

Requesting Member Project Earmarks In the Labor-HHS-Education Appropriations Bill

GENERAL INFORMATION

- ❑ **All earmarked projects must meet eligibility requirements for some specific program in which earmarking is done.** Only certain programs in the Labor-HHS – Education bill are normally earmarked. A list and description of these programs can be found below, and the Subcommittee staff is available for consultation if you have read this document thoroughly and remain uncertain whether a proposed project would be eligible for an earmark.
- ❑ The Labor-HHS-Education Subcommittee frequently receives requests for project earmarks to construct or renovate buildings. **Health facilities are the *only* types of construction projects normally eligible for earmarked funding in the Labor-HHS-Education bill.**
- ❑ **The Labor-HHS-Education Subcommittee is asking that all Member requests with priority rankings be submitted by March 16th this year.** Requests need to be entered into the House Appropriations Committee’s on-line database, with a signed letter of confirmation sent to the Chairman and Ranking Member of the Subcommittee. Please send a single letter covering all requests rather than separate letters for each.
- ❑ **It is very important that you rank your project requests in priority order.** Please provide *one unified list of your priorities for the entire bill*, rather than separate rankings for each agency or program for which you have requests.
- ❑ If a request is successful and receives a funding earmark in the bill, the designated recipient organization will be contacted by the relevant federal agency and asked to complete the paperwork necessary to set up the grant (including a detailed description of the intended uses of the funds). It is therefore important that you include accurate contact information for the prospective grantee when filling out the on-line request form. Recipients of earmarked funding are generally required to comply with the applicable conditions, restrictions and reporting requirements for federal grants. Normally, funds will be disbursed electronically as the project proceeds; recipients do not receive a lump-sum payment.

PROGRAMS TYPICALLY EARMARKED IN THE LABOR -HHS- EDUCATION BILL

Department of Labor

The Workforce Investment Act demonstration program is the only Labor Department program earmarked by the Subcommittee. Typically, earmarked projects are designated under the heading of Pilots, Demonstrations and Research within the Employment and Training Administration. These projects must meet all statutorily mandated requirements, except that they are exempt from the requirement to compete. These requirements are that 1) projects must include direct services to individuals to enhance employment opportunities, 2) evidence of a linkage with the local workforce investment system, and 3) an evaluation component. Equipment purchases may be included within earmarked projects, but only as an incidental part of the entire project. Funding for construction or renovation of facilities is not authorized.

Department of Health and Human Services

Note that Congress does not earmark the National Institutes of Health or the Agency for Healthcare Research and Quality.

Health Resources and Services Administration (HRSA)

The Subcommittee has normally provided Member project earmarks **ONLY** in the categories listed below. *Requests that do not fit into one of these categories are unlikely to be eligible for earmarked funding under HRSA.*

Health Facilities Construction and Equipment grants to help with the cost of construction, renovation and/or capital equipment for facilities for provision of health 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, grants 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 (and commonly done). 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. The costs of expendable supplies such as pharmaceuticals, lab chemicals or office paper are *not* eligible.

HRSA Health Facilities grants *cannot* be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. With limited exceptions, they cannot be used to pay for work previously done. Grants 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 grants for projects to improve education and training of health care professionals, or to analyze health workforce trends and needs.

Rural Health Outreach grants 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, and improvements to emergency medical services. Grant funds can only be used for services in areas that meet HRSA's definition of rural. For lists of eligible areas and further information regarding that definition, see <http://ruralhealth.hrsa.gov/funding/eligibilitytestv2.asp>.

Rural Health Research grants to support research on rural health problems and ways of improving health care in rural areas.

Telehealth and Health Information Technology—funding for telemedicine, distance learning, or use of information technology to improve health care.

Centers for Disease Control and Prevention (CDC)

Earmarks done under this heading should fit within one of the public health mission areas of CDC, such as support for public health departments and functions, education and outreach related to prevention and control of chronic diseases, response and preparedness for bioterrorism and other public health emergencies, immunization, or projects in environmental or occupational health. Funds cannot support biomedical research (clinical trials, genetic efforts, and medical interventions).

CDC grant funds cannot be used for construction or procurement of furnishings and vehicles. With limited exceptions, *CDC grant funds cannot be used to support medical, clinical and primary care services, or screening or diagnostic testing. Furthermore, funds cannot support the payment for professional staff to perform these services.*

Substance Abuse and Mental Health Services Administration (SAMHSA)

Earmarks within SAMHSA can be used for mental health or substance abuse treatment services or for substance abuse prevention programs. Funds *cannot* be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

Centers for Medicare and Medicaid Services (CMS) Program Management

Under CMS, earmarks are done *only* for research and demonstration projects. Funded projects should relate to one of the missions of CMS, such as improving health care and access to health care for seniors, people with disabilities, and low-income and uninsured individuals and families.

CMS research and demonstration funds *cannot* be used for construction, or for clinical or other biomedical research.

Administration for Children and Families

Child Abuse Prevention and Treatment—grants for research, demonstration projects, information dissemination and technical assistance related to the prevention, identification, and treatment of child abuse or neglect. Funds *cannot* be used for construction, or for services (such as primary health care) not related to child abuse prevention or treatment.

Social Services Research and Demonstration—grants for research or for demonstration projects relating to subjects such as family violence prevention, child welfare, teen pregnancy reduction, abstinence education, strengthening of families, and facilitating transition from welfare to work. On a limited basis, funding can be provided for developmental disability services. Funds *cannot* be used for construction.

Administration on Aging

The *only* AOA program in which earmarks are provided is aging research, demonstrations and training. Fundable activities include demonstration of new methods and practices to improve the quality and effectiveness of programs and services, evaluation of existing programs and services, applied social research, and training programs for workers in the field of aging.

To be eligible, proposed demonstration projects should involve new, innovative approaches and include an evaluation component. *Projects that merely continue or expand ongoing services are generally not eligible, unless something new or innovative is being demonstrated.* Funds *cannot* be used for medical care, institutional care, income maintenance, scientific or medical research, construction, or equipment purchases (except for equipment necessary to carry out an otherwise eligible project).

For AOA earmarks, *matching funding (in cash or in kind) is required*, equal to at least 25 percent of the total project cost and the grantee must be a non-profit.

Office of the Secretary General Departmental Management

Office of Minority Health and Office on Women's Health earmarks are done for projects aimed at reducing health disparities and improving the health status of minorities and women. Examples of projects usually eligible include health education and outreach, training for health professionals, and health services research. Funds *cannot* be used for medical treatment or other clinical services, for clinical or other biomedical research, or for construction.

Department of Education

Elementary and Secondary Education

Fund for the Improvement of Education (FIE). Most elementary and secondary education earmarks are designated under the Fund for the Improvement of Education, which authorizes most activities conducted by school districts. Some exceptions include the construction/renovation/wiring of school buildings, which are not eligible activities under FIE. Daycare and childcare projects that do not include educational services are also not eligible.

Examples of the types of activities that can be funded under FIE include instructional services, after school centers, curricula development, teacher training, acquisition of books and computers, arts education, and early childhood education. In general, the focus of FIE projects should be providing educational services to K-12 students. For example, a project to help adults to read typically would not be eligible for an earmark under FIE unless the services were part of a family literacy project where students were the principal beneficiaries.

Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private entities.

Research in Special Education. Projects to provide and improve special education services at the elementary and secondary levels can be earmarked under the research in special education program under the Institute of Education Sciences. Projects may also include early intervention services for infants and toddlers, transition services, and postsecondary education services. Eligible entities include state education agencies, school districts, colleges and universities, and other public and private entities.

Impact Aid. As a general rule, the Impact Aid construction program is the *only* education program where school construction or renovation projects are earmarked. A limited number of such projects have been funded in the past, but only for school districts that qualify for Impact Aid payments.

Postsecondary Education

Fund for the Improvement of Postsecondary Education (FIPSE). Earmarks can be designated under this heading for a wide variety of higher education projects. Generally, projects should focus on improving access to, or the quality of, postsecondary education. Construction/renovation/wiring of academic buildings are not authorized.

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 can be other public and private nonprofit organizations.

Rehabilitation Services

Rehabilitation Demonstration and Training Program. Rehabilitation projects to help disabled adults obtain vocational training and employment can be earmarked under the rehabilitation services demonstration and training authority.

Limitations on Education-Related Earmarking

Again, except where specifically authorized, earmarked funds cannot be used for construction (or the acquisition of property), renovation or wiring of buildings. In addition, grantees may not restrict participants based on race, ethnicity or gender. Finally, recipients of earmarked projects may not sub-grant to other organizations or agencies.

Museums and Libraries

Museum and library projects are funded under the Institute for Museum and Library Services (IMLS).

Examples of eligible library projects include projects to acquire books, upgrade computers and technology, and establish education and outreach programs. A grantee for a library project must be a public library, school library, university or college library, digital library, research library or archive.

All types of museums are eligible for funding; however, they must be operating and open to the public. Eligible museums include art, youth, general, natural history, science and other specialized museums. Also eligible for funding are aquariums, botanical gardens, nature centers, historic houses and sites, planetariums and zoos. Performing arts centers are not eligible for IMLS funding. Examples of eligible museum

projects include projects to develop new exhibits, preserve collections, and develop education and outreach programs. Funds cannot be used to plan, design or build new museums.

No library or museum construction or renovation activities (including planning, architectural design, and land acquisition preceding actual construction) are authorized. In addition, acquisition of objects for museum collections is not authorized.