the past ten years, placing FY2012 appropriations in an historical context.

The next section provides a summary of budget enforcement activities for FY2012. This includes a brief description of the Budget Control Act of 2011 (and how it relates to L-HHS-ED) and an overview of House and Senate steps toward a budget resolution and 302(b) allocations (i.e., budget enforcement caps).

Finally, the report concludes with detailed sections for each of the major components of the bill: the Department of Labor, the Department of Health and Human Services, the Department of Education, and Related Agencies. Note that the FY2012 enacted numbers cited throughout these sections, and the report as a whole, do not yet reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

Scope of the Report

This report is focused strictly on appropriations to agencies and accounts that are subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and the Senate Appropriations Committees (i.e., accounts traditionally funded via the L-HHS-ED bill). Department "totals" provided in this report do not include funding for accounts or agencies that are traditionally funded by appropriations bills under the jurisdiction of other subcommittees.

The L-HHS-ED bill provides appropriations for the following federal departments and agencies:

- the Department of Labor;
- the majority of the Department of Health and Human Services, except for the Food and Drug Administration (provided in the Agriculture appropriations bill), the Indian Health Service (provided in the Interior-Environment appropriations bill), and the Agency for Toxic Substances and Disease Registry (also funded through the Interior-Environment appropriations bill);
- the Department of Education; and
- more than a dozen related agencies, including the Social Security Administration, the Corporation for National and Community Service, the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Labor Relations Board, and the Railroad Retirement Board.

Note also that funding totals displayed in this report do not reflect amounts provided outside of the regular appropriations process. Certain direct spending programs, such as Old-Age and Survivors Insurance (i.e., Social Security retirement) and parts of Medicare, receive funding directly from their authorizing statute; such funds are not reflected in the totals provided in this report because they are not subject to the regular appropriations process (see related discussion in the "Important Budget Concepts" section).

Important Budget Concepts

Mandatory vs. Discretionary Appropriations[1]

The L-HHS-ED bill includes both discretionary and mandatory funding. While all discretionary spending is subject to the annual appropriations process, only a portion of all mandatory spending is provided in appropriations measures.

Mandatory programs funded through the annual appropriations process are commonly referred to as *appropriated entitlements*. In general, appropriators have little control over the amounts provided for appropriated entitlements; rather, the authorizing statute establishes the program parameters (e.g., eligibility rules, benefit levels) that entitle certain recipients to payments. If Congress does not appropriate the money necessary to meet these commitments, entitled recipients (e.g., individuals, states, or other entities) may have legal recourse.[2]

[1] For definitions of these and other budget terms, see U.S. Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 1, 2005, http://www.gao.gov/products/GAO-05-734SP. (Terms of interest may include appropriated entitlement, direct spending, discretionary, entitlement authority, and mandatory.)

[2] Sometimes appropriations measures include amendments to legislation authorizing mandatory spending programs and thereby change the amount of mandatory appropriations needed. Because such amendments are legislative in nature,

Not all mandatory spending is provided through the annual appropriations process. Certain entitlements receive *direct spending* budget authority from their authorizing statute (e.g., Social Security retirement) and thus are not subject to the annual appropriations process. The funding amounts displayed in this report do not include direct spending budget authority provided outside the regular appropriations process. Instead, the amounts in this report reflect only those funds, discretionary and mandatory, that are provided through appropriations bills.

Note that, as displayed in this report, mandatory amounts for the FY2012 President's request reflect current law (or current services) estimates; they do not reflect any of the Administration's proposed changes to a program's authorizing statute that might affect total spending. (In general, such proposals are excluded from this report, as they typically require authorizing legislation.)

Note also that the report focuses most closely on discretionary funding. This is because discretionary funding receives the bulk of attention during the appropriations process. (As noted earlier, although the L-HHS-ED bill includes more mandatory funding than discretionary funding, the appropriators generally have less flexibility in adjusting mandatory funding levels than discretionary funding levels.)

Total Budget Authority Provided in the Bill Versus Total Budget Authority Available in the Fiscal Year

Budget authority is the amount of money Congress allows a federal agency to commit or spend. Appropriations bills may include budget authority that becomes available in the current fiscal year, in future fiscal years, or some combination. Amounts that become available in future fiscal years are typically referred to as *advance appropriations*.

Unless otherwise specified, appropriations levels displayed in this report refer to the total amount of *budget authority provided in an appropriations bill* (i.e., "total in the bill"), regardless of the year in which the funding becomes available.[3] In some cases, the report breaks out "current year" appropriations (i.e., the amount of *budget authority available for obligation in a given fiscal year*, regardless of the year in which it was first appropriated).[4]

As the annual appropriations process unfolds, current year appropriations (plus any additional adjustments for congressional scorekeeping) are measured against 302(b) allocation ceilings (budget enforcement caps for appropriations subcommittees that traditionally emerge following the budget resolution process). Unless otherwise specified, appropriations levels displayed in this report do not reflect additional *scorekeeping adjustments*, which are made by the Congressional Budget Office (CBO) to reflect conventions and special instructions of Congress.[5]

they may violate parliamentary rules separating authorizations and appropriations. For more information, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter.

[3] Such figures include advance appropriations for future fiscal years, but do not include advance appropriations from prior years that become available in the current year.

[4] Such figures exclude advance appropriations for future years, but include advance appropriations from prior years that become available in the current year.

[5] For more information on scorekeeping, see CRS Report 98-560, *Baselines and Scorekeeping in the Federal Budget Process*, by Bill Heniff Jr. See also a discussion of key scorekeeping guidelines included in the joint explanatory statement accompanying the conference report to the Balanced Budget Act of 1997 (H.Rept. 105-217, pp. 1007-1014).

Dollars and Percents in this Report

Funding totals displayed in this report are typically rounded to the nearest million or billion (as labeled). Dollar changes and percent changes discussed in the text of this report are based on unrounded amounts.

Enacted FY2012 amounts in this report have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts (except Pell Grants).

Status of FY2012 L-HHS-ED Appropriations

Table 1 provides a timeline of major legislative action toward full-year L-HHS-ED appropriations for FY2012. The remainder of this section provides additional detail on these and other steps toward full-year L-HHS-ED appropriations.

Table 1. Status of Full-Year L-HHS-ED Appropriations Legislation, FY2012

	Subcommittee Markup		Full Committee Markup		Initial Passage		Resolution of House and Senate Differences			
Bill	**House**	**Senate**	**House**	**Senate**	**House**	**Senate**	**Conf. Report**	**House Passage**	**Senate Passage**	**Public Law**
H.R. 2055							12/15/11 H.Rept. 112-331	12/16/11	12/17/11	12/23/11 P.L. 112-74
H.R. 3070	[a]									
S. 1599		9/20/11		9/21/11 S.Rept. 112-84						

Source: Table prepared by the Congressional Research Service.

Notes: Before the President signed H.R. 2055 into law (P.L. 112-74) on December 23, FY2012 L-HHS-ED appropriations had been provided by a series of short-term continuing resolutions: P.L. 112-33 (through October 4), P.L. 112-36 (through November 18), P.L. 112-55 (through December 16), P.L. 112-67 (through December 17), and P.L. 112-68 (through December 23).

a. H.R. 3070 was introduced in the House on September 29, 2011. This bill was never marked up, but the House Committee on Appropriations publicly released a detailed table to accompany the bill: http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.

Enacted FY2012 Appropriations

On December 23, 2011, President Obama signed into law the Consolidated Appropriations Act, 2012 (H.R. 2055, H.Rept. 112-331, P.L. 112-74), which had been passed by the House on December 16 and by the Senate on December 17. This appropriations "megabus" provides FY2012 appropriations for nine of the twelve regular appropriations bills, including L-HHS-ED. The law provides $163.9 billion in discretionary funding for accounts traditionally funded by the L-HHS-ED bill, which is nearly 1% less than the comparable FY2011 funding level. In addition, the law provides an estimated $576.7 billion in mandatory funding[6] for L-HHS-ED accounts, for a total of $740.6 billion for the bill as a whole. (Note that these totals do not reflect the 0.189% across-the-board rescission required for most discretionary L-HHS-ED accounts.) Prior to

[6] This amount is a point-in-time estimate and may change based on actual claims for certain open-ended entitlements.

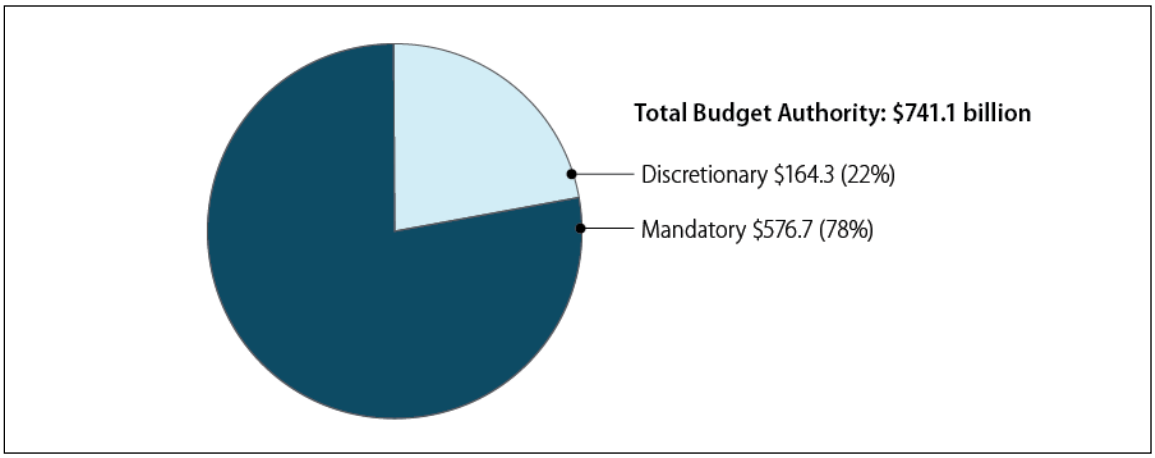
December 23, L-HHS-ED funding for FY2012 had been provided by a series of short-term continuing resolutions (P.L. 112-68, P.L. 112-67, P.L. 112-55, P.L. 112-36, and P.L. 112-33).

Also on December 23, President Obama signed into law the Disaster Relief Appropriations Act, 2012 (H.R. 3672, P.L. 112-77), which—along with the FY2012 Consolidated Appropriations Act—had been passed by the House on December 16 and by the Senate on December 17. The only L-HHS-ED funding in this law is $484 million for program integrity activities at the Social Security Administration. When combined with the annual appropriations provided by P.L. 112-74, these supplemental funds for SSA bring the total FY2012 L-HHS-ED discretionary funding level up to $164.3 billion.

Figure 1 displays the FY2012 breakdown of discretionary and mandatory funding provided for L-HHS-ED agencies by P.L. 112-74 and P.L. 112-77. (For additional details on amounts provided by bill title, see **Table 2**.)

Figure 1. FY2012 Discretionary and Mandatory Appropriations for Labor, HHS, Education, and Related Agencies

(budget authority in billions of dollars)



Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74, adjusted to include $483 million in discretionary supplemental funds provided by P.L. 112-77.

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Amounts have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

Initial Congressional Actions on an FY2012 L-HHS-ED Bill

Before the enactment of P.L. 112-74, both the House and Senate had initiated action on full-year FY2012 L-HHS-ED appropriations.

On September 29, 2011, a bill was introduced in the House to provide year-long FY2012 L-HHS-ED appropriations (H.R. 3070). The bill would have provided nearly $160 billion in discretionary funding, which is about 3% less than comparable FY2011 funding. The House bill would have also provided an estimated $577 billion in mandatory funding, for a total of $737 billion in the

bill as a whole. This bill was not marked up by the L-HHS-ED Appropriations Subcommittee or by the full House Appropriations Committee.[7]

On September 22, 2011, the Senate Committee on Appropriations reported a bill that would have provided year-long FY2012 L-HHS-ED appropriations (S. 1599, S.Rept. 112-84). The Senate bill would have provided roughly $165 billion in discretionary funding, which is roughly the same as comparable FY2011 funding. The Senate bill would have also provided an estimated $577 billion in mandatory funding, for a total of $742 billion in the bill as a whole.

FY2012 President's Budget Request

On February 14, 2011, before the final FY2011 Continuing Resolution (CR) had been enacted, the Obama Administration released its FY2012 Budget. The President's Budget requested $178.5 billion in discretionary funding for accounts funded by the L-HHS-ED bill (+8% from comparable FY2011). In addition, the President's Budget requested roughly $577.1 billion in annually appropriated mandatory funding (based on the most recent current law estimates), for a total of $755.6 billion for the L-HHS-ED bill as a whole.

Conclusion of the FY2011 Annual Appropriations Process

In FY2011, annual L-HHS-ED appropriations were provided through a series of continuing resolutions. On April 15, 2011, President Obama signed into law the eighth—and final—CR for FY2011, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10). The final FY2011 CR provided $165.3 billion in discretionary funding for accounts traditionally funded by the L-HHS-ED bill. In addition, the bill provided an estimated $557.4 billion in mandatory funding[8] for L-HHS-ED accounts, for a total of $722.7 billion in the bill as a whole.[9] (For additional details on amounts provided by bill title, see **Table 2**.)

Summary of FY2012 L-HHS-ED Appropriations

Table 2 lists the total amount of FY2012 discretionary and mandatory L-HHS-ED funding provided or proposed, by title, compared to comparable funding provided in FY2011. The table displays the total amounts enacted for FY2012 to date, which include combined funding provided by the final FY2012 annual appropriations law (P.L. 112-74) and the FY2012 disaster relief law (P.L. 112-77). The table also shows proposed funding levels from the FY2012 House (H.R. 3070) and Senate (S. 1599) L-HHS-ED appropriations bills, as well as the FY2012 President's request. **Table 2** displays funding in two ways: total budget authority provided in the bill (i.e., current bill for any fiscal year) and total budget authority available in the fiscal year (i.e., current year funding from any bill).

[7] For information on funding levels proposed in H.R. 3070, see a detailed table released by the House Appropriations Committee at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.

[8] This amount reflects a more recent point-in-time estimate for mandatory spending than was available at the time the FY2011 law was signed. This amount may continue to change based on actual claims for open-ended entitlements.

[9] These amounts reflect adjustments for comparability to FY2012.

Table 2. L-HHS-ED Appropriations Overview by Bill Title, FY2011-FY2012

(budget authority (BA) in billions of dollars)

Title	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Total Budget Authority Provided in the Bill (Funding from Current Bill for Any Year)	**722.74**	**755.57**	**737.12**	**742.43**	**741.07**
Discretionary:					
Department of Labor	12.67	12.82	10.40	12.69	12.57
Department of Health and Human Services	70.44	73.12	70.25	70.18	69.75
Department of Education	68.35	77.40	65.91	68.43	68.16
Related Agencies	13.85	15.18	13.17	14.09	13.86
Subtotal, Discretionary BA Provided in the Bill	**165.30**	**178.52**	**159.73**	**165.38**	**164.34**
Mandatory:					
Department of Labor	1.74	1.98	1.98	1.98	1.98
Department of Health and Human Services	502.69	519.48	519.83	519.48	519.19
Department of Education	3.08	3.12	3.14	3.12	3.12
Related Agencies	49.91	52.46	52.44	52.46	52.43
Subtotal, Mandatory BA Provided in the Bill	**557.43**	**577.05**	**577.39**	**577.05**	**576.73**
Total Budget Authority Available in the Fiscal Year (Current Year Funding from Any Bill)	**725.55**	**746.47**	**728.48**	**733.32**	**731.95**
Discretionary:					
Department of Labor	12.66	12.85	12.87	12.69	13.26
Department of Health and Human Services	70.44	73.12	70.25	70.18	69.75
Department of Education	68.32	77.40	63.47	68.43	67.46
Related Agencies	13.83	15.17	13.62	14.09	13.86
Subtotal, Discretionary BA Available in the Fiscal Year	**165.26**	**178.54**	**160.20**	**165.38**	**164.34**
Mandatory:					
Department of Labor	1.75	1.98	1.98	1.98	1.98
Department of Health and Human Services	502.94	515.16	515.51	515.16	514.87
Department of Education	3.08	3.12	3.14	3.12	3.12
Related Agencies	52.51	47.66	47.64	47.66	47.63
Subtotal, Mandatory BA Available in the Fiscal Year	**560.28**	**567.93**	**568.27**	**567.93**	**567.61**
Memoranda					
Advances for Future Years (provided in the current bill)[a]	127.75	136.85	136.40	136.87	136.87
Advances from Prior Years (for use in the current year)[a]	130.56	127.77	127.77	127.77	127.77
Additional Scorekeeping Adjustments[b]	-7.84	2.27	-6.79	-7.36	-7.57

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Amounts have been adjusted to include $483 million in supplemental funds for the Social Security Administration (a related agency) provided by P.L. 112-77.

Notes: Details may not add to totals due to rounding. Amounts reflect only those provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations. Where appropriate, FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. The amounts shown as "budget authority available for the fiscal year" (i.e., current year funding) have been adjusted to reflect advances. (The calculation is as follows: total budget authority provided in the bill *minus* advances for future years *plus* advances from prior years.)

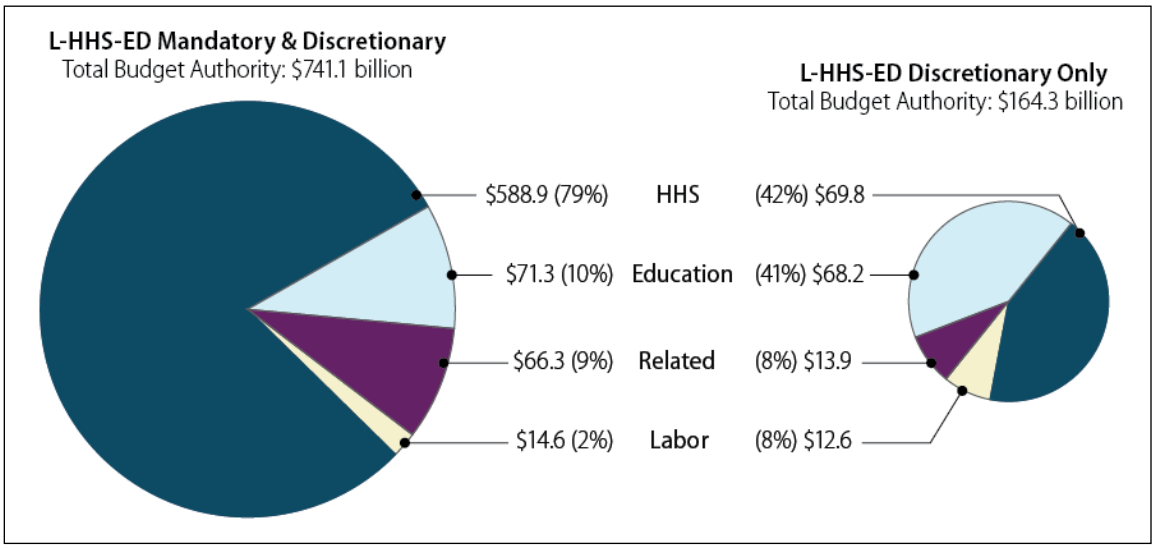
b. Totals in this table have not been adjusted for scorekeeping. (To adjust for scorekeeping, add this line to the total budget authority.)

When taking into account both mandatory and discretionary funding, HHS received more than three-quarters of the FY2011 and FY2012 L-HHS-ED appropriations (see **Figure 2** for the bill composition in FY2012). This is largely due to the sizable amount of mandatory funding included in the HHS appropriation, the majority of which is for Medicaid and payments to health care trust funds. The Department of Education accounts for the next largest share of FY2011 and FY2012 appropriations: roughly 10% of total mandatory and discretionary L-HHS-ED funding in each year. Unlike HHS, however, the funds going to the Department of Education are primarily discretionary dollars. The related agencies included in the L-HHS-ED bill constitute the next largest share of funding—about 9% of total funds in both FY2011 and FY2012, with the bulk of these funds going toward mandatory benefit payments and administrative costs of the Supplemental Security Income program at the Social Security Administration. Finally, the Department of Labor accounts for the smallest share of total mandatory and discretionary L-HHS-ED funding: roughly 2% in FY2011 and FY2012.

When looking only at discretionary appropriations, however, the composition of L-HHS-ED funding is noticeably different (see **Figure 2**). For one thing, HHS accounts for a much smaller share of total funding, roughly 42% of all discretionary appropriations in FY2011 and FY2012. By contrast, the Department of Education represents a much larger share, accounting for 41% of discretionary-only funding in each of FY2011 and FY2012. This means that HHS and the Department of Education together account for the dominant shares of discretionary-only L-HHS-ED funding in FY2011 and FY2012 (roughly 84% combined). Meanwhile, discretionary funding for related agencies and the Department of Labor combined to account for a roughly even split of the remaining 16% of L-HHS-ED funding in FY2011 and FY2012.

Figure 2. FY2012 L-HHS-ED Appropriations by Title

(budget authority in billions of dollars)



Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74, adjusted to include $483 million in discretionary supplemental funds provided by P.L. 112-77.

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Amounts have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

Discretionary L-HHS-ED Funding Trends

Table 3 shows the trends in discretionary budget authority enacted in the annual (not including supplementals) L-HHS-ED appropriations laws for FY2003 through FY2012. During these years, L-HHS-ED discretionary appropriations have grown by 24% from $132.4 billion in FY2003 to $163.9 billion in FY2012, an increase of $31.5 billion. Note, however, that this estimate is based on nominal dollars only and does not reflect effects of inflation over time.

Table 3. Trends in Annual L-HHS-ED Discretionary Appropriations, FY2003-FY2012

(budget authority in billions of nominal dollars)

FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
132.4	139.7	143.4	141.5	144.7	148.6	160.1	165.8	165.3	163.9

Source: L-HHS-ED totals for FY2003-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 data are from the 4-17-07 table; FY2007 data are from the 12-17-07 table; FY2008 data are from the 3-12-09 table; FY2009 data are from the 12-9-09 table (increased by earlier LIHEAP funding); FY2010 data are from the 5-27-11 table; and FY2011 and FY2012 amounts are from the 12-20-11 table.

Notes: Totals reflect only regular L-HHS-ED appropriations, and do not include supplemental appropriations. Amounts reflect total discretionary funding appropriated in the L-HHS-ED bill for any year.

FY2012 Budget Enforcement Activities

This section of the report provides a brief overview of notable budget enforcement activities, as they relate to the FY2012 appropriations process. This includes an introduction to the Budget Control Act of 2011, the House-passed FY2012 Budget Resolution, and the status of House and Senate 302(b) allocations (i.e., budget enforcement caps) for FY2012 L-HHS-ED appropriations.

The Budget Control Act of 2011

On August 2, 2011, President Obama signed the Budget Control Act of 2011 (BCA; P.L. 112-25) into law following lengthy negotiations surrounding the national debt limit.[10] The law included provisions authorizing increases in the debt limit, as well as provisions designed to reduce the federal deficit. One way the law seeks to reduce deficits is by establishing discretionary spending caps, which limit the amount of money that can be provided through the annual appropriations process for each of the next ten fiscal years.

The FY2012 appropriations bills are the first to be affected by these discretionary spending caps. For FY2012, the BCA established an overall discretionary cap of $1.043 trillion and divided the funding under this cap into two categories: $684 billion for security spending and $359 billion for non-security spending. In FY2012, the security category is defined, per Title I of the BCA, to include funding for the Department of Defense, the Department of Veterans Affairs, the National Nuclear Security Administration, the Intelligence Community Management Account (which funds the offices of the Director of National Intelligence), and all discretionary budget accounts within Budget Function 150 (international affairs). All other funding is considered to be non-security, including the entire L-HHS-ED appropriation for FY2012.[11]

The BCA allows for adjustments to annual discretionary spending caps for certain costs related to overseas contingency operations/Global War on Terror, emergency spending, and—to a limited extent—disaster relief and appropriations for continuing disability reviews and redeterminations (at the Social Security Administration) and for controlling health care fraud and abuse (at HHS). Adjustments for the latter two categories are specific to L-HHS-ED. In FY2012, total discretionary appropriations for continuing disability reviews and redeterminations ($757 million) required a cap adjustment of $483 million, which is $140 million less than the maximum allowable adjustment.[12] Meanwhile, total discretionary FY2012 appropriations for health care fraud and abuse ($310 million) did not require any adjustment to the discretionary cap.[13]

The BCA's statutory budget caps are enforceable via a process known as sequestration. If the caps are exceeded in any year, sequestration requires the executive branch to proportionally reduce funding for all non-exempt agencies, accounts, programs, projects, and activities by the

[10] For a more detailed explanation of the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

[11] Notably, the FY2012 annual appropriations law (P.L. 112-74) did not direct any of the funding appropriated to the HHS National Institutes of Health (NIH) toward the Global Fund to Fight AIDS, Tuberculosis, and Malaria. In prior years, appropriations laws had directed that a portion of NIH appropriations ($297 million in FY2011) be made available to this Global Fund, which is an International Assistance Program within Budget Function 150, and would thus be categorized as security spending under Title I of the BCA.

[12] Office of Management and Budget, *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2012*, January 18, 2012, p. 6, http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_final_jan2012.pdf.

[13] Ibid, p. 7. The law would have allowed for a cap adjustment of up to $270 million for these activities.

amount necessary to reduce total budget authority to the level authorized under the caps. However, in the final sequestration report on the FY2012 appropriations process, OMB concluded that the FY2012 enacted amounts are within the limit and therefore a sequestration is not required.[14]

Looking Toward 2013 Under the BCA

In addition to establishing annual spending caps, the BCA also established an automatic process to reduce mandatory and discretionary spending, beginning in 2013, in the event that a bill introduced by the Joint Select Committee on Deficit Reduction to reduce the deficit by at least $1.2 trillion over 10 years (FY2012-FY2021) was not enacted by January 15, 2012.[15] On November 21, 2011, the co-chairs of the Joint Committee announced they would not approve legislation to achieve the necessary $1.2 trillion in deficit reduction by the deadline (November 23) that would have enabled the legislation to be considered under expedited procedures.[16] Ultimately, Congress did not enact any such legislation by the January 15 deadline, raising the likelihood that the automatic reductions will begin, as required by law, on January 2, 2013.

In order to achieve the desired $1.2 trillion in savings, the law calls for these reductions to occur through sequestration of both mandatory and discretionary funding in FY2013 and through a combination of sequestration (for mandatory funding) and revised budget caps (for discretionary funding) for FY2014-FY2021.[17] To stop these automatic reductions from beginning in 2013, Congress and the President would have to agree by statute to repeal or modify this process.

Should the automatic sequestration process occur as scheduled, it is worth noting that the law exempts some programs from sequestration and gives special treatment to certain other programs.[18] For instance, the L-HHS-ED bill contains several programs that are exempt from sequestration, including Medicaid, payments to health care trust funds, Supplemental Security Income, Special Benefits for Disabled Coal Miners, retirement pay and medical benefits for commissioned Public Health Service officers, foster care and adoption assistance, and certain family support payments. The L-HHS-ED also bill contains several programs that are subject to special rules under sequestration, such as unemployment compensation, certain student loans, health centers, and portions of Medicare.

FY2012 Budget Resolution and 302(b) Allocations

The Senate took no action on a budget resolution for FY2012. However, the Budget Control Act provided the Senate with an overall FY2012 spending cap, commonly referred to as a 302(a) allocation.[19] The Senate then allocated a portion of the funds available under this cap to each Senate Appropriations subcommittee, including L-HHS-ED. These amounts are commonly referred to as 302(b) allocations. Most recently, the Senate reported revised 302(b) allocations on

[14] Ibid. If a new supplemental appropriations act is enacted before July 1 and would cause a spending limit to be breached, OMB would be required to issue a within-session sequestration report 15 days after its enactment.

[15] §302 of the BCA amends the Balanced Budget and Emergency Deficit Control Act (BBEDCA) by adding a new §251A.

[16] See http://www.deficitreduction.gov/public/index.cfm/pressreleases?ID=fa0e02f6-2cc2-4aa6-b32a-3c7f6155806d.

[17] For the mechanics of the BCA's automatic spending reduction procedures, see the section titled "Budget Goal Enforcement: Spending Reduction Trigger" in CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan. See Table 3 in that report for hypothetical calculations of reductions required in defense and nondefense spending if the automatic spending reductions go into effect.

[18] For more information, see CRS Report R42050, *Budget "Sequestration" and Selected Program Exemptions and Special Rules*, coordinated by Karen Spar.

[19] For more information, see CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter.

December 17, 2011.[20] (It is common for 302(b) allocations to be revised throughout the year to reflect actual action on appropriations bills and changes in congressional priorities.)

Prior to the enactment of the BCA, the House passed a concurrent resolution on the FY2012 budget (H.Con.Res. 34) on April 15, 2011. The budget resolution set broad spending targets for FY2012 and subsequent years, but did not set spending amounts for specific programs. The overall spending cap established by the House budget resolution was lower than the cap later provided by the BCA and the House has not formally reported a revised 302(a) or subcommittee 302(b)s to reflect the higher BCA levels.[21]

Table 4 displays the status of the L-HHS-ED 302(b) allocations for FY2012, as compared to total comparable FY2011 appropriations subject to that year's 302(b).[22] Note that budget enforcement caps are applied to budget authority *available in the current fiscal year* (excluding emergency funding), adjusted for scorekeeping by the Congressional Budget Office.

Table 4. FY2012 Discretionary 302(b) Allocations and Comparable L-HHS-ED Appropriations

(budget authority in billions of dollars)

FY2011 Comparable	FY2012 House Allocation	FY2012 Senate Allocation	FY2012 Enacted Appropriations
157.4	139.2	156.8[a]	156.8[b]

Source: The FY2011 number reflects the amount of appropriated discretionary budget authority that was subject to the FY2011 302(b) allocation cap for L-HHS-ED, as reported in H.Rept. 112-331 to accompany P.L. 112-74. The FY2012 House allocation is from H.Rept. 112-104, reported on June 14, 2011. The FY2012 Senate allocation is from S.Rept. 112-102, reported on December 17, 2011.

Note: Budget authority subject to discretionary 302(b) allocations represents current year budget authority (not total budget authority in the bill) plus scorekeeping adjustments.

a. Although previously reported Senate L-HHS-ED allocations had reserved $299 million in "security" funding (as defined in Title I of the BCA), S.Rept. 112-102 reserves no security funds for L-HHS-ED. Note that the Senate adjusted the L-HHS-ED allocation to accommodate the roughly $483 million in non-emergency L-HHS-ED funding appropriated in the FY2012 disaster supplemental (P.L. 112-77).

b. This amount reflects current year discretionary L-HHS-ED appropriations (including those provided in the FY2012 supplemental, P.L. 112-77), adjusted for scorekeeping.

Department of Labor

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside of the annual appropriations process (e.g., direct appropriations for Unemployment Insurance benefits payments). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts. Enacted FY2012 amounts in the text and tables have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

[20] See S.Rept. 112-102.

[21] See H.Rept. 112-104 for House Appropriations subcommittee 302(b)s as of June 14, 2011.

[22] Not all funds are subject to 302(b) budget enforcement caps. For instance, new budget authority designated in appropriations legislation as necessary to meet emergency needs is generally exempt from these caps.

About DOL

DOL is a federal department comprised of multiple entities that provide services related to employment and training, worker protection, income security, and contract enforcement. Annual L-HHS-ED appropriations laws direct funding to all DOL entities (see box for all entities supported by the L-HHS-ED bill).[24] The DOL entities fall primarily into two main functional areas—workforce development and worker protection. First, there are several DOL entities that administer workforce employment and training programs, such as the Workforce Investment Act state formula grant programs, Job Corps, and the Employment Service, that provide direct funding for employment activities or administration of income security programs (e.g., for the Unemployment Insurance benefits program). Also included in this area is the Veterans' Employment and Training Service (VETS), which provides employment services specifically for the veteran population. Second, there are several agencies that provide various worker protection services. For example, the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), and the Wage and Hour Division provide different types of regulation and oversight of working conditions. DOL entities focused on worker protection provide services to ensure worker safety, adherence to wage and overtime laws, and contract compliance, among other duties. In addition to these two main functional areas, the Bureau of Labor Statistics (BLS) collects data and provides analysis on the labor market and related labor issues.

DOL Entities Funded Via the L-HHS-ED Appropriations Process

- Employment and Training Administration (ETA)
- Employee Benefits Security Administration (EBSA)
- Wage and Hour Division (WHD)
- Office of Federal Contract Compliance Programs (OFCCP)
- Office of Labor-Management Standards (OLMS)
- Office of Workers' Compensation Programs (OWCP)
- Occupational Safety and Health Administration (OSHA)
- Mine Safety and Health Administration (MSHA)
- Bureau of Labor Statistics (BLS)
- Office of Disability Employment Policy (ODEP)
- Departmental Management (DM)[23]

FY2012 DOL Appropriations Overview

The final FY2012 appropriations law provides $12.6 billion in discretionary funding for DOL. This amount is $94 million (-1%) less than the comparable FY2011 funding level of $12.7 billion and $251 million (-2%) less than the President's Budget request of $12.8 billion. (See **Table 5**.)

Table 5. Department of Labor Appropriations Overview

(dollars in billions)

Funding	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Discretionary	12.7	12.8	10.4	12.7	12.6
Mandatory	1.7	2.0	2.0	2.0	2.0
Total	**14.4**	**14.8**	**12.4**	**14.7**	**14.6**

[23] Departmental Management includes the Veterans Employment and Training Service (VETS), IT Modernization, and the Office of the Inspector General.

[24] The Pension Benefit Guaranty Corporation (PBGC) is funded primarily through insurance premiums and related fees from companies covered by the PBGC.

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Where appropriate, FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

FY2012 DOL Discretionary Highlights

The following are some DOL highlights from the final FY2012 appropriations law (P.L. 112-74), compared to comparable FY2011 funding levels and proposed funding levels from the FY2012 from the President's Budget.[25] (See **Table 6** for details.)

Employment and Training Administration (ETA)

Overall, the final FY2012 appropriations law provides $4.9 billion for programs authorized under Title I of the Workforce Investment Act (WIA), a decrease of $144 million compared to the FY2011 funding level and $420 million below the Administration's FY2012 request. The WIA Adult and Youth state formula grant programs were funded at the FY2011 levels, while the Dislocated Worker state formula grant program received a reduction of $55 million from the FY2011 level. The FY2012 appropriations law continues a provision started in the FY2011 appropriations law, which limits the Governors' reserve of WIA state formula grants to 5% of the total received from the three state formula grants—Adult, Youth, and Dislocated Workers. The statutory limit is 15%, but the FY2011 appropriations law reduced this to 5% and the FY2012 appropriations law continues with this reduction. In addition to the funding changes, the FY2012 law directs the Government Accountability Office (GAO) to conduct a study to assess the means by which entities carrying out WIA activities in local areas match employment and training activities to current and future job opportunities.

The final FY2012 appropriations law provides $50 million for the Workforce Investment Fund (WIF), which is $75 million less than the comparable FY2011 WIF funding level and $187 million less than the FY2012 President's request. The WIF, which is jointly administered by DOL and ED, was created at the President's request in FY2011 to provide competitive grants for innovative approaches to workforce development. The law provides funding for the WIF as a stand-alone appropriation, rather than adopting the Administration's proposal to redirect 8% of the funds requested for WIA and Employment Service formula grant programs to the WIF. Note that the amounts shown for WIA and ES state grants in the President's request column of **Table 6** are the amounts available to each funding stream *after* the proposed 8% transfer to the WIF.

The Administration also requested funding of $60 million for the Green Jobs Innovation Fund (GJIF). The GJIF, a competitive grant program to provide job training opportunities in green occupations and industries, was first funded in FY2010 at $40 million. However, the GJIF received no funding in FY2011 or in the final FY2012 appropriations law.

Finally, regarding WIA funding, the FY2012 appropriations law funds Job Corps at the FY2011 level of $1.7 billion, but eliminates the convention of providing advance appropriations for the

[25] DOL budget materials can be found online at http://www.dol.gov/dol/aboutdol/main.htm#budget. OMB budget materials can be found online at http://www.whitehouse.gov/omb/budget.

subsequent fiscal year (e.g., FY2013). Advance appropriations for Job Corps have typically been provided in past appropriations laws.

The final FY2012 appropriations law provides the Community Service Employment for Older Americans (CSEOA) Program with $449 million (the same as FY2011). The law maintains DOL administration of CSEOA, rejecting a proposal from the FY2012 President's Budget to transfer administration of the program to HHS.

The FY2012 President's Budget called for $23 million for a new State Paid Leave Fund. The fund would have provided grants to states to establish paid leave programs. These programs would have offered benefits to workers after the birth or adoption of a child and to workers who must take time off from work to care for a child, spouse, or parent who is ill. No funds were appropriated for the State Paid Leave Fund in the FY2012 law.

Finally, the FY2012 appropriations law provides $264.9 million for the Veterans' Employment and Training Service (VETS), an increase of $9.3 million (+3.6%) from the FY2011 funding level of $255.6 million. Of this increase, $5 million is for the Veterans Workforce Investment Program (VWIP), $2 million is for the Homeless Veterans Program, and $2 million is for the Transition Assistance Program (TAP). In a separate section, the law includes a provision to allow the transfer of funds designated in the FY2011 appropriations act (P.L. 112-10) for employment and training needs of young parents to other pilot projects and for the implementation of the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 (P.L. 112-56).

Employee Benefit Security Administration (EBSA)

The FY2012 appropriations law provides $183.5 million for the Employee Benefits Security Administration (EBSA). This amount is $24.1 million (+15%) more than the FY2011 level of $159.4 million, but $14 million (-7%) less than the Administration's FY2012 request of $197.5 million. The Administration had requested the increase primarily to hire additional employees to enforce regulations and to undertake pension and health-benefit related research.

Wage and Hour Division (WHD)

The Administration requested $240.9 million for the Wage and Hour Division (WHD), an increase of $13.5 million (+6%) above the FY2011 funding level of $227.5 million. The increase in funding (to provide additional WHD auditors and inspectors) was requested to strengthen the WHD's initiative to detect and deter employee misclassification. At issue is whether workers are classified as "independent contractors" inappropriately, which has implications for these employees' access to benefits and protections extended to regular wage and salary employees. However, the FY2012 appropriations law provides no additional funding to the WHD for this initiative and instead maintains funding at the FY2011 level of $227.5 million.

Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA)

The Administration requested $583.4 million for the Occupational Safety and Health Administration (OSHA) and $384.3 million for the Mine Safety and Health Administration (MSHA), reflecting increases of $24.8 million (+4%) and $22.4 million (+6%), respectively, compared to FY2011 funding levels. The increased OSHA request was for additional employees to strengthen OSHA's regulatory and whistleblower investigations. The bulk of the requested increase for MSHA was for additional resources to address the backlog of cases before the Federal Mine Safety and Health Review Commission and for the purchase of Continuous

Personal Dust Monitors that provide dust concentration exposure data to MSHA and to coal miners. The final FY2012 appropriations law increases funding for OSHA by $7.2 million (+1.3%) compared to FY2011 and for MSHA by $12.2 million (+3.4%) compared to FY2011.

Bureau of Labor Statistics (BLS)

The Administration requested $647 million for the Bureau of Labor Statistics (BLS), an increase of $36.8 million (+6%) above the FY2011 funding level of $610.2 million. The BLS request reflected in large part efforts to improve and expand the quality of several surveys that measure price changes in the U.S. economy and to establish a new National Longitudinal Study (NLS) on youth. The FY2012 law maintains BLS funding at the FY2011 level of $610.2 million.

Detailed DOL Appropriations Table

Table 6 shows the appropriations details for offices and major programs at DOL.

Table 6. Detailed Department of Labor Appropriations

(dollars in millions)

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Employment and Training Administration (ETA)—mandatory[a]	**1,011**	**1,100**	**1,100**	**1,100**	**1,100**
Employment and Training Administration (ETA)—discretionary	**9,750**	**9,715**	**7,510**	**9,708**	**9,593**
Discretionary ETA Programs:					
Training and Employment Services:	3,344	3,629	964	3,309	3,195
Adult Activities Grants to States	771	792	208	771	771
Youth Activities Grants to States	826	850	414	826	826
Dislocated Worker Activities (DWA) Grants to States	1,063	1,081	102	1,063	1,008
Workforce Innovation Fund	125	237	0	100	50
Federally Administered Programs:	442	486	176	442	437
DWA National Reserve	224	229	65	224	224
Native Americans	53	54	27	53	48
Migrant and Seasonal Farmworkers	84	87	43	84	84
Women in Apprenticeship	1	1	1	1	1
YouthBuild	80	115	40	80	80
National Activities:	117	182	63	108	103
Pilots, Demonstrations, and Research	10	7	7	10	7
Green Jobs Innovation Fund	0	60	0	0	0
Reintegration of Ex-Offenders	85	90	45	75	80
Evaluation	10	12	12	10	10
Workforce Data Quality Initiative	12	14	0	12	6
Job Corps	1,706	1,700	2,224	1,706	1,706

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Community Service Employment for Older Americans	449	0	450	449	449
State Unemployment Insurance and Employment Service Operations (SUI/ESO):	4,103	4,202	3,732	4,095	4,095
Unemployment Compensation	3,250	3,287	3,262	3,242	3,242
Employment Service	723	725	373	723	723
Workforce Innovation Fund	0	61	0	0	0
Foreign Labor Certification	66	66	66	66	66
One-Stop Career Centers	64	64	32	64	64
State Paid Leave Fund	0	23	0	0	0
ETA Program Administration	147	160	141	147	147
Employee Benefits Security Administration	**159**	**198**	**159**	**196**	**184**
Pension Benefit Guaranty Corporation, program level (non-add)	***(464)***	***(477)***	***(477)***	***(477)***	***(477)***
Wage and Hour Division	**227**	**241**	**215**	**227**	**227**
Office of Labor-Management Standards (OLMS)	**41**	**41**	**41**	**41**	**41**
Office of Federal Contract Compliance Programs	**105**	**109**	**105**	**105**	**105**
Office of Workers' Compensation Programs—mandatory[b]	**733**	**884**	**884**	**884**	**884**
Office of Workers' Compensation Programs—discretionary	**118**	**124**	**118**	**118**	**118**
Occupational Safety and Health Administration (OSHA)	**559**	**583**	**566**	**561**	**566**
Mine Safety and Health Administration (MSHA)	**362**	**384**	**380**	**372**	**374**
Bureau of Labor Statistics	**610**	**647**	**620**	**611**	**610**
Office of Disability Employment Policy	**39**	**39**	**39**	**39**	**39**
Departmental Management	**696**	**742**	**649**	**710**	**716**
Salaries and Expenses	337	372	269	367	347
International Labor Affairs (non-add)	*(92)*	*(102)*	*(26)*	*(92)*	*(92)*
Veterans Employment and Training	256	261	271	259	265
IT Modernization[c]	20	25	25	0	20
Office of the Inspector General	84	84	84	84	84
Working Capital Fund	**0**	**5**	**0**	**0**	**0**
Total, DOL Discretionary & Mandatory BA in the Bill	**14,412**	**14,808**	**12,387**	**14,671**	**14,557**
Subtotal, DOL Mandatory BA in the Bill	**1,744**	**1,984**	**1,984**	**1,984**	**1,984**
Subtotal, DOL Discretionary BA in the Bill	**12,667**	**12,824**	**10,403**	**12,688**	**12,573**
Memoranda					
Total, BA Available in the Fiscal Year (current year from any bill)	14,411	14,834	14,851	14,672	15,249
Total, Advances for Future Years (provided in the current bill)	2,504	2,478	40	2,503	1,812
Total, Advances from Prior Years (for use in the current year)	2,503	2,504	2,504	2,504	2,504

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Notes: BA = Budget Authority. Details may not add to totals due to rounding. Amounts reflect only those provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and Senate Committees on Appropriations. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occurred outside of appropriations bills. Totals in this table have not been adjusted for scorekeeping. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2011 amounts reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. Mandatory amounts for ETA include funding for Federal Unemployment Benefits and Allowances and for Advances to Unemployment Insurance and Other Trust Funds.

b. Mandatory amounts for federal programs for workers' compensation include mandatory funding for benefits under the Federal Employees' Compensation Act program, the Longshore and Harbor Workers' Compensation Act program, Special Benefits for Disabled Coal Miners, administrative expenses for the Energy Employees Occupational Illness Compensation Fund, and the Black Lung Disability Trust Fund.

c. The FY2012 Senate Committee-Reported Bill (S. 1599) included a request of $20 million for IT Modernization; however, this amount is included as part of the "Salaries and Expenses" category under "Departmental Management," rather than as a separate line item in the cases of the FY2011 Comparable, FY2012 President's Budget, H.R. 3070, and FY2012 Enacted.

Department of Health and Human Services

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds for HHS agencies provided through other appropriations bills (e.g., funding for the Food and Drug Administration) or outside of the annual appropriations process (e.g., direct appropriations for Medicare or pre-appropriated mandatory funds provided by authorizing laws, such as the Patient Protection and Affordable Care Act (ACA, P.L. 111-148)[26]). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts. Enacted FY2012 amounts in the text and tables have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

About HHS

HHS Agencies Funded Via the L-HHS-ED Appropriations Process

Health Resources and Services Administration (HRSA)

Centers for Disease Control and Prevention (CDC)

National Institutes of Health (NIH)

[26] The ACA was subsequently amended by the Health Care and Education Reconciliation Act (P.L. 111-152). These two laws are collectively referred to as the ACA in this report. (Previous CRS reports on the Patient Protection and Affordable Care Act used the acronym PPACA to refer to the statute, but newer reports will use "ACA," in conformance with the more widely-used acronym for the law.) For information on funding directly appropriated by ACA, see the tables in CRS Report R41301, *Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (PPACA)*, by C. Stephen Redhead.

HHS is a sprawling federal department comprised of multiple agencies working to enhance the health and well-being of Americans. Annual L-HHS-ED appropriations laws direct funding to most (but not all) HHS agencies (see box for all agencies supported by the L-HHS-ED bill).[27] For instance, the L-HHS-ED bill directs funding to five Public Health Service (PHS) agencies: HRSA, CDC, NIH, SAMHSA, and AHRQ.[28] These public health agencies support diverse missions, ranging from the provision of health care services and supports (e.g., HRSA, SAMHSA), to the advancement of health care quality and medical research (e.g., AHRQ, NIH), to the prevention and control of infectious disease (e.g., CDC). The L-HHS-ED bill also provides funding for annually appropriated components[29] of CMS, the HHS agency responsible for the administration of Medicare, Medicaid, and the State Children's Health Insurance Program (CHIP); and for implementation of the consumer protections and private health insurance provisions of the ACA. The L-HHS-ED bill also provides funding for two HHS agencies focused primarily on the provision of social services: ACF and AOA. These agencies work to promote the economic and social well-being of vulnerable children, families, and older Americans. Finally, the L-HHS-ED bill also provides funding for the HHS Office of the Secretary, which encompasses a broad array of management, research, oversight, and emergency preparedness functions in support of the entire department.

Substance Abuse and Mental Health Services Administration (SAMHSA)
Agency for Healthcare Research and Quality (AHRQ)
Centers for Medicare and Medicaid (CMS)
Administration for Children and Families (ACF)
Administration on Aging (AOA)
Office of the Secretary (OS)

FY2012 HHS Appropriations Overview

The final FY2012 appropriations law provides $69.8 billion in discretionary funding for HHS. This amount is $693 million (-1%) less than the comparable FY2011 funding level of $70.4 billion and $3.4 billion (-5%) less than the President's Budget request of $73.1 billion. (See **Table 7**.)

Table 7. Department of Health and Human Services Appropriations Overview

(dollars in billions)

Funding	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Discretionary	70.4	73.1	70.2	70.2	69.8
Mandatory	502.7	519.5	519.8	519.5	519.2
Total	**573.1**	**592.6**	**590.1**	**589.7**	**588.9**

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070)

[27] Three HHS public health agencies receive annual funding from appropriations bills other than the L-HHS-ED bill: the Food and Drug Administration (Agriculture appropriations bill), the Indian Health Service (Interior-Environment appropriations bill), and the Agency for Toxic Substances and Disease Registry (Interior-Environment appropriations bill).

[28] For more information on HHS PHS agencies, see CRS Report R41737, *Public Health Service (PHS) Agencies: Overview and Funding, FY2010-FY2012*, coordinated by C. Stephen Redhead and Pamela W. Smith.

[29] Much of the funding for CMS activities is directly appropriated in authorizing legislation and thus is not subject to the annual appropriations process.

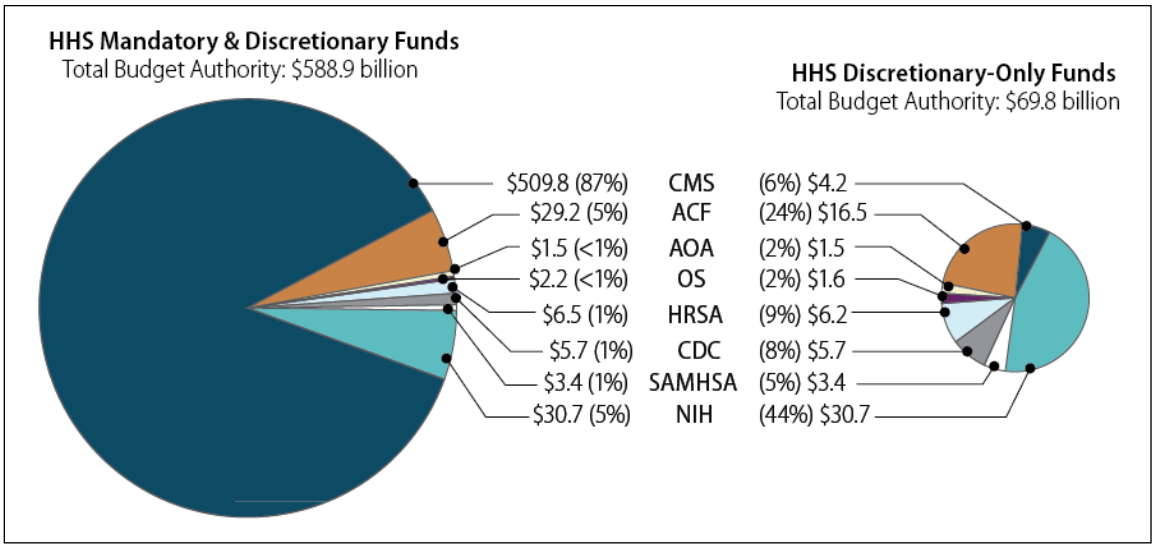
and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Where appropriate, FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

Annual HHS appropriations are dominated by mandatory funding, the majority of which goes to CMS to provide Medicaid benefits and payments to health care trust funds. When taking into account both mandatory and discretionary funding, CMS accounted for roughly 86% of all HHS appropriations in FY2011 ($493 billion) and 87% in FY2012 ($510 billion). By contrast, when looking exclusively at discretionary appropriations, CMS constituted only 6% of discretionary HHS appropriations in both FY2011 ($3.9 billion) and FY2012 ($4.2 billion). NIH and ACF typically receive the majority of HHS discretionary appropriations. Combined, discretionary appropriations for these two agencies constituted roughly two-thirds of all discretionary HHS appropriations in both FY2011 ($48 billion) and FY2012 ($47 billion). See **Figure 3** for an agency-level breakdown of FY2012 HHS appropriations. The figure compares total appropriations (i.e., mandatory plus discretionary), by HHS agency, with discretionary-only appropriations, by agency.

Figure 3. FY2012 HHS Appropriations by Agency

(budget authority in billions of dollars)



Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74.

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Amounts have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

FY2012 HHS Discretionary Highlights

This section discusses several important aspects of discretionary HHS appropriations. First, it provides an introduction to a special funding mechanism included in the public health budget, the Public Health Service Evaluation Tap. Next, it reviews a selection of FY2012 discretionary

funding highlights across HHS. Finally, the section concludes with a brief overview of significant provisions from annual HHS appropriations laws that restrict spending in certain controversial areas, such as abortion and stem cell research.

Public Health Service Evaluation Tap

A unique budget feature of some of the agencies and programs in HHS is their receipt of funding from the Public Health Service (PHS) Evaluation Set-Aside program, also known as the Evaluation Tap.[30] The tap provides more than a dozen HHS programs with funding beyond their regular appropriations (or in a few cases, such as programs administered by the Agency for Healthcare Research and Quality, programs may be funded entirely by the tap). The PHS Evaluation Tap allows the Secretary of HHS to redistribute a portion of eligible PHS agency appropriations for program evaluation purposes across HHS. In the annual L-HHS-ED act, Congress specifies the maximum percentage for the set-aside, which is 2.5% of eligible appropriations in FY2012, the same as in FY2011. The President's Budget had proposed to increase the set-aside to 3.2% in FY2012. Congress also allocates a portion of the available money for transfer to specific programs, as shown in **Table 8**.[31] The funding amounts from the tap are labeled "non-add" in the table because they are not counted in the totals of appropriated funds.[32] In some cases, an apparent change in the level of proposed or final appropriations for a program simply reflects a shifting of the share of funding supplied by appropriated funds versus funds made available through the tap; the overall level of funding available for an activity may not change greatly in such cases.

HHS Highlights by Program Area

The discussion below reviews a limited selection of FY2012 discretionary funding highlights for programs supported by the HHS public health agencies, as well as programs administered by CMS, ACF, and AOA. The discussion is based on discretionary funding provided by the Consolidated Appropriations Act, 2012 (P.L. 112-74), as compared to funding enacted in FY2011, proposed in the FY2012 President's Budget,[33] and in some cases, as proposed by House (H.R. 3070) and Senate (S. 1599) L-HHS-ED bills for FY2012. See **Table 8** for details.

Public Health[34]

The final FY2012 appropriations law provides either a small increase or approximately level discretionary funding for two of the public health agencies (CDC and NIH) in the L-HHS-ED

[30] The PHS Evaluation Tap is authorized in §241 of the PHS Act (42 U.S.C. §238j).

[31] By convention, **Table 8** displays only those tap funds allocated by Congress in the appropriations process; tap funds allocated at the Secretary's discretion are not shown. For further information on PHS agency funding and on the PHS Evaluation Set-Aside, see CRS Report R41737, *Public Health Service (PHS) Agencies: Overview and Funding, FY2010-FY2012*, coordinated by C. Stephen Redhead and Pamela W. Smith.

[32] By convention, this table shows only the amount of set-aside funds received by an agency. The table does not subtract the amount of the evaluation tap from donor agencies' appropriations. The non-add lines are shown in italics, with numbers in parentheses.

[33] For a full list of HHS proposals from the President's Budget, see FY2012 budget documents prepared by HHS and the Office of Management and Budget (OMB). HHS budget materials can be found online at http://www.hhs.gov/about/hhsbudget.html. OMB budget materials can be found online at http://www.whitehouse.gov/omb/budget.

[34] For additional information on funding for HHS public health agencies, including mandatory funding pre-appropriated by the ACA, see CRS Report R41737, *Public Health Service (PHS) Agencies: Overview and Funding, FY2010-FY2012*, coordinated by C. Stephen Redhead and Pamela W. Smith.

bill, while providing the other three public health agencies (HRSA, SAMHSA, and AHRQ) with amounts slightly below FY2011. By contrast, the FY2012 President's Budget had generally proposed increases for each of these agencies (except AHRQ). Specifically, the final FY2012 appropriations law funds CDC at $5.7 billion (+0.3% from FY2011), NIH at $30.7 billion (equal to FY2011), HRSA at $6.2 billion (-0.9% from FY2011), SAMHSA at $3.4 billion (-0.7% from FY2011), and AHRQ at $369 million (-0.8% from FY2011). [35]

The final FY2012 appropriations law slightly reduces overall appropriations for HRSA's health professions programs compared to FY2011, rejecting a number of the Administration's proposals in this area. For instance, the law eliminates discretionary funding for the National Health Service Corps (-$25 million from FY2011), for which the Administration had requested $123 million. (The ACA provided a separate, mandatory appropriation of $295 million for the National Health Service Corps in FY2012.) The FY2012 appropriations law also prohibits HRSA from using health professions funding for the Alternative Dental Health Care Providers Demonstration Project and rejects a President's Budget proposal to direct $255 million in new funding from the PHS Evaluation Tap toward healthcare workforce activities (the final law directs no PHS Evaluation Tap funds toward these activities). In addition, the final law maintains level funding of $268 million for HRSA's Children's Hospitals Graduate Medical Education program, which the Administration had proposed to eliminate. [36] The final law generally provides level funding for HRSA's primary care programs, including $1.6 billion for community health centers (-25% from the President's request). [37]

At CDC, the final FY2012 appropriations law directs a total of $294 million to the National Institute for Occupational Safety and Health (NIOSH), a reduction of 7% from FY2011. The law provides these funds through a combination of new budget authority ($183 million) and PHS Evaluation Tap funding ($111 million), rejecting the Administration's FY2012 proposal to fund NIOSH solely via the PHS Evaluation Tap. The law maintains the FY2011 level of $80 million for the Preventive Health and Health Services Block Grant, which the President's Budget proposed to eliminate. The final law also rejects the President's proposal to consolidate funding for multiple chronic disease prevention and health promotion programs. The law provides a total $1.2 billion for these programs in FY2012 (+9% from FY2011), of which $457 million is from the PHS Evaluation Tap. The President's Budget had indicated an intention of supplementing appropriations for chronic disease prevention and health promotion programs with additional pre-appropriated funding from the ACA, to be transferred from the Prevention and Public Health Fund (PPHF). Many CDC and other HHS programs received supplemental funding transferred from the PPHF in FY2010 and FY2011. For FY2012, there is $1 billion available for transfer from the PPHF, but it is not yet clear how these funds will be distributed among programs.

At NIH, where Congress did not provide the requested 3% increase, two factors dominated the FY2012 funding discussion. First, although the overall appropriation grew by only $2 million from FY2011, all institutes and centers receive increases because the final FY2012 appropriations

[35] Note that AHRQ funding is provided via the PHS Evaluation Tap, not through new budget authority. AHRQ also received $24 million for FY2012 in pre-appropriated ACA funding.

[36] Note that there are currently bills under consideration to reauthorize and increase funding for the Children's Hospital GME in both the House (H.R. 1852) and the Senate (S. 958).

[37] In maintaining level funding for health centers, the conferees noted the availability of ACA funding. Health centers received $1.2 billion in pre-appropriated funding from the ACA for FY2012 (an increase of $200 million from the amount of ACA funding the program received in FY2011). For additional information, see CRS Report R41301, *Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (PPACA)*, by C. Stephen Redhead.

law eliminates a provision (included in previous years) requiring NIH to transfer nearly $300 million to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.[38] The largest single increase at NIH (+$76 million) goes to the Buildings and Facilities account (which had been cut in FY2011), for an FY2012 funding level of $126 million. Second, the final law includes authorizing language[39] (at the President's request) that establishes a new National Center for Advancing Translational Sciences (NCATS) and abolishes the existing National Center for Research Resources (NCRR). The conference report explanatory statement displays the reallocation of NCRR funds to NCATS and other NIH entities.[40]

Although the FY2012 President's Budget had proposed to restructure SAMHSA's programs to emphasize prevention activities and support emerging issues, the final FY2012 law largely retains the existing program structure. The law does not provide funding for the Administration's proposed state prevention grants for mental health and substance abuse, which had accounted for $485 million in the President's Budget. Instead, the law increases the appropriations for two SAMHSA block grants: the Mental Health Block Grant receives $440 million (+10% from FY2011) and the Substance Abuse Block Grant receives $1.7 billion (+1% from FY2011). These increases are balanced by decreases in appropriations for two SAMHSA Programs of Regional and National Significance (PRNS): Mental Health PRNS receive $276 million (-18% from FY2011) and Substance Abuse Treatment PRNS receive $400 million (-1% from FY2011).[41]

CMS

The final FY2012 appropriations law provides $4.2 billion in discretionary funding for CMS. This amount is $241 million (+6%) more than the FY2011 funding level of $3.9 billion, but $788 million (-16%) less than the President's Budget request of $5.0 billion. The majority of the discretionary appropriation ($3.9 billion, up 7% from FY2011) is directed toward CMS program management activities, including the administration of Medicare, Medicaid, the State Children's Health Insurance Program, and new private health insurance provisions established by the ACA. The remaining discretionary funds ($310 million, the same as FY2011) are directed toward program integrity efforts to detect and prevent health care fraud and abuse.[42]

Notably, the final FY2012 appropriations law does not include the provision from the House-introduced FY2012 L-HHS-ED appropriations bill (H.R. 3070) that would have prohibited HHS from using any of the funds appropriated for program management to support the CMS Center for Consumer Information and Insurance Oversight (an office created after the enactment of the ACA

[38] Had the law required such a transfer, the funds would have counted as "security" spending cap under the rules of Title I of the Budget Control Act of 2011, because these funds fall within Budget Function 150 (international affairs).

[39] See §221 of Division F of P.L. 112-74 and related discussion on p. 1134-1137 of the conference report (H.Rept. 112-331).

[40] For more information, see CRS Report R41705, *The National Institutes of Health (NIH): Organization, Funding, and Congressional Issues*, by Judith A. Johnson and Pamela W. Smith. See also National Institutes of Health, "NIH Establishes National Center for Advancing Translational Sciences," press release, December 23, 2011, http://www.nih.gov/news/health/dec2011/od-23.htm.

[41] The two block grants and the Substance Abuse Treatment PRNS receive additional funds from the PHS Evaluation Tap (see **Table 8**). The PRNS activities for both mental health and substance abuse treatment also receive ACA funds by transfer from the PPHF. For more information on SAMHSA, see CRS Report R41477, *Substance Abuse and Mental Health Services Administration (SAMHSA): Agency Overview and Reauthorization Issues*, by C. Stephen Redhead.

[42] For more information on CMS program integrity efforts, see CRS Report RL34217, *Medicare Program Integrity: Activities to Protect Medicare from Payment Errors, Fraud, and Abuse*, by Cliff Binder.

and tasked with implementing new private health insurance requirements) or the activities developed, administered, or implemented by this office.[43]

ACF

The final FY2012 appropriations law provides $16.5 billion in discretionary funding for ACF. This amount is $715 million (-4%) less than the FY2011 funding level of $17.2 billion, but $342 million (+2%) more than the President's Budget request of $16.2 billion. Under the final FY2012 law, the Low Income Home Energy Assistance Program (LIHEAP) sustains the single largest cut, in dollars, among discretionary ACF programs. The law appropriates $3.5 billion for LIHEAP, which is $1.2 billion (-26%) less than the program received in FY2011, but $909 million (+40%) more than the President had requested for FY2012. The Administration's request was based on a decision to reduce LIHEAP regular funds to the level appropriated prior to FY2009 based on anticipated energy prices.[44]

The FY2012 law enacts a proposal from the FY2012 President's Budget to eliminate funding for the Job Opportunities for Low-Income Individuals program (-$1.6 million from FY2011), but rejects a related proposal to decrease funding for the Community Services Block Grant (CSBG), a funding stream that supports services and activities to reduce poverty. The final law maintains CSBG funding at the FY2011 level of $679 million, nearly double the amount requested by the Administration ($350 million), and does not act on the President's proposal to convert the CSBG into a competitive grant at the state level. [45]

Despite an overall decrease in ACF funding, certain ACF programs receive increases under the final FY2012 appropriations law. For instance, the law provides $8.0 billion for Head Start (+6% from FY2011) and $2.3 billion for the Child Care and Development Block Grant (+3% from FY2011), demonstrating support for early childhood care and education programs.[46]

AOA

The final FY2012 appropriations law provides $1.47 billion in discretionary funding for AOA.[47] This amount is $24 million (-2%) less than the FY2011 funding level of $1.50 billion and $764 million (-34%) less than the President's Budget request of $2.24 billion. The FY2012 law generally maintains level funding for the majority of AOA programs, compared to FY2011, with a few exceptions. For instance, the FY2012 law eliminates funding (-$19 million from FY2011) for Program Innovations, a funding stream that had previously been used to test and demonstrate new approaches and best practices in aging services. The final law also decreases funding for the Alzheimer's Disease Supportive Services Program ($4 million in FY2012, -65% from FY2011).

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[43] For more information on the CMS Center for Consumer Information and Insurance Oversight, visit the office's homepage online at http://cciio.cms.gov/.

[44] According to HHS budget documents, the Administration did not expect energy prices to be as high in FY2012 as they have been in years since FY2008. For more information on the LIHEAP budget, see CRS Report RL31865, *The Low Income Home Energy Assistance Program (LIHEAP): Program and Funding*, by Libby Perl.

[45] For more information on JOLI and the CSBG budget, see CRS Report RL32872, *Community Services Block Grants (CSBG): Background and Funding*, by Karen Spar.

[46] For more information on the Head Start budget, see CRS Report RL30952, *Head Start: Background and Issues*, by Karen E. Lynch. For more information on the CCDBG budget, see CRS Report RL30785, *The Child Care and Development Block Grant: Background and Funding*, by Karen E. Lynch.

[47] For additional information on AOA funding, see CRS Report RL33880, *Funding for the Older Americans Act and Other Administration on Aging Programs*, by Angela Napili and Kirsten J. Colello.

The final FY2012 law rejects two President's Budget proposals to transfer existing programs from other agencies to AOA. First, the law does not transfer the Community Service Employment for Older Americans program from the Department of Labor to HHS/AOA. Second, the law does not transfer the State Health Insurance Program (SHIP), which provides one-on-one health and long-term care counseling to the aging, from CMS to AOA. In proposing these transfers, the Administration had argued that these programs could benefit from greater streamlining and integration with the supports provided by AOA's existing services for the aging.

The final law provides AOA with no funding for administration of the Community Living Assistance Services and Supports (CLASS) program, a voluntary insurance program established by the ACA, rejecting the President's request for $120 million. Prior to FY2012, administrative costs for CLASS had been funded by the ACA Implementation Fund (§1005 of P.L. 111-152). The authorizing statute anticipated that at some future time, administrative funding for CLASS would be drawn from premiums received; the Administration had indicated that the requested funding for FY2012 would be used as a bridge until that time. However, on October 14, 2011, HHS Secretary Sebelius announced that CLASS implementation had been suspended.[48]

Funding Restrictions Related to Certain Controversial Issues

Annual L-HHS-ED appropriations regularly contain restrictions related to certain controversial issues. For instance, annual appropriations laws generally include provisions limiting the circumstances under which L-HHS-ED funds (including Medicaid funds) may be used to pay for abortions. Under current provisions, (1) abortions may be funded only when the life of the mother is endangered or in cases of rape or incest; (2) funds may not be used to buy a managed care package that includes abortion coverage, except in cases of rape, incest, or endangerment; and (3) federal programs and state/local governments that receive L-HHS-ED funding are prohibited from discriminating against health care entities that do not provide or pay for abortions or abortion services.[49] Similarly, annual appropriations since FY1997 have included a provision prohibiting L-HHS-ED funds (including NIH funds) from being used to create human embryos for research purposes or for research in which human embryos are destroyed.[50] The FY2012 law also reinstates a provision, removed in FY2010, prohibiting L-HHS-ED funds from being used for needle exchange programs and modifies a provision prohibiting spending on activities that advocate or promote gun control so that it applies to all HHS funds and not only to CDC.[51]

Detailed HHS Appropriations Table

Table 8 shows the appropriations details for offices and major programs at HHS.

[48] Kathleen Sebelius, Secretary of Health and Human Services, "Secretary Sebelius' Letter to Congress about CLASS," October 14, 2011, http://www.hhs.gov/secretary/letter10142011.html. For more information, see CRS Report R40842, *Community Living Assistance Services and Supports (CLASS) Provisions in the Patient Protection and Affordable Care Act (ACA)*, by Janemarie Mulvey and Kirsten J. Colello.

[49] The current provisions, commonly referred to as the Hyde and Weldon Amendments, can be found in §506 and §507 of P.L. 112-74, Division F. For additional information, please see CRS Report RL33467, *Abortion: Judicial History and Legislative Response*, by Jon O. Shimabukuro.

[50] The current provision, commonly referred to as the Dickey Amendment, can be found in §508 of P.L. 112-74, Division F. For additional information, please see CRS Report RL33554, *Stem Cell Research: Ethical and Legal Issues*, by Erin D. Williams, Edward C. Liu, and Judith A. Johnson, and CRS Report RL33540, *Stem Cell Research: Science, Federal Research Funding, and Regulatory Oversight*, by Judith A. Johnson and Edward C. Liu.

[51] See §523 (needle exchange programs) and §218 (gun control) of P.L. 112-74, Division F.

Table 8. Detailed Department of Health and Human Services Appropriations

(dollars in millions)

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Health Resources and Services Administration (HRSA)	**6,492**	**7,043**	**6,953**	**6,449**	**6,451**
Subtotal, HRSA Mandatory Appropriations[a]	**220**	**235**	**235**	**235**	**235**
Subtotal, HRSA Discretionary Appropriations	**6,272**	**6,808**	**6,718**	**6,214**	**6,216**
Subtotal, HRSA Evaluation Tap Funding (non-add)	*(25)*	*(280)*	*(28)*	*(25)*	*(25)*
Selected Discretionary HRSA Programs:					
Community Health Centers	1,581	2,118	2,576	1,581	1,581
National Health Service Corps	25	123	142	25	0
Health Professions (Title VII)	253	329	85	231	234
Evaluation Tap Funding (non-add)	*(0)*	*(147)*	*(3)*	*(0)*	*(0)*
Health Professions, Nursing (Title VIII)	242	225	107	242	232
Evaluation Tap Funding (non-add)	*(0)*	*(109)*	*(0)*	*(0)*	*(0)*
Children's Hospitals Graduate Medical Education	268	0	268	268	268
Maternal and Child Health Block Grant	656	654	654	606	646
Autism and Other Developmental Disorders	48	55	48	48	48
Healthy Start	104	105	105	104	105
Ryan White AIDS Programs	2,312	2,376	2,312	2,327	2,327
Evaluation Tap Funding (non-add)	*(25)*	*(25)*	*(25)*	*(25)*	*(25)*
Healthcare Systems Bureau	87	101	64	87	84
Rural Health Programs	138	124	140	142	140
Family Planning (Title X)	299	327	0	299	297
Centers for Disease Control and Prevention (CDC)[b]	**5,704**	**5,873**	**5,653**	**5,821**	**5,723**
Subtotal, CDC Mandatory Appropriations[c]	**55**	**55**	**55**	**55**	**55**
Subtotal, CDC Discretionary Appropriations	**5,649**	**5,817**	**5,597**	**5,766**	**5,668**
Subtotal, CDC Evaluation Tap Funding (non-add)	*(352)*	*(490)*	*(346)*	*(367)*	*(371)*
Selected Discretionary CDC Programs:					
Immunization and Respiratory Diseases[d]	479	647	687	635	579
Evaluation Tap Funding (non-add)	*(13)*	*(13)*	*(13)*	*(13)*	*(13)*
HIV/AIDS, Viral Hepatitis, STDs, TB Prevention	1,076	1,157	1,043	1,116	1,106
Emerging and Zoonotic Infectious Diseases	252	289	242	252	254
Chronic Disease Prevention and Health Promotion	814	725	702	778	761
Birth Defects and Developmental Disabilities	136	144	122	138	138
Public Health Scientific Services	148	206	135	148	145
Evaluation Tap Funding (non-add)[e]	*(248)*	*(218)*	*(246)*	*(248)*	*(248)*

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Environmental Health	135	129	115	106	106
Injury Prevention and Control	144	148	141	130	138
National Institute for Occupational Safety and Health	224	0	162	188	183
Evaluation Tap Funding (non-add)	*(92)*	*(260)*	*(88)*	*(107)*	*(111)*
Global Health	340	381	324	350	350
Public Health Preparedness and Response[f]	1,337	1,423	1,340	1,375	1,307
CDC-wide Activities and Program Support[g]	564	569	584	548	621
Preventive Health and Health Services Block Grant	80	0	100	0	80
CDC Buildings and Facilities	0	30	30	0	25
Business Services	362	417	345	427	397
Public Health Leadership and Support	121	121	109	121	119
Contracting and Administrative Reduction	0	0	0	0	-20
National Institutes of Health (NIH)[b]	**30,688**	**31,748**	**31,748**	**30,498**	**30,690**
Subtotal, NIH Discretionary Appropriations	**30,688**	**31,748**	**31,748**	**30,498**	**30,690**
Subtotal, NIH Evaluation Tap Funding (non-add)	*(8)*	*(8)*	*(8)*	*(8)*	*(8)*
Substance Abuse and Mental Health Services Administration (SAMHSA)	**3,380**	**3,387**	**3,097**	**3,355**	**3,354**
Subtotal, SAMHSA Discretionary Appropriations	**3,380**	**3,387**	**3,097**	**3,355**	**3,354**
Subtotal, SAMHSA Evaluation Tap Funding (non-add)	*(132)*	*(170)*	*(132)*	*(130)*	*(130)*
Selected Discretionary SAMHSA Programs:					
Mental Health Programs of Reg'l & Nat'l Significance (PRNS)[h]	338	273	186	332	276
Mental Health Block Grant	399	414	399	399	440
Evaluation Tap Funding (non-add)	*(21)*	*(21)*	*(21)*	*(21)*	*(21)*
Children's Mental Health	118	121	118	118	118
Grants to States for the Homeless	65	65	65	65	65
Mental Health State Prevention Grant	0	90	0	0	0
Protection and Advocacy	36	36	36	36	36
Substance Abuse Treatment PRNS[h]	404	402	370	410	400
Evaluation Tap Funding (non-add)	*(2)*	*(2)*	*(2)*	*(2)*	*(2)*
Substance Abuse Block Grant	1,703	1,420	1,719	1,703	1,724
Evaluation Tap Funding (non-add)	*(79)*	*(75)*	*(79)*	*(79)*	*(79)*
Substance Abuse Prevention PRNS[h]	186	75	124	186	186
Substance Abuse State Prevention Grant	0	395	0	0	0
Health Surveillance and Support	129	96	80	106	109
Evaluation Tap Funding (non-add)	*(29)*	*(72)*	*(29)*	*(27)*	*(27)*

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Agency for Healthcare Research and Quality (AHRQ)	**0**	**0**	**0**	**0**	**0**
Subtotal, AHRQ Discretionary Appropriations	**0**	**0**	**0**	**0**	**0**
Subtotal, AHRQ Evaluation Tap Funding (non-add)	*(372)*	*(366)*	*(324)*	*(372)*	*(369)*
Centers for Medicare and Medicaid Services (CMS)	**493,002**	**510,883**	**510,003**	**510,531**	**509,824**
Subtotal, CMS Mandatory Appropriations[i]	**489,053**	**505,905**	**506,249**	**505,905**	**505,635**
Subtotal, CMS Discretionary Appropriations	**3,949**	**4,978**	**3,754**	**4,626**	**4,190**
Selected Discretionary CMS Programs:					
CMS Program Management	3,639	4,397	3,173	4,045	3,879
Health Care Fraud and Abuse Control	310	581	581	581	310
Administration for Children and Families (ACF)	**30,084**	**28,902**	**29,119**	**29,243**	**29,224**
Subtotal, ACF Mandatory Appropriations[j]	**12,848**	**12,723**	**12,723**	**12,723**	**12,703**
Subtotal, ACF Discretionary Appropriations	**17,235**	**16,179**	**16,396**	**16,520**	**16,521**
Subtotal, ACF Evaluation Tap Funding (non-add)	*(6)*	*(6)*	*(6)*	*(6)*	*(6)*
Selected Discretionary ACF Programs:					
Low Income Home Energy Assistance Program	4,701	2,570	3,392	3,601	3,478
Refugee and Entrant Assistance Programs	729	825	729	788	770
Child Care and Development Block Grant	2,223	2,927	2,223	2,223	2,283
Head Start	7,560	8,100	8,100	7,900	7,984
Child Welfare Services	281	282	281	281	281
Developmental Disabilities Programs	186	163	160	168	168
Community Services Block Grant	679	350	679	679	679
Battered Women's Shelters	130	135	130	130	130
Social Services and Income Maintenance Research	0	3	0	0	0
Evaluation Tap Funding (non-add)	*(6)*	*(6)*	*(6)*	*(6)*	*(6)*
Administration on Aging (AOA)	**1,497**	**2,238**	**1,471**	**1,535**	**1,474**
Subtotal, AOA Discretionary Appropriations	**1,497**	**2,238**	**1,471**	**1,535**	**1,474**
Selected Discretionary AOA Programs:					
Home and Community-Based Supportive Services	368	416	368	368	368
Family and Native American Caregiver Support Services	160	201	160	160	160
Nutrition Services Programs	818	819	819	818	818
Program Innovations	19	12	0	9[k]	0
Alzheimer's Disease Supportive Services	11	11	11	4	4
Community Service Employment for Older Americans[l]	0	450	0	0	0
CLASS Act Program Administration	0	120	0	0	0
State Health Insurance Program[m]	0	47	0	52	0

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Office of the Secretary (OS)	**2,292**	**2,526**	**2,028**	**2,235**	**2,204**
Subtotal, OS Mandatory Appropriations[n]	**518**	**565**	**565**	**565**	**565**
Subtotal, OS Discretionary Appropriations	**1,774**	**1,962**	**1,464**	**1,670**	**1,639**
Subtotal, OS Evaluation Tap Funding (non-add)	*(84)*	*(158)*	*(93)*	*(92)*	*(114)*
Selected Discretionary OS Programs:					
General Departmental Management (GDM)	480	364	343	476	475
Evaluation Tap Funding (non-add)	*(65)*	*(127)*	*(55)*	*(73)*	*(69)*
Office of the Nat'l Coord. for Health Information Tech. (ONC)	42	57	0	42	16
Evaluation Tap Funding (non-add)	*(19)*	*(21)*	*(28)*	*(19)*	*(45)*
Office of the Inspector General	50	53	50	50	50
Evaluation Tap Funding (non-add)	*(0)*	*(10)*	*(10)*	*(0)*	*(0)*
Public Health and Social Services Emergency Fund (PHSSEF)	1,090	1,360	958	989	984
Selected Programs/Offices within PHSSEF:					
Office of Asst. Sec'y for Preparedness and Response (ASPR)	913	1,302	915	932	927
Hospital Preparedness (in ASPR)	378	375	375	375	375
Biomedical Advanced Research and Dev't (in ASPR)[o]	415	765	415	415	415
Parklawn Lease Expiration	35	0	0	0	0
Pandemic Influenza Preparedness	65	0	0	0	0
Total, HHS Mandatory & Discretionary BA in the Bill	**573,138**	**592,599**	**590,073**	**589,666**	**588,944**
Subtotal, HHS Mandatory BA in the Bill	**502,694**	**519,483**	**519,827**	**519,483**	**519,192**
Subtotal, HHS Discretionary BA in the Bill	**70,444**	**73,116**	**70,246**	**70,183**	**69,751**
Memoranda					
Total, BA Available in the Fiscal Year (current year from any bill)	573,383	588,280	585,754	585,347	584,625
Total, Advances for Future Years (provided in the current bill)	89,495	93,814	93,814	93,814	93,814
Total, Advances from Prior Years (for use in the current year)	89,739	89,495	89,495	89,495	89,495

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Notes: BA = Budget Authority. Details may not add to totals due to rounding. Amounts reflect only those provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and the Senate Committees on Appropriations (e.g., department totals do not include funding for the Food and Drug Administration, the Indian Health Service, or the Agency for Toxic Substances and Disease Registry, all of which are funded by other bills). Amounts shown reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations occurring outside of appropriations bills. Totals in this table have not been adjusted for scorekeeping. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. These mandatory funds are for the Vaccine Injury Compensation Program.
b. Each year, CDC and NIH also receive some funds from Interior-Environment appropriations. CDC received $77 million in FY2011 and $76 million in FY2012. NIH received $79 million in each of those years. Because these amounts are not provided via the L-HHS-ED bill, they are not included in this table.
c. These mandatory funds are for the Energy Employees Occupational Illness Compensation Program.
d. In FY2011, an additional amount of $156.3 million (non-add) was available from supplemental appropriations for pandemic flu provided in P.L. 111-32.
e. Includes Health Statistics, formerly a separate category.
f. In FY2011, an additional amount of $68.5 million (non-add) was available from supplemental appropriations for pandemic flu provided in P.L. 111-32. For FY2012, $30 million was requested from the P.L. 111-32 balances, which the House and Senate bills included and which the conferees approved.
g. New account in the conference agreement (P.L. 112-74), grouping four separate activities.
h. The Administration proposed a restructuring of certain SAMHSA programs to emphasize prevention activities and to support emerging issues. This table largely reflects the existing appropriations structure, with some added entries for new SAMHSA-wide programs proposed in FY2012.
i. These mandatory funds go toward the following accounts: Grants to States for Medicaid and Payments to Health Care Trust Funds.
j. These mandatory funds go toward the following accounts: Child Support Enforcement and Family Support Payments; the Social Services Block Grant; the mandatory portion of the Promoting Safe and Stable Families program; and Payments for Foster Care and Permanency.
k. This amount has been adjusted for comparability from the number shown in S.Rept. 112-84.
l. This program is currently administered by the Department of Labor. The FY2012 President's Budget proposed transferring the program to HHS, but the FY2012 appropriations law did not enact this proposal.
m. This program is currently administered by HHS/CMS. The FY2012 President's Budget proposed transferring the program to HHS/AOA, but the FY2012 appropriations law did not enact this proposal.
n. These mandatory funds are for the Medical Benefits for Commissioned Officers account.
o. The President's Budget indicates that these funds would be derived by transfer from existing Project BioShield funds, meaning that they would not require new budget authority. However, the funds are carried in this table based on conventions in House Appropriations documents.

Department of Education

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside of the annual appropriations process (e.g., certain direct appropriations for Federal Direct Student Loans and Pell Grants). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts. Enacted FY2012 amounts in the text and tables have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts (except Pell Grants).

About ED

The federal government provides roughly 9% of overall funding for elementary and secondary education; the vast majority of funding comes from states and local districts.[52] States and school districts also have primary responsibility for the provision of elementary and secondary education in the United States. Nevertheless, the United States Department of Education (ED) performs numerous functions, including promoting educational standards and accountability; gathering education data via programs such as the National Assessment of Education Progress;

[52] U.S. Government Accountability Office, *Federal Education Funding: Overview of K-12 and Early Childhood Education Programs*, GAO-10-51, January 2010, p. 1.

disseminating research on important education issues; and administering federal education programs and policies. ED is responsible for administering a large number of elementary and secondary education programs, many of which provide direct support to school districts with a high concentration of disadvantaged students and students with disabilities. One of the most important priorities for ED in elementary and secondary education is improving academic outcomes for all students; particularly disadvantaged students, students with disabilities, English language learners, Indians, Native Hawaiians, and Alaska Natives. With regard to higher education, the federal government supports roughly 74% of all direct aid provided to students to finance their postsecondary education.[53] There are also many higher education programs administered by ED—the largest are those providing financial aid to facilitate college access, primarily through student loans and the Pell grant program. In addition, ED administers programs that address vocational rehabilitation, career and technical education, and adult education.

FY2012 ED Appropriations Overview

The final FY2012 appropriations law provides $68.2 billion in discretionary funding for ED. This amount is $190 million (-0.3%) less than the comparable FY2011 funding level of $68.3 billion and $9.2 billion (-11.9%) less than the President's Budget request of $77.4 billion. (See **Table 9**.)

Table 9. Department of Education Appropriations Overview

(dollars in billions)

Funding	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Discretionary	68.3	77.4	65.9	68.4	68.2
Mandatory[a]	3.1	3.1	3.1	3.1	3.1
Total	**71.4**	**80.5**	**69.1**	**71.5**	**71.3**

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.)

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Where appropriate, FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. A single appropriated mandatory ED program is included in the L-HHS-ED bill, the Vocational Rehabilitation State Grants program.

FY2012 ED Discretionary Highlights

The discussion that follows focuses on some ED highlights from the final FY2012 appropriations law (P.L. 112-74), the FY2012 President's Budget[54] request, as well as the House-introduced

[53] For more information on funding for student aid, visit http://trends.collegeboard.org/downloads/student_aid/PDF/Trends_in_Student_Aid_2011_Total_Aid_Adjusted_for_Inflation.pdf.

[54] For a full list of ED proposals from the FY2012 President's Budget, see FY2012 budget documents prepared by ED and the Office of Management and Budget. ED budget materials can be found at http://www2.ed.gov/about/overview/

(H.R. 3070) and Senate Appropriations Committee-reported (S. 1599, S.Rept. 112-84) FY2012 L-HHS-Ed bills. In addition, differences between these bills and FY2011 funding are discussed.[55] (See **Table 10** for details.)

As in FY2011, the President's FY2012 Budget proposed a significant reorganization of Elementary and Secondary Education Act (ESEA) programs that would have consolidated many separate authorities into larger programs as part of a reauthorization of the ESEA.[56] As a result, several ESEA program titles in the President's FY2012 budget request do not match current program titles,[57] and as a consequence, some of the President's budget request is not directly comparable to the final FY2012 appropriations law, the House-introduced bill, and the Senate Committee-reported bill. Where comparable it is included in the discussion that follows.

Discretionary programs that would have received a funding increase of $30 million or more in President's budget include Education for the Disadvantaged State Grants, School Improvement Grants, Promise Neighborhoods; Individuals with Disabilities Education Act (IDEA) Part B grants to states; Student Aid Administration, and the Institute for Education Sciences. The 21st Century Community Learning Centers program would have received an increase in funding of $100 million, but with an expanded mission to include extended learning time programs. The final FY2012 appropriations law provided increased funding for four of these programs—Education for the Disadvantaged State Grants, Promise Neighborhoods, the Individuals with Disabilities Education Act Part B grants to states, and Student Aid Administration. The 21st CCLC program received level funding in FY2012. (See **Table 10**.)

The President's Budget recommended an increase in FY2012 funding for two programs initially authorized by the American Recovery and Reinvestment Act (P.L. 111-5) in FY2009; it would have funded Race to the Top at $900 million, and Investing in Innovation at $300 million. Race to the Top and Investing in Innovation were funded at $699 million and $150 million, respectively, in FY2011. The Senate Appropriations Committee-reported bill would have continued funding at the FY2011 level for both programs in FY2012, the House-introduced bill would have provided

budget/budget12/justifications/index.html. OMB budget materials can be found online at http://www.whitehouse.gov/omb/budget.

[55]It is important to note that the FY2011 final Continuing Resolution zeroed out many education programs, and cut funding for many others. Some of the larger programs (FY2010 funding > $10 million) zeroed out in the FY2011 CR include Striving Readers (ESEA I-E. §1502); Even Start (ESEA I-B-3); Literacy through School Libraries (ESEA I-B-4); Educational Technology State Grants (ESEA II-D-1 and 2); National Writing Project (ESEA II-C-2); Advanced Credentialing (ESEA §2151(c)); Teach for America (Higher Education Act (HEA) VIII-F); Reading is Fundamental (ESEA V-D, subpart 1); Parental Information and Resource Centers (ESEA V-D, subpart 16); We the People (ESEA II-Part C-3, §2344): Vocational Rehabilitation—Projects with Industry (Rehabilitation Act V-A); Tech Prep State Grants (Title II-Carl D Perkins Career and Technical Act programs); Smaller Learning Communities (ESEA V-D, subpart 4); State Grants for Workplace and Community Transition Training for Incarcerated Individuals (Higher Education Amendments of 1998, VIII-D); Leveraging Educational Assistance Partnerships (HEA IV-A-4); and Byrd Honors Scholarships (HEA IV-A-6).

[56]The additional new larger programs proposed for FY2012 include Effective Teaching and Learning: Literacy; Effective Teaching and Learning: Science, Technology, Engineering, and Mathematics; Effective Teaching and Learning for a Well-Rounded Education; College Pathways and Accelerated Learning; Effective Teachers and Leaders State Grants; Teacher and Leaders Innovation Fund; Teacher and Leader Pathways; Expanding Educational Options; and Successful, Safe and Healthy Students. For more information on proposed consolidations, and the Administration's proposal for reauthorizing the ESEA, see CRS Report R41355, *Administration's Proposal to Reauthorize the Elementary and Secondary Education Act: Comparison to Current Law*, by Rebecca R. Skinner et al. Since reauthorization of the ESEA was not completed, ED subsequently issued an appropriations table based on current law and program titles.

[57] These FY2012 proposals are identified as "(NEW)" in **Table 10**.

no funding for either program. The final FY2012 appropriations law provided $550 million for Race to the Top, and $150 million for the Investing in Innovation Fund.

The three ED programs that received the largest cuts in funding in the final FY2012 appropriations law compared to FY2011 were Race to the Top (-$150 million), the Teacher Incentive Fund (-$99 million), and Safe Schools and Citizenship–National Programs (-$54 million). In addition, the final FY2012 appropriations law eliminated funding for several programs that were funded in FY2011, including Foreign Language Assistance, Teaching of Traditional American History, Voluntary Public School Choice, Alcohol Abuse Reduction, Construction funding for the National Technical Institute for the Deaf, the Institute for International Public Policy, Javits Fellowships, and Building Modernization under Departmental Management.

All of the largest ESEA programs dedicated primarily to literacy—including Striving Readers, Even Start, and Literacy through School Libraries, received no funding in FY2011. The FY2012 President's Budget requested $383 million for a new comprehensive preschool-grade 12 literacy initiative and the Senate Appropriations Committee-reported bill would have provided $183 million for a comprehensive Striving Readers program. The House-introduced bill did not propose any FY2012 funding for a dedicated literacy program. The final FY2012 appropriations law provided $160 million for the Striving Readers program.

The final FY2011 CR included language directing the Administration to set aside an unspecified portion of the Race to the Top (RTT) appropriation for competitive grants to improve early childhood care and education ("early learning challenge" grants). The Administration ultimately reserved $500 million for these RTT-Early Learning Challenge grants in FY2011. The FY2012 L-HHS-ED bill introduced in the House provided no funding for RTT (or its early learning component), but the report language for the both the Senate bill (S.Rept. 112-84) and the final FY2012 appropriations law (H.Rept. 112-331) specifies that the FY2012 RTT program should include a robust early learning component.

Under the FY2012 President's Budget, discretionary funding for Pell Grants would have been increased from almost $23 billion in FY2011 to $28.6 billion in FY2012. The President's Budget also included proposals to reduce costs in the Pell Grant program, as well as the William D. Ford Direct Loan (DL) Program, while redirecting the mandatory funding from these savings for future use in the Pell Grant program. One of these proposals, the elimination of a provision that allowed an eligible student to receive up to two Pell Grant awards in one award year, was enacted in the final FY2011 CR. This change effectively reduces the need for discretionary funding in FY2012 by approximately $3.2 billion. Another proposal, the elimination of the availability of Subsidized Stafford Loans to graduate and professional students, was ultimately enacted in the BCA, effectively reducing the need for discretionary funding in FY2012 by an additional $10 billion.

The final FY2012 appropriations law provides $22.8 billion in discretionary funding for the Federal Pell Grant program.[58] The discretionary base maximum award for award year[59] (AY) 2012-13 will be $4,860, and the total maximum award for which a student is eligible in AY2012-13 will be $5,550. These amounts are unchanged from the previous award year. Notably, the FY2012 appropriations law exempts Pell Grant funding from the across-the-board rescission of

[58] The law also includes several policy provisions (see box) related to federal student aid programs and redirects a portion of the estimated mandatory savings from these provisions toward general use in the Pell Grant program ($3.1 billion from FY2012 to FY2021, of which $612 million is available beginning in FY2012).

[59] The Pell Grant award year begins July 1 of each year and ends June 30 of the subsequent year. For example, AY2012-13 begins on July 1, 2012 and ends June 30, 2012.

0.189% (this rescission does apply to other federal student aid programs). The FY2012 appropriations law also includes several policy provisions that make changes to the Student Loan and Pell Grant programs (see box).[60]

Policy Changes to Federal Student Aid Programs in the FY2012 Appropriations Law

P.L. 112-74 makes a number of changes to federal student aid programs in the Higher Education Act of 1965, as amended (HEA; P.L. 89-329).

Changes that are specific to the eligibility criteria and award rules for the Pell Grant program include the following:

- Effective July 1, 2012, the qualifying minimum Pell Grant award will now equal 10% of the total maximum Pell Grant. Until then, students qualify at the 5% level and automatically receive an additional 5% in Pell aid.
- Effective July 1, 2012, the cumulative lifetime eligibility for Pell Grant aid will be reduced from 18 semesters to 12 semesters. Eligibility will continue to be based on the current full-time-equivalent basis. Any Pell aid received prior to July 1, 2012 will count towards a student's lifetime limit as of July 1, 2012.

Changes that are specific to the student loan programs under the DL program and Federal Family Education Loan (FFEL) program include the following:

- Interest subsidies during the 6-month post-enrollment grace period on Subsidized Stafford Loans disbursed to undergraduate students between July 1, 2012 and June 30, 2014 are eliminated.[61]
- Holders of FFEL program loans are authorized a one-time opportunity to accept a change in the index used for determining special allowance payments (SAP) from the 3-month Commercial Paper (CP) rate to the 1-month London Interbank Offering Rate (LIBOR).[62]

The following change will affect eligibility for need-based federal student aid (e.g., Pell Grants, Subsidized Stafford Loans, etc.):

- Effective July 1, 2012, the income threshold[63] for determining whether certain students are eligible to receive an automatic zero expected family contribution (EFC) will change from $31,000 to $23,000. Future threshold levels will continue to be indexed to inflation.

The following change will affect eligibility for most federal student aid programs[64] under Title IV of the HEA:

- Students who pass an ability-to-benefit test or complete six credit hours of postsecondary work will no longer be eligible for federal student aid. Only students who have a high school diploma, or the recognized equivalent, as well as students who complete a secondary education in a qualified home setting will be eligible for federal student aid. Only students who first enroll on or after July 1, 2012 will be affected by this change.

Detailed ED Appropriations Table

Table 10 shows the appropriations details for the offices and major programs at ED.

[60] For details, see CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan.

[61] For additional information on the federal student loans made through the DL program, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole.

[62] The special allowance payment (SAP) is a market-indexed loan subsidy payment that is made by the government and is designed to compensate lenders for the difference between the statutorily set interest rate paid by borrowers and a different statutorily set interest rate for lenders. The change offers holders of FFEL program loans a one-time opportunity to have the index used in determining SAP rates more closely align with the indices on which their short-term borrowing costs are often based.

[63] For tax filers, this threshold is based on the adjusted gross income (AGI) amount. For non-tax-filers, the threshold is based on earned income. Note that only certain students are eligible to receive an automatic zero EFC and additional requirements other than the income threshold must be met.

[64] Eligibility for the following currently funded federal student aid programs under Title IV of the HEA will be affected by this change: Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), Federal Work-Study earnings, the William D. Ford Federal Direct Loan Program, and the Federal Perkins Loan Program.

Table 10. Detailed Department of Education Appropriations

(dollars in millions)

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Education for the Disadvantaged	**15,536**	**16,224**	**15,949**	**15,715**	**15,751**
Grants to LEAs	14,463	14,492	15,463	14,463	14,523
Title I Rewards (NEW)	0	300	0	0	0
School Improvement Grants	535	600	0	535	535
Early Learning Challenge Fund[a]	0	350	0	0	0
Striving Readers	0	0	0	183	160
Migrant State Grants	394	395	394	394	394
Neglected and Delinquent	50	50	50	50	50
Evaluation	8	0	5	4	3
High School Graduation Initiative	49	0	0	49	49
Special Programs for Migrant Students	37	37	37	37	37
Impact Aid	**1,274**	**1,276**	**1,309**	**1,274**	**1,294**
School Improvement Programs	**4,597**	**2,997**	**4,332**	**4,570**	**4,550**
Effective Teaching and Learning: Literacy (NEW)	0	383	0	0	0
Effective Teaching and Learning: STEM (NEW)	0	206	0	0	0
Effective Teaching and Learning for a Well-Rounded Education (NEW)	0	246	0	0	0
College Pathways (NEW)	0	86	0	0	0
Teacher Quality State Grants	2,468	0	2,443	2,468	2,468
Math and Science Partnerships	175	0	0	175	150
Supplemental Education Grants (Comp. Free Assoc)	18	18	18	18	18
21st Century Community Learning Centers	1,154	1,266	1,154	1,154	1,154
State Assessments	390	420	390	390	390
Foreign Language Assistance	27	0	0	0	0
Education for Homeless Children and Youth	65	65	65	65	65
Training and Advisory Services	7	7	7	7	7
Education for Native Hawaiians	34	34	20	34	34
Alaska Native Education Equity	33	33	27	33	33
Rural Education	175	175	200	175	180
Comprehensive Centers	51	56	8	51	51
Indian Education	**127**	**127**	**132**	**128**	**131**
Innovation and Improvement	**1,856**	**4,995**	**821**	**1,740**	**1,530**

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Race to the Top	699	900	0	699	550
Investing in Innovation Fund	150	300	0	150	150
Effective Teachers and Leaders State Grants (NEW)	0	2,500	0	0	0
Teacher and Leader Innovation Fund (NEW)	0	500	0	0	0
Teacher and Leader Pathways (NEW)	0	250	0	0	0
Expanding Educational Options (NEW)	0	372	0	0	0
Transition to Teaching	41	0	41	20	26
Teaching of Traditional US History	46	0	0	46	0
School Leadership	29	0	0	29	29
Charter School Grants	256	0	256	256	256
Voluntary Public School Choice	26	0	26	0	0
Magnet Schools Assistance	100	110	100	100	100
Fund for the Improvement of Education	41	63[b]	0	71	66
Teacher Incentive Fund	399	0	399	300	300
Ready to Learn Television	27	0	0	27	27
Advanced Placement	43	0	0	43	27
Safe Schools and Citizenship Education	**288**	**515**	**65**	**270**	**256**
Successful, Safe and Healthy Students (NEW)	0	365	0	0	0
Promise Neighborhoods	30	150	0	60	60
National Programs	119	0	65	79	65
Alcohol Abuse Reduction	7	0	0	0	0
Elem/Sec School Counseling	52	0	0	52	52
Carol M. White PE Program	79	0	0	79	79
Civic Education	1	0	0	0	0
English Language Acquisition State Grants	**734**	**750**	**734**	**734**	**734**
Special Education	**12,543**	**12,861**	**13,758**	**12,553**	**12,647**
Grants to States, Part B	11,482	11,705	12,705	11,482	11,582
Preschool Grants	373	374	373	373	373
Grants for Infants and Families	439	489	439	444	444
IDEA State Grants, total	12,294	12,569	13,517	12,299	12,399
IDEA National Activities[c]	249	258	241	250	246[c]
Mentoring for Individuals with Disabilities	0	5	0	0	0
Promise Program (NEW)	0	30	0	4	2
Rehabilitation Services and Disability Research	**3,475**	**3,541**	**3,523**	**3,512**	**3,512**

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Vocational Rehabilitation State Grants (mandatory)	3,085	3,122	3,141	3,122	3,122
Discretionary Voc Rehabilitation State Grants (discretionary)	0	19	0	0	0
Client Assistance State Grants	12	12	12	12	12
Training	36	33	36	36	36
Demonstration and Training Programs	6	0	0	6	5
Migrant and Seasonal Farmworkers	2	0	0	2	1
Protection and Advocacy of Individual Rights	18	18	18	18	18
Supported Employment State Grants	29	0	29	29	29
Independent Living Programs—Total	138	138	138	138	138
Access Through Cloud Computing (NEW)	0	10	0	0	0
National Activities to Improve Rehab Services (NEW)	0	8	0	0	0
Workforce Innovation Fund (NEW)	0	30	0	0	0
Helen Keller National Center for Deaf/Blind Youth and Adults	9	9	9	9	9
National Institute on Disability and Rehab Research	109	110	109	109	109
Assistive Technology	31	31	31	31	33
Special Institutions for Persons w/ Disabilities	**213**	**208**	**213**	**216**	**216**
American Printing House for the Blind	25	25	25	25	25
National Technical Institute for the Deaf	66	65	66	66	66
Gallaudet University	123	118	123	126	126
Career and Adult Education	**1,739**	**1,683**	**1,739**	**1,739**	**1,739**
Basic State Grants	1,124	1,000	1,124	1,124	1,124
National Programs	8	8	8	8	8
Career Education, subtotal	1,132	1,008	1,132	1,132	1,132
Adult Education State Grants	596	635	596	596	596
Adult Education: National Programs	11	23	11	11	11
Adult Education Subtotal	607	658	607	607	607
State Grants for Incarcerated Youth Offenders	0	17	0	0	0
Student Financial Assistance	**24,671**	**30,338**	**22,368**	**24,671**	**24,539**
Pell maximum grant (non-add)	*(4,860)*	*(4,860)*	*(4,860)*	*(4,860)*	*(4,860)*
Pell Grants	22,956	28,600	20,653	22,956	22,824
Federal Supplemental Opportunity Grants	736	757	736	736	736

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Federal Work Study	979	980	979	979	979
Student Aid Administration	**992**	**1,095**	**992**	**1,045**	**1,045**
Higher Education	**1,904**	**2,240**	**1,628**	**1,904**	**1,873**
Aid for Institutional Development	552	603	324	552	532
International Education and Foreign Language	76	126	67	76	74
Fund for the Improvement of Postsecondary Education (FIPSE)	20	150	0	20	4
Postsecondary Programs for Students with Intellectual Disabilities	11	0	0	11	11
Minority Science and Engineering	9	10	9	9	9
Tribally Controlled Postsecondary Voc. Tech.	8	8	8	8	8
TRIO	827	920	827	827	842
GEAR UP	303	323	303	303	303
Javits Fellowships	8	0	0	8	0
Graduate Assistance in Areas of National Need	31	41	31	31	31
Teacher Quality Enhancement Grants	43	0	43	43	43
Child Care Access	16	16	16	16	16
GPRA data	1	1	1	1	1
Thurgood Marshall Legal Education (NEW)	0	3	0	0	0
Hawkins Centers of Excellence (NEW)	0	40	0	0	0
Howard University	**235**	**235**	**235**	**235**	**235**
College Housing & Academic Facilities Loans[d]	**0**	**0**	**0**	**0**	**0**
HBCU Capital Financing Program	**21**	**21**	**21**	**21**	**21**
Institute of Education Sciences	**609**	**760**	**621**	**610**	**595**
Departmental Management	**618**	**654**	**613**	**612**	**610**
Total, ED Mandatory & Discretionary BA in the Bill	**71,430**	**80,522**	**69,051**	**71,547**	**71,277**
Subtotal, ED Mandatory BA in the Bill	**3,085**	**3,122**	**3,141**	**3,122**	**3,122**
Subtotal, ED Discretionary BA in the Bill	**68,345**	**77,400**	**65,910**	**68,426**	**68,155**
Memoranda					
Total, BA Available in the Fiscal Year (current year from any bill)	71,409	80,522	66,613	71,547	70,586
Total, Advances for Future Years (provided in the current bill)	21,906	21,906	24,344	21,906	22,597

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted
Total, Advances from Prior Years (for use in the current year)	21,885	21,906	21,906	21,906	21,906

Sources: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.) These numbers differ from the Department's totals because the Department calculates them somewhat differently than the appropriations committees. See the opening section of this report for further explanation of adjustments and exclusions.

Note: BA = Budget Authority. Details may not add to totals due to rounding. Amounts reflect only those provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and Senate Committees on Appropriations. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occurred outside of appropriations bills. Totals in this table have not been adjusted for scorekeeping. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2011 amounts reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts. ED has proposed restructuring many elementary and secondary education programs; as a consequence the proposed program structure is not consistent with the current ESEA program structure. New programs proposed in the FY2012 request are identified as "(NEW)".

a. While the Early Learning Challenge Fund program received funding through the Race to the Top program in FY2011, the President's proposal to fund it as a free-standing program in FY2012 was not adopted.

b. This total includes $50 million for a proposed new program titled: Advanced Research Project.

c. Beginning with FY2012, the House Appropriations Committee no longer reported funding for Special Olympics, separately. It is now included under IDEA National Activities. For consistency, funding for Special Olympics has been included in IDEA National Activities for all years included in this table.

d. The funding level for each entry for the College Housing and Academic Facilities Loans equals $460,000 (with the exception of the President's budget request). The President's budget request for the program was $478,000. Both of these dollar amounts round to zero in the above table.

Related Agencies

Note that figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside the annual appropriations process (e.g., direct appropriations for Old-Age and Survivors Insurance benefit payments by the Social Security Administration). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts. Enacted FY2012 amounts in the text and tables have not been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

FY2012 Related Agencies Appropriations Overview

The annual FY2012 appropriations law provides $13.4 billion in discretionary funding for related agencies included in L-HHS-ED appropriations. In addition, the Disaster Relief Appropriations Act, 2012 (P.L. 112-77), provides $493 million in discretionary funding for the Social Security Administration (one of the L-HHS-ED related agencies), for a combined FY2012 total of $13.9 billion in discretionary appropriations. This amount is $12 million (+0.1%) more than the

comparable FY2011 funding level of $13.8 billion and $1.3 billion (-8.7%) less than the FY2012 President's request of $15.2 billion. (See **Table 11**.)

Table 11. Related Agencies Appropriations Overview

(dollars in billions)

Funding	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted[a]
Discretionary	13.8	15.2	13.2	14.1	13.9
Mandatory	49.9	52.5	52.4	52.5	52.4
Total	**63.8**	**67.6**	**65.6**	**66.6**	**66.3**

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.) Amounts have been adjusted to include $483 million in supplemental funds for the Social Security Administration provided by P.L. 112-77.

Notes: Totals do not reflect scorekeeping or other adjustments, and may not sum due to rounding. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occur outside of appropriations bills. Where appropriate, FY2011 figures reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. FY2012 enacted includes appropriations in the FY2012 annual appropriations law (P.L. 112-74) and an FY2012 disaster relief supplemental appropriations law (P.L. 112-77) for SSA program integrity activities. P.L. 112-77 specifies that this appropriation "shall be treated for such purposes as being included under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, or any continuing appropriation Act, for fiscal year 2012."

In general, the largest share of funding appropriated to related agencies in the L-HHS-ED bill goes to the Social Security Administration (SSA).[65] When taking into account both mandatory and discretionary funding, the SSA accounts for 97% of the entire related agencies appropriation in FY2012 ($64 billion) and 96% of the appropriation in FY2011 ($61.4 billion). The bulk of mandatory SSA funding from the L-HHS-ED bill supports the Supplemental Security Income program ($52.4 billion in FY2012; $49.9 billion in FY2011). When looking exclusively at discretionary funding, the SSA remains the largest component of the related agencies appropriation, constituting roughly 83% of discretionary funds in the FY2012 ($11.5 billion) and FY2011 ($11.5 billion). The majority of discretionary SSA funding covers administrative expenses for Social Security, SSI, and Medicare.[66]

After the SSA, the next largest agency of the related agencies appropriation is the Corporation for National and Community Service (CNCS), which constitutes roughly 2% of all funding and 8% of discretionary funding in FY2012 ($1.1 billion) and FY2011 ($1.1 billion). Typically, each of the remaining related agencies receives less than $1 billion from the annual L-HHS-ED appropriations bill.

[65] For additional information on the SSA budget, see CRS Report R41716, *Social Security Administration (SSA): Budget Issues*, by Scott Szymendera.

[66] The SSA assists HHS in administering portions of the federal Medicare program. For more information on this, see Social Security Administration, Justifications of Estimates for Appropriations Committees, Fiscal Year 2012, February 2011, http://www.ssa.gov/budget/2012FullJustification.pdf.

FY2012 Related Agencies Discretionary Highlights

The following are some highlights for related agencies from the FY2012 annual appropriations law (P.L. 112-74), as supplemented by the FY2012 disaster relief appropriations law (P.L. 112-77), compared to comparable FY2011 funding levels and proposed funding levels for FY2012 from the President's Budget.[67] (See **Table 12** for details.)

- The House version of the L-HHS-ED appropriations bill would have eliminated funding for a number of Corporations for National and Community Service (CNCS) programs, such as Volunteers in Service to America (VISTA) and AmeriCorps State Grants and would have reduced overall CNCS funding for FY2012 by 75% from the FY2011 level. The final L-HHS-ED appropriations bill, however, includes funding for all but one CNCS program. The Learn and Serve America program, which did not receive funding in FY2011, does not receive any funding in the FY2012 L-HHS-ED bill.
- The House bill would have also eliminated funding for the Corporation for Public Broadcasting. The final FY2012 appropriations law provides the CPB with $445 million in two-year advance funding, the same amount it received in FY2011, but less than the President's request of $451 million. However, the final law provides no funding for CBP's digitization program, which is a cut of $6 million from FY2011 and the FY2012 President's Budget.
- The Social Security Administration (SSA) will have approximately the same amount to administer its programs and maintain the integrity of the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs in FY2012 as it did in FY2011. The FY2012 annual appropriations law (P.L. 112-74) provides $11.0 billion for Limitation on Administrative Expenses and program integrity activities. The Disaster Relief Appropriations Act, 2012 (P.L. 112-77) provides an additional $483 million to the SSA for program integrity activities in FY2012 bringing the total to $11.4 billion, approximately the same funding level as FY2011. Note that all of this funding, regardless of the bill by which it is appropriated, is expected to be subject to the 0.189% across-the-board rescission of discretionary appropriations required by Section 527 of Division F of P.L. 112-74.[68]
- The National Healthcare Workforce Commission was created by the Patient Protection and Affordable Care Act (P.L. 111-148) and its members were appointed by the Comptroller General on September 30, 2010. The President requested $3 million for the commission, but no funding is provided in the L-HHS-ED appropriations bill for FY2012.
- The L-HHS-ED bill contains a policy provision prohibiting the National Labor Relations Board (NLRB) from using any appropriated funds to issue any new directive or regulation to provide employees with the means to vote electronically for collective bargaining representation.

[67] For a full list of related agencies' proposals from the President's Budget, see FY2012 budget documents prepared by each individual agency or by the Office of Management and Budget (OMB) online at http://www.whitehouse.gov/omb/budget.

[68] The FY2012 disaster relief appropriations law (P.L. 112-77) specifies that the SSA appropriation of $483 million "shall be treated for such purposes as being included under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, or any continuing appropriation Act, for fiscal year 2012."

Detailed Related Agencies Appropriations Table

Table 12 shows the appropriations details for offices and major programs of the L-HHS-ED Related Agencies.

Table 12. Detailed Related Agencies Appropriations

(dollars in millions)

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted[a]
Committee for Purchase from People Who Are Blind or Severely Disabled	**5**	**6**	**5**	**5**	**5**
Corporation for National and Community Service (CNCS)	**1,076**	**1,258**	**280**	**1,093**	**1,051**
Selected CNCS Programs/Initiatives:					
Volunteers in Service to America (VISTA)	99	100	0	99	95
National Senior Volunteer Corps	208	226	208	208	208
AmeriCorps State and National Grants	347	400	0	347	345
National Civilian Community Corps	29	35	0	32	32
Learn and Serve America	0	40	0	0	0
National Service Trust	201	235	0	215	212
Corporation for Public Broadcasting (CPB)	**451**	**457**	**0**	**451**	**451**
CPB, two-year advance (FY2014 from FY2012 PB; FY2013 from FY2011 CR)	445	451	0	445	445
CPB Digitalization Program	6	6	0	6	0
Federal Mediation and Conciliation Service	**47**	**48**	**46**	**47**	**46**
Federal Mine Safety and Health Review Commission	**10**	**22**	**22**	**17**	**18**
Institute of Museum and Library Services (IMLS)	**237**	**243**	**226**	**237**	**232**
Medicare Payment Advisory Commission (MedPAC)	**12**	**13**	**11**	**12**	**12**
Medicaid and CHIP Payment and Access Commission (MACPAC)	**0[b]**	**11**	**5**	**11**	**6**
National Council on Disability	**3**	**3**	**3**	**3**	**3**
National Healthcare Workforce Commission[c]	**0**	**3**	**0**	**3**	**0**
National Labor Relations Board (NLRB)	**283**	**288**	**234**	**283**	**279**
National Mediation Board	**13**	**14**	**13**	**13**	**13**
Occupational Safety and Health Review Commission	**12**	**13**	**12**	**12**	**12**
Railroad Retirement Board (RRB)[d]	**171**	**171**	**168**	**166**	**166**
Social Security Administration (SSA)[e]	**61,437**	**65,089**	**64,587**	**64,194**	**63,999**
Payments to Social Security Trust Funds (mandatory)	21	20	20	20	20
Supplemental Security Income (SSI) (mandatory)	49,890	52,439	52,418	52,439	52,409
SSI Administrative Expenses (discretionary)	3,486	3,844	3,844	3,684	3,374
Limitation on Administrative Expenses (including user fee activities)	10,667	11,584	11,145	11,009	10,710
Program Integrity[f]	756	938	896	623	757

Agency or Selected Program	FY2011 Comparable	FY2012 Request	FY2012 House (H.R. 3070)	FY2012 Senate (S. 1599)	FY2012 Enacted[a]
Office of Inspector General	102	107	107	102	102
Total, Related Agencies Mand. & Disc. BA in the Bill	**63,758**	**67,638**	**65,613**	**66,548**	**66,288**
Subtotal, Related Agencies Mandatory BA in the Bill	**49,911**	**52,460**	**52,439**	**52,460**	**52,430**
Subtotal, Related Agencies Discretionary BA in the Bill	**13,847**	**15,178**	**13,174**	**14,088**	**13,859**
Memoranda					
Total, BA Available in the Fiscal Year (current year from any bill)	66,343	62,832	61,258	61,748	61,488
Total, Advances for Future Years (provided in the current bill)	13,400	18,200	18,200	18,200	18,200
Total, Advances from Prior Years (for use in the current year)	445	451	0	445	445

Source: Amounts are based on the conference report (H.Rept. 112-331) accompanying P.L. 112-74 and a draft table from the House Committee on Appropriations (December 20, 2011), which reflects House (H.R. 3070) and Senate (S. 1599, S.Rept. 112-84) actions for FY2012. (The House released a detailed table for H.R. 3070 online at http://appropriations.house.gov/UploadedFiles/FY12LH_Detail_SC_10_Rev_with_comparable.pdf.) Amounts have been adjusted to include $483 million in supplemental funds for the Social Security Administration provided by P.L. 112-77.

Note: BA = Budget Authority. Details may not add to totals due to rounding. Amounts reflect only those provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and Senate Committees on Appropriations. Amounts reflect total budget authority provided in the bill, not total funding available for the current year. Mandatory amounts do not include direct appropriations that occurred outside of appropriations bills. Totals in this table have not been adjusted for scorekeeping. FY2011 amounts reflect the 0.2% across-the-board rescission included in the final FY2011 CR (P.L. 112-10). FY2012 enacted amounts have not yet been adjusted to reflect the 0.189% across-the-board rescission required by Section 527 of Division F of P.L. 112-74 for most discretionary L-HHS-ED accounts.

a. FY2012 enacted includes appropriations in the FY2012 annual appropriations law (P.L. 112-74) and an FY2012 disaster relief supplemental appropriations law (P.L. 112-77) for SSA program integrity activities. P.L. 112-77 specifies that this appropriation "shall be treated for such purposes as being included under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, or any continuing appropriation Act, for fiscal year 2012."

b. The Patient Protection and Affordable Care Act (P.L. 111-148) provided $11 million for MACPAC for FY2010, with the funds remaining "available until expended."

c. The National Healthcare Workforce Commission was created by the Patient Protection and Affordable Care Act (P.L. 111-148) and its members were appointed by the Comptroller General on September 30, 2010.

d. Totals include $150,000 in mandatory funding in each column.

e. 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. SSA lines in this table do not sum to the total, which has been adjusted to reflect an estimated adjustment for trust fund transfers from general revenues (not shown here).

f. Program Integrity includes program integrity funds provided as part of the Base Limitation on Administrative Expenses (LAE), but not otherwise included in the category Base LAE in this table.

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