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## MEMORANDUM

**TO: Interested Parties**  
**FROM: Penn Hill Group**  
**DATE: March 9, 2022**  
**SUBJECT: Final FY 2022 Labor, Health and Human Services Education and Related Agencies Appropriations bill**

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On Wednesday, March 9, 2022 the text of the Consolidated Appropriations Act, 2022 was released. This memorandum summarizes the major provisions included in the bill text and the accompanying explanatory statement pertaining to the Labor, Health and Human Services, Education and Related Agencies (LHHS) Appropriations Division of the bill and other related provisions. The bill text can be found [here](#) . The text of the explanatory statement is divided into two documents. The first portion (and bulk of the explanatory text) can be found [here](#) and the second portion (community directed spending list and bill funding chart) can be found [here](#).

Overall, the bill provides \$213.6 billion for FY 2022, an increase of \$15.3 billion above the FY 2021 LHHS bill. The bill provides \$13.2 billion for the U.S. Department of Labor (DOL), an increase of \$653 million above FY 2021 levels. For the U.S. Department of Health and Human Services (HHS), the bill provides \$108.3 billion, an increase of \$11.3 billion above FY 2021 levels. Lastly, for the U.S. Department of Education (ED), \$76.4 billion is provided for an increase of \$2.9 billion above FY 2021 levels.

### **U.S. Department of Education**

#### *Bill Language*

**IDEA Part C Early Intervention Continuation Services** – The bill language permits States to use Individuals with Disabilities Education Act (IDEA) Part C funds to offer continued early intervention services to a child with a disability who was receiving Part C services until the beginning of the school year following the child’s third birthday (with parental consent).

**HEA Evaluation and Collection and Analysis of Outcome Data** – The bill language permits ED to reserve .5 percent of funds appropriated for any Higher Education Act (HEA) (except Pell and the Student Aid Administration accounts) program to carry out rigorous and independent evaluations and to collect and analyze outcome data for any program authorized by the HEA.

**Waivers of Mitigating Circumstances requirements related to Cohort Default rates for Certain Schools** – The bill language permits ED to waive, for certain institutions, the HEA requirements that allow mitigating circumstances to be used to maintain eligibility for an institution of higher education (IHE) which has cohort default rates that would otherwise terminate Title IV eligible for such institution. The waiver is permitted for an IHE that offers an associate’s degree, is a public institution and is located in an economically distressed county.

**Disability Innovation Fund under the Rehabilitation Act** – The bill permits a reservation of funds under the Rehabilitation Act for evaluation and technical assistance activities.

**FAFSA Simplification Act changes** – The bill, in Division R, makes additional changes to the HEA pertaining to the recently passed FAFSA Simplification Act (that was included as part of the FY 2021 Omnibus appropriations package). The bill extends the implementation period of this Act to require an updated FAFSA and its related simplification elements to be effective for the 2024-2025 award year. The bill language also allows ED to implement provisions in the FAFSA Simplification Act (no sooner than July 2023) pertaining to cost of attendance, financial aid administrator discretion and rules pertaining to independent students. The bill requires ED to publish a notice in the Federal Register should the agency determine that any of these provisions will be implemented before the start of the 2024-2025 award year.

**Institutional COVID Funding Use on Construction and Real Property Acquisition** – The bill language includes provisions allowing IHEs to use certain COVID relief funding provided under the Higher Education Emergency Relief Fund for “the acquisition of real property or construction.”

*Explanatory Statement Language*

**Accuracy of Census Bureau’s SAIPE** – The explanatory language directs ED, in collaboration with the Bureau of the Census, to provide a briefing to Congress that includes an analysis of the accuracy and effectiveness of the Census Bureau’s Small Area Income and Poverty Estimates (SAIPE) as a measurement of student enrollment of low-income families under the Rural and Low-Income School and Small Rural Schools Achievement programs.

**Technical Assistance under SSAEG** – The explanatory language states that the reservation for technical assistance under the Student Support and Academic Enrichment Grants (SSAEG) program should be used to support State educational agencies (SEAs) and local educational agencies (LEAs) in carrying out program activities. This support can include support for fostering school diversity efforts across and within school districts. ED is further directed to prioritize its technical assistance and capacity building support for those agencies seeking to address school diversity needs.

**Education Innovation and Research (EIR)** - The explanatory language directs ED to expand, within the STEM and computer-science setaside under EIR, opportunities for underrepresented students. The language further states that the agreement supports prioritization of high-quality social-emotional learning (SEL) and STEM proposals for both the early- and mid-phase evidence tiers of EIR. The agreement also encourages ED to ensure that the setaside for rural areas is met and EIR funds are awarded to diverse geographic areas.

**Supporting Effective Educator Development (SEED)** – The explanatory language directs ED to support professional development that helps educators incorporate SEL practices into teaching and to support pathways into teaching that provide a strong foundation in child development and learning. The explanatory language also provides a limit on the total maximum number of competitive preference priority points that can be applied in the 2022 competition. In addition, the explanatory language describes the SEED program as an ideal vehicle for helping more highly-trained teachers serve traditionally underserved LEAs. ED is directed to include an absolute priority on supporting the preparation of principals and other school leaders in the FY 2022 competition.

**Disability Innovation Fund** – The explanatory language directs ED to provide a plan to the Appropriations Committees on how it will use the 15 percent of amounts available under the Disability Innovation Fund under the Rehabilitation Act for evaluation and technical assistance.

**Student Loan Servicing** – The explanatory language discusses how Congress has provided “significant” funding to support ED’s NextGen initiative and servicing in general. The explanatory language states that this is still a non-long-term servicing solution and reiterates the bill language requirement to provide quarterly updates on servicing issues.

**FIPSE** – The explanatory language outlines several initiatives that the bill funds through the Fund for the Improvement of Postsecondary Education (FIPSE). This includes:

- Hawkins Center of Educational Excellence - \$8 million (through the authority in section 242 of the HEA)
- Basic Needs Grants - \$8 million (with 25 percent each going to community colleges and Minority-Serving Institutions (MSIs) with a grant priority for institutions with 25 percent and higher Pell enrollment).
- Centers of Excellence for Veterans Student Success Program - \$8.5 million
- Center of Excellence in Spatial Computer - \$2 million
- Digital Learning Infrastructure and IT Modernization Pilot - \$11 million
- Open Textbook Pilot - \$5 million
- Modeling and Simulation Programs - \$5 million

- Postsecondary Student Success Grants - \$5 million (new program focused on evidence-based activities to improve retention and completion)
- Rural Postsecondary and Economic Development Grants - \$20 million
- Transitioning Grant-Involved Youth to Higher Education - \$1.5 million

**NAEP Assessment** – The explanatory text states that the National Assessment Governing Board and IES should continue to consult with the authorizing and appropriations committees as cost efficiencies and upgrades of the National Assessment of Educational Progress (NAEP) are considered.

**National Board for Education Sciences (NBES)** – The explanatory language notes that NBES has been without members for an extended period of time and requests that ED provide information in future Congressional Justifications regarding plans for NBES.

**Centers for Interconnected Behavioral and Mental Health Systems** – The explanatory statement urged ED to work with HHS to support expanded access to mental health services for children and adolescents through school-based health centers. The language urges ED to consider how regional research centers on positive behavioral interventions and supports (PBIS) work with the existing National Technical Assistance Center on PBIS and existing school-based health centers.

**ESEA Per Pupil Spending Reporting** – The explanatory language directs ED to continue efforts to support the requirement in the Elementary and Secondary Education Act (ESEA) on per-pupil expenditure reporting for all states and school districts. The language requests an update on these efforts in the next Congressional Justification.

**Menstrual Hygiene Products** – The agreement requires ED, in consultation with HHS, to provide technical assistance and share best practices with IHEs seeking to expand access to menstrual products for postsecondary students.

**Office of English Language Acquisition** – The explanatory language directs ED to provide a briefing on the organizational responsibilities among the Office of Elementary and Secondary Education and the Office of English Language Acquisition to improve support for English learners and their educators, including through Federal technical assistance.

**School Improvement** – The explanatory language directs ED to provide a briefing to Congress on ED's actions and plans for addressing challenges identified by GAO on school improvement issues.

## **U.S. Department of Labor**

### *Explanatory Language*

**YouthBuild** – The explanatory language states that DOL is encouraged to ensure YouthBuild Grants are used to serve geographically diverse areas, including rural areas.

**Public Libraries** - The explanatory language urges the Department to develop a plan to build and strengthen partnerships between the one-stop system and public libraries and ensure that public libraries have the resources necessary to provide these workforce development services. The explanatory language requests a briefing within 120 days of enactment of this Act on the Department's work with the Institute of Museum and Library Services and public libraries.

## **U.S. Department of Health and Human Services**

### *Explanatory Language*

**Child Abuse Discretionary Activities** – The explanatory language encourages the consideration of demonstration projects for serving children in foster care who have experienced severe trauma through trauma-informed interventions. The language encourages the Administration on Children and Families to work with nonprofit organizations to study and report on the findings and outcomes of these projects.

**White House Conference on Food, Nutrition, Hunger and Health** – The explanatory language directs HHS to convene a White House Conference on Food, Nutrition, Hunger and Health in 2022 to focus on developing a roadmap to end hunger and improve nutrition by 2030. \$2.5 million is in the agreement to cover the costs of this conference.

## **Institute of Museum and Library Services**

### *Explanatory Language*

**IMLS Program Administration** – The explanatory language states that \$2 million in the bill is for the creation of the information literacy taskforce tasked with developing guidance and toolkits on the reliability and accuracy of information. As described in the explanatory language, the taskforce will coordinate and promote literacy across departments and agencies, State and local museums and libraries and other organizations.

**Funding Comparison of Select Programs under the Senate FY 2022 LHHS Appropriations bill (in thousands)**

- Funding levels noted in **red** reflect a reduction or elimination of programmatic funding from FY 2021
- Funding levels noted in **green** reflect an increase over FY 2021 funding
- Numbers sourced from the Committee Report are rounded totals, which may not reflect the specific program funding levels.

Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
<b>Education for the Disadvantaged</b>						
Title I (Grants to LEAs)	\$16,536,802	\$16,536,802	\$36,036,802	\$33,086,802	\$17,536,802	<b>+\$1,000,000</b>
Title I Equity Grants	\$0	\$20,000,000	\$0	\$0	\$0	<b>\$0</b>
Innovative Approaches to Literacy	\$28,000	\$28,000	\$31,000	\$34,000	\$29,000	<b>+\$1,000</b>
Comprehensive Literacy State Development Grants	\$192,000	\$192,000	\$192,000	\$192,000	\$192,000	<b>\$0</b>
<b>School Improvement Programs</b>						
Supporting Effective Instruction State Grants (ESEA Title II)	\$2,143,080	\$2,148,850	\$2,293,080	\$2,193,580	\$2,170,080	<b>+\$27,000</b>
Education for Homeless Children and Youth	\$106,500	\$106,500	\$116,500	\$146,500	\$114,000	<b>+\$7,500</b>

Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
21 <sup>st</sup> Century Community Learning Centers	\$1,259,673	\$1,309,673	\$1,359,673	\$1,309,673	\$1,289,673	+\$30,000
Rural Education	\$187,840	\$192,840	\$192,840	\$200,000	\$195,000	+\$7,160
State Assessments	\$378,000	\$378,000	\$378,000	\$428,000	\$390,000	+\$12,000
Comprehensive Centers	\$52,000	\$52,000	\$52,000	\$57,000	\$54,000	+\$2,000
Student Support and Academic Enrichment Grants (Block Grant)	\$1,220,000	\$1,220,000	\$1,305,000	\$1,320,000	\$1,280,000	+\$60,000
<b>Innovation and Improvement</b>						
Education Innovation and Research	\$194,000	\$194,000	\$254,000	\$270,000	\$234,000	+\$40,000
American History and Civics Education	\$5,250	\$5,250	\$6,500	\$10,000	\$7,750	+\$2,500
School Leader Recruitment and Support Program	\$0	\$30,000	\$0	\$30,000	\$0	\$0
Teacher and School Leader Incentive Grants	\$200,000	\$200,000	\$200,000	\$200,000	\$173,000	-\$27,000
Charter Schools Program	\$440,000	\$440,000	\$400,000	\$440,000	\$440,000	\$0
Magnet Schools Assistance	\$109,000	\$149,000	\$149,000	\$179,000	\$124,000	+\$15,000

Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
Ready-to-Learn Television	\$29,500	\$29,500	\$31,776	\$30,000	\$30,500	+\$1,000
Supporting Effective Educator Development (SEED)	\$80,000	\$80,000	\$90,000	\$80,000	\$85,000	+\$5,000
Javits Gifted and Talented Education	\$13,500	\$13,500	\$15,500	\$13,500	\$14,500	+\$1,000
Arts in Education	\$30,500	\$30,500	\$33,000	\$32,000	\$36,500	+\$6,000
Statewide Family Engagement	\$12,500	\$12,500	\$13,500	\$17,000	\$15,000	+\$2,500
Fostering Diverse Schools	\$0	\$100,000	\$100,000	\$0	\$0	\$0
<b>Basic Support Payments</b>						
Basic Support Payments	\$1,354,242	\$1,394,242	\$1,404,242	\$1,417,000	\$1,409,242	+\$55,000
Payments for Children with Disabilities	\$48,316	\$48,316	\$48,316	\$48,316	\$48,316	\$0
Facilities Maintenance	\$4,835	\$4,835	\$4,835	\$4,835	\$4,835	\$0
Construction	\$17,406	\$17,406	\$17,406	\$17,406	\$17,406	\$0
Payments for Federal Property	\$76,313	\$76,313	\$77,313	\$78,281	\$77,313	+\$1,000
<b>Safe Schools and Citizen Education</b>						



Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
Promise Neighborhoods	\$81,000	\$91,000	\$96,000	\$101,000	\$85,000	<b>+\$4,000</b>
Full-Service Community Schools	\$30,000	\$443,000	\$443,000	\$400,000	\$75,000	<b>+\$45,000</b>
School Safety National Activities	\$106,000	\$116,000	\$1,127,000	\$916,000	\$201,000	<b>+95,000</b>
<b>English Language Acquisition</b>						
English Language Acquisition (ESEA Title III, Part A)	\$797,400	\$917,400	\$1,000,000	\$917,400	\$831,400	<b>+\$34,000</b>
<b>Special Education and Rehabilitative Services</b>						
IDEA Part B – (Grants to States)	\$12,937,457	\$15,537,429	\$15,537,429	\$15,537,429	\$13,343,704	<b>+\$406,247</b>
IDEA Part C – (Infants and Families)	\$481,850	\$731,850	\$731,850	\$731,850	\$496,306	<b>+\$14,456</b>
Parent Training and Information Centers	\$27,411	\$30,152	\$30,152	\$33,000	\$30,152	<b>+\$2,741</b>
<b>Career, Technical, and Adult Education</b>						
CTE State Grants	\$1,334,848	\$1,354,848	\$1,384,848	\$1,384,848	\$1,379,848	<b>+\$45,000</b>
CTE National Programs	\$7,421	\$115,421	\$115,421	\$25,000	\$7,421	<b>\$0</b>

Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
Adult Education State Grants	\$674,955	\$674,955	\$700,000	\$700,000	\$690,455	+\$15,500
Adult Education National Leadership Activities	\$13,712	\$38,712	\$38,712	\$23,000	\$13,712	\$0
<b>Student Financial Assistance</b>						
Pell Grant Discretionary Funding	\$22,475,352	\$25,475,352	\$24,725,352	\$24,278,460	\$22,475,352	\$0
Pell Grant Maximum (with mandatory add-on)	\$6,495	\$6,895	\$6,895	\$6,895	\$6,895	+\$400
Federal Work Study	\$1,190,000	\$1,190,000	\$1,434,000	\$1,230,000	\$1,210,000	+\$20,000
SEOG	\$880,000	\$880,000	\$1,028,000	\$905,000	\$895,000	+\$15,000
<b>Higher Education</b>						
Strengthening Institutions	\$109,007	\$209,0007	\$209,007	\$187,413	\$110,070	+\$1,063
Strengthening HBCUs	\$337,619	\$402,619	\$402,619	\$395,082	\$362,823	+\$25,204
Hispanic Serving Institutions	\$148,732	\$236,732	\$236,732	\$226,529	\$182,854	+\$34,122
Promoting Post-Baccalaureate Opportunities for Hispanic Americans	\$13,845	\$28,845	\$28,845	\$27,106	\$19,661	+\$5,816

Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
HBCU Capital Financing Program	\$48,484	\$20,484	\$24,484	\$20,484	\$20,484	<b>-\$28,000</b>
Strengthening Historically Black Graduate Institutions	\$87,313	\$102,313	\$102,313	\$100,574	\$93,129	<b>+\$5,816</b>
Federal TRIO Programs	\$1,097,000	\$1,297,761	\$1,297,761	\$1,282,761	\$1,137,000	<b>+\$40,000</b>
GEAR UP	\$368,000	\$408,000	\$408,000	\$400,000	\$378,000	<b>+\$10,000</b>
Teacher Quality Partnerships	\$52,092	\$132,092	\$132,092	\$90,000	\$59,092	<b>+\$7,000</b>
Child Care Access Means Parents in Schools	\$55,000	\$95,000	\$95,000	\$110,000	\$65,000	<b>+\$10,000</b>
<b>Institute of Education Sciences</b>						
Research, Development and Dissemination	\$197,877	\$267,880	\$260,880	\$267,880	\$204,877	<b>+\$7,000</b>
Statistics	\$111,500	\$111,500	\$114,500	\$111,500	\$111,500	<b>\$0</b>
Regional Educational Laboratories	\$57,022	\$57,022	\$59,022	\$60,022	\$58,733	<b>+\$1,711</b>
NAEP	\$165,000	\$180,000	\$205,000	\$180,000	\$180,000	<b>+\$15,000</b>
Special Education Research	\$58,500	\$58,500	\$59,500	\$65,000	\$60,255	<b>+\$1,755</b>
Statewide Longitudinal Data Systems	\$33,500	\$33,500	\$34,500	\$33,500	\$33,500	<b>\$0</b>



Department of Education	FY 2021	FY 2022 Budget Request	FY 2022 House Passed Bill	FY 2022 Senate Committee Democrats Released Bill	FY2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
<b>Office for Civil Rights</b>						
Salaries and Expenses	\$131,000	\$144,000	\$144,000	\$144,000	\$135,500	<b>+\$4,500</b>

Program	FY 2021	FY 2022 Budget Request	FY 2022 House Subcommittee bill	FY 2022 Senate Committee Released Bill	FY 2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
<b>Department of Labor</b>						
Adult Employment and Training Activities	\$862,649	\$899,987	\$923,174	\$882,987	\$870,649	<b>+\$8,000</b>
Youth Activities	\$921,130	\$963,837	\$988,604	\$944,837	\$933,130	<b>+\$12,000</b>
Dislocated Workers Employment and Training Activities (formula grants)	\$1,061,553	\$1,155,278	\$1,183,554	\$1,110,278	\$1,075,553	<b>+\$14,000</b>
Strengthening Community College Training Grants	\$45,000	\$45,000	\$100,000	\$45,000	\$50,000	<b>+\$5,000</b>
YouthBuild	\$96,534	\$145,000	\$145,000	\$120,000	\$99,034	<b>+\$2,500</b>
Job Corps	\$1,748,655	\$1,754,759	\$1,830,073	\$1,754,759	\$1,748,655	<b>\$0</b>
Apprenticeship Grants	\$185,000	\$285,000	\$285,000	\$245,000	\$235,000	<b>+\$50,000</b>

Program	FY 2021	FY 2022 Budget Request	FY 2022 House Subcommittee bill	FY 2022 Senate Committee Released Bill	FY 2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
<b>Department of Health and Human Services</b>						
Head Start (including Early Head Start)	\$10,748,095	\$11,932,000	\$12,182,095	\$11,932,095	\$11,036,820	+\$288,725
CCDBG (Discretionary)	\$5,911,000	\$7,377,000	\$7,377,000	\$7,311,000	\$6,165,330	+\$254,330
NIMH	\$2,053,708	\$2,137,574	\$2,147,085	\$2,142,900	\$2,140,976	+\$87,268
NICHD	\$1,590,337	\$1,942,117	\$1,689,786	\$1,678,970	\$1,683,009	+\$92,672
Preschool Development Grants	\$275,000	\$450,000	\$450,000	\$450,000	\$290,000	+\$15,000
<b>Corporation for National and Community Service</b>						
CNCS Total Funding	\$1,121,102	\$1,210,266	\$1,315,266	\$1,185,266	\$1,150,636	+\$29,534
AmeriCorps State and National	\$455,096	\$501,000	\$601,096	\$480,096	\$466,749	+\$11,653
<b>Institute of Museum and Library Services (IMLS)</b>						
IMLS Total Funding	\$257,000	\$265,000	\$282,000	\$265,000	\$268,000	+\$11,000
Library Services and Technology Act (LSTA)	\$197,472	\$197,472	\$206,472	\$203,472	\$197,472	\$0
Grants to States	\$168,803	\$168,803	\$176,803	\$173,803	\$168,803	\$0
Native American/Hawaiian Library Services	\$5,263	\$5,263	\$6,263	\$6,263	\$5,263	\$0
National Leadership: Libraries	\$13,406	\$13,406	\$13,406	\$13,406	\$13,406	\$0



Program	FY 2021	FY 2022 Budget Request	FY 2022 House Subcommittee bill	FY 2022 Senate Committee Released Bill	FY 2022 Final Bill	Difference FY 2021 vs. Final FY 2022 Bill
Corporation for Public Broadcasting						
CPB Total Funding	\$445,000	\$465,000	\$565,000	\$565,000	\$465,000	+\$20,000