

U.S. Senate Committee on Appropriations
Labor, Health and Human Services, and Education,
and Related Agencies Subcommittee
FY 2022 Member Requests

Patty Murray, Subcommittee Chairman
Roy Blunt, Ranking Minority Member

Open Season: May 28 to July 8 at noon.	
Majority Liaison	Fiona O'Brien, (202) 812-1336
Minority Liaison	Sydney Crawford, (202) 224-3506
Deadline for Submitting Requests	July 8
Subcommittee Guidance	
Accepting CDS requests?	Yes
Prioritization of Requests?	Yes
Bulk Copy Permitted?	Yes
Signed Letter Format?	Minimal Cover Letter appropriate
Hard Copy Delivery?	Signed Cover Letter and Letter Table delivered to rooms SD-186 and SH-125

General Guidance

In order to be considered by the Appropriations Committee, all requests shall be entered into [Legi-Mate](#). This document provides step-by-step instructions on how to enter such requests into the system and submit them. These instructions are very similar across subcommittees, but each subcommittee has its own version with its own specific requirements interspersed throughout. It is therefore strongly recommended that you obtain and review each subcommittee's instructions before entering requests, and that you follow each subcommittee's guidance throughout the process.

This guidance covers two types of appropriations requests, each of which may be submitted by an individual Member or a group of Members.

- **Programmatic/Language Requests**: These types of requests are general funding requests for national and regional programs, and/or bill and report language requests that directs, encourages, or urges an Agency or Department to carry out an action.
- **Congressionally Directed Spending (CDS) Requests**: According to Senate Rule XLIV, a CDS is a provision "included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority or other expenditure with or to an entity, or targeted to a specific State, location or Congressional district, other than through a statutory or administrative formula-driven or competitive award process." Generally speaking, this is funding requested for a specific project in a specific location. **Not all subcommittees will be accepting requests for CDS spending, so please pay attention to specific subcommittee guidance.**

If you plan to make CDS requests to subcommittees accepting them, you must comply with the requirements of Standing Rules of the Senate Rule XLIV governing CDS. This includes submitting a letter to the Committee certifying that neither the Senator nor his or her family members have any

financial interest in the CDS being requested (instructions on submitting that letter are contained in this guide).

Additionally, the Committee has instituted the following reforms:

- The Committee has placed a 1 percent cap on discretionary spending for congressionally directed spending items;
- The Committee will not fund congressionally directed spending items to for-profit entities and each member must certify in the cover letter accompanying their request that none of the entities for which they have requested congressionally directed spending is a for-profit entity (more detailed instruction below in this guide);
- Senators are required to publish their CDS requests to their website as well as submit and make public a financial disclosure letter certifying that they do not have any financial interest in the items requested (more detail instruction below in this guide). Offices must post this information to their website within 15 calendar days after submitting their CDS requests to the Committee, and the Senate Appropriations Committee will provide a link to each office's disclosure on the Committee website. Providing 15 days between making a request and posting it on a Member's website will allow subcommittee staff to review requests and make sure they have been properly identified as either programmatic or CDS; and
- The Committee will require the Government Accountability Office to audit a sample of enacted congressionally directed spending items and report its findings to Congress.

Open Season and submission deadlines are above, and are based on an assumption that we receive the President's budget at the end of May. If the President's budget arrives significantly later than that, we will revise as necessary. We will provide training on Legi-Mate prior to Open Season beginning. While we encourage early submissions if you are able to do so, please do NOT finalize any requests until at least 10 days after we receive the President's budget.

Subcommittee Guidance

Congressionally-designated spending (CDS). The LHHS Subcommittee will accept requests for CDS. CDS should fund local projects that further the missions of LHHS agencies.

The LHHS Subcommittee will accept CDS requests in the following accounts:

- Department of Labor—Employment and Training Administration—Training and Employment Services
- Department of Health and Human Services—Health Resources and Services Administration—Program Management
- Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support
- Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs

- Department of Health and Human Services—Administration for Community Living—Aging and Disability Services Programs
- Department of Education— Innovation and Improvement—Fund for the Improvement of Education
- Department of Education—Rehabilitation Services—Demonstration and Training
- Department of Education—Higher Education—Fund for the Improvement of Postsecondary Education

The Subcommittee will not accept CDS requests in any other account.

In an effort to promote transparency, Senators are encouraged to limit and fully justify their requests. The Subcommittee recommends that CDS projects create jobs, create opportunities, and/or save lives. LHHS CDS projects should not be viewed as continuous funding sources and should be distinct from competitive grant opportunities at the relevant agencies. CDS projects should be viewed as a way to jump start an activity not sustain it over time. Successful projects will match the project to the authorization or mission of an agency or account and have the support of local officials or communities. The Subcommittee recommends staff look at the FY 2010 LHHS bill and report for examples of the kinds of projects LHHS has supported in prior years.

Except where specifically authorized and noted, CDS cannot be used for construction (or the acquisition of property) or renovation of buildings. In addition, recipients of CDS may not sub-grant to other organizations or agencies.

All LHHS CDS requests must include:

- Program and Account for which the program is being requested – Projects will only be funded from the accounts listed above.
- Project Name – Name of the project (can be the same as project purpose below).
- Project Purpose – This is a short description that will appear in CDS disclosure tables. It should not be the name of an existing program, project, or activity, but rather a description unique to your CDS request.
- Justification – This description should provide a brief summary of the project including its purpose, goals, history and current status, as well as the justification for the project (i.e., why funding is in the interest of taxpayers). The description should explain how the money will be spent (i.e., \$X for salaries; \$X for programming; \$X for equipment; etc.) Please be specific when describing the activities and expenditures. The justification should also state what performance standards will be used to measure whether this project has achieved its objectives. This description must be complete without references to supporting materials. Senators may make a longer case for proposed CDS spending in the letters sent to the Subcommittee, which may include references to supporting materials.
- Project City or County / Project State – An accurate name for the specific location of the proposed activity. This information will be included in CDS public disclosure tables.
- Recipient Name (legal name of the organization) / Point of Contact Name, Phone Number, E-mail Address, and Mailing Address – This information will not appear on public disclosure tables, but will be given to the executing agency.

In addition, Senators are strongly encouraged to provide a website for the project in the Project Website field.

The LHHS Subcommittee will accept CDS requests for the following activities:

DEPARTMENT OF LABOR

Employment and Training Administration

The Workforce Innovation and Opportunity Act (WIOA) demonstrations authority, within Training and Employment Services, is the only Department of Labor program that supports CDS. These projects must meet all WIOA requirements, except that they are exempt from the requirement to compete. In addition, all projects must: 1) Include direct services to individuals to enhance employment opportunities; 2) Demonstrate evidence of a linkage with the State or local workforce investment system; and 3) Include an evaluation component.

Equipment purchases may be included within congressionally directed funding only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals.

CDS cannot be used for construction or renovation of facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration (HRSA)

CDS within HRSA should be submitted through the Program Management account and must fall under one of the following categories:

- **Health Facilities Construction and Equipment**—CDS for the cost of construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research. Examples of eligible facilities include hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories. In addition to construction and renovation, funding can be used to acquire capital equipment, such as lab equipment or x-ray machines. Equipment-only grants—that is, grants not involving construction—are permissible. Generally, any equipment having a useful life of more than one year and a unit cost of at least \$5,000 will be eligible as capital equipment.

In addition, equipment with lower costs may also be eligible, provided that it is treated as an item of capital expense under the recipient institution's pre-existing, written accounting policies. Equipment expenses for health information systems and electronic medical records systems are permitted expenditures. The costs of expendable supplies such as pharmaceuticals, lab chemicals, or office paper are not eligible.

HRSA Health Facilities funding cannot be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. Funding cannot be used to pay for work previously

completed. CDS can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies.

- **Health Professions Education and Workforce Development**—CDS for projects to improve education and training of health care professionals.
- **Rural Health** —CDS for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. Grant funds can be used for services only in areas that meet HRSA’s definition of rural. For lists of eligible areas and further information regarding that definition, see: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>.

Substance Abuse and Mental Health Services Administration (SAMHSA)

CDS within SAMHSA should be submitted through the Health Surveillance and Program Support account and must fall under one of the following categories:

- **Mental Health**—funding to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- **Substance Abuse Treatment**—funding to support programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- **Substance Abuse Prevention**—funding to support programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.

CDS within SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

Needle Exchange: A General Provision prohibits the award of funding for projects which distribute sterile needles or syringes for I.V. drug injection.

Use of Illegal Substances: A General Provision prohibits the award of funding for projects which promote the legalization of illegal drugs or substances.

Administration for Children and Families

CDS within ACF should be submitted through the Children and Families Services Programs account and must fall under one of the following categories:

- **Child Abuse Prevention**—CDS for projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance. Projects must serve or target abused and/or neglected children and their families.

- **Social Services Research and Demonstration**—CDS for projects to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families. Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.

CDS cannot be used for construction or renovation of facilities.

Administration for Community Living

Aging and Disability Services Programs—CDS for projects to improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities. Generally, CDS should focus on improving access to, or the quality of, education, training, support services, and independent living services for older adults and individuals with disabilities.

CDS cannot be used for construction or renovation of facilities.

DEPARTMENT OF EDUCATION

Innovation and Improvement

Fund for the Improvement of Education (FIE)—elementary and secondary education CDS can be designated under this heading for a wide variety of elementary and secondary education projects, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools, and early childhood education. In general, the focus of elementary and secondary education CDS should be providing early childhood or K-12 educational services. Requests must specify the purpose of the CDS.

In addition, CDS to provide and improve special education services at the elementary and secondary levels are also eligible under this heading. These CDS may include early intervention services for infants and toddlers, transition services, and postsecondary education services.

Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. Generally, CDS intended for individual schools is provided to the applicable school district and not directly to the individual school.

CDS cannot be used for construction or renovation of school buildings, except in the case of minor remodeling required as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible.

Rehabilitation Services

Demonstration and Training—CDS can be designated under this heading for a wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, CDS

should focus on improving access to, or the quality of, such services for individuals with disabilities. Eligible grantees include State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies and organizations.

CDS cannot be used for construction or renovation of facilities.

Higher Education

Fund for the Improvement of Postsecondary Education (FIPSE)—CDS can be designated under this heading for a wide variety of higher education projects. Generally, requests should focus on improving access to, or the quality of, postsecondary education.

Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.

Grantees are usually colleges and universities, but may include other public and private nonprofit organizations.

CDS cannot be used for construction or renovation of academic buildings, except in the case of minor remodeling required as part of technology upgrades.