

# Congressman Joe Sestak APPROPRIATIONS GUIDANCE

## **Introduction:**

Congressional directed appropriations, often referred to as “earmarks,” are projects that are specifically placed in appropriations bills for limited purposes (i.e. not on-going operations) at the request of one or more members of Congress. They are different from grants in that they are directed to a specific project and, in the case of non-profits, a specific group. Grant funding, for the most part, is given to an agency with general guidelines and the agency then determines what organizations get funded for what projects through a competitive bid process.

New rules implemented in 2009 require that projects submitted by for-profit entities must be competitively bid. This means that even if a project submitted by a for-profit company receives funding, the submitting company must demonstrate through a competitive bidding process that they are the best to perform the project. The parameters for that bidding process are determined by earmark language included in the bill when it is signed into law.

It is important to note that even after bills are signed into law, recipients must still meet eligibility and accounting requirements before receiving the funds.

Forms to apply for an appropriation are available beginning in January by visiting [www.sestak.house.gov](http://www.sestak.house.gov), contacting the District Office at 610-892-8623, or requesting by mail at 600 N. Jackson Street, Suite 203, Media, PA 19063. You can also find descriptions of project submittals from prior years on the website. It is also recommended that you visit the House Appropriations website and the website of each of the committee’s subcommittees. There you will often find either the current year’s or the previous year’s earmark lists.

The project request forms for Congressman Sestak must be completed and returned electronically by the designated deadline (usually mid-February). The projects are reviewed by the Congressman and members of his staff, and submitted as appropriate to one of 10 Appropriation Subcommittees. An appropriations project is only approved after the following steps:

- The project is included in the bill passed out of the appropriate Sub-Committee.
- The project is included in the bill passed by the House or the Senate and included in the final Conference Report passed by both houses and finally signed into law by the President.
- This process can be concluded by mid-September but most often has extended to the end of the year, and in some cases into the beginning of the next year. It should also be noted that recent actions by Congress have dramatically cut funds available for appropriations.

In the case of projects requested by a non-profit, once the project is signed into law, the agency/ office receiving the funding, over the course of the year, will reach out to the recipient to go over other funding requirements and funding process. Any problems or concerns about the process, should be brought to Congressman Sestak’s staff’s attention as soon as possible.

There are twelve (12) appropriations funding bills, however, traditionally only ten (10) include earmarks. These include: Crime, Justice, and Science; Energy and Water; Financial Services; Homeland Security; Interior and Environment; Labor, Health and Human Services, Education; Military Construction and Veterans Affairs; Transportation and Housing and Urban Development; Agriculture; and Defense.

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Typically, the various House Appropriation Subcommittees for those bills have provided guidance/parameters. Listed below is the most recent information for each of these bill, including the agency and government accounts which are funded by those bills. This information is useful when considering which bill and agency a project projects would fit and under. Please note: these are subject to change and are not all inclusive, but can be used for general guidance. Information will be updated as it becomes available from the Committees of jurisdiction.

## **Crime, Justice, and Science**

The Appropriations Sub-committee generally has not funded vehicle purchases, building construction, or renovation.

Departments and Agencies receiving funding from this bill are:

**DEPARTMENT OF COMMERCE**

- International Trade Administration
- NOAA – Operations, Research and Facilities
- National Institute of Standards and Technology
- Minority Business Development Agency

**DEPARTMENT OF JUSTICE**

- Office of Justice Programs (OJP) – Byrne Discretion Grant
- OJP – Juvenile Justice
- COPS Law Enforcement Technology
- COPS Meth
- Office of Violence Against Women

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**

## **Energy and Water**

Departments and Agencies receiving funding from this bill are:

**U.S. ARMY CORPS OF ENGINEERS** -- Please note: projects must be under an existing authority. Before submitting, please contact the Philadelphia District of the US Army Corps of Engineers. Contact info can be found at <http://www.nap.usace.army.mil/>)

**DEPARTMENT OF ENERGY**

**NUCLEAR REGULATORY COMMISSION**

**DELAWARE RIVER BASIN COMMISSION**

**NUCLEAR WATER TECHNICAL REVIEW BOARD**

## **Financial Services**

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Departments and Agencies receiving funding from this bill are:  
GENERAL SERVICES ADMINISTRATION (GSA)

SMALL BUSINESS ADMINISTRATION

## **Homeland Security**

Generally, the Sub-Committee only funds projects for

- 1) Coast Guard/ Alternation of Bridges,
- 2) FEMA/ Pre-disaster Mitigation, and
- 3) FEMA/ State and Local Programs/ Emergency Operation Center.
- 4) Although the committee does allow for projects submitted in the “Other” category, it rarely funds outside the three listed categories.

The committee does NOT earmark:

- Fire station construction/ renovation
- Explosive detection system procurement and installation at airports, rail, or transit stations
- Non-previously authorized university programs
- Construction of training centers
- Non-Emergency Operation Center communication equipment
- Firefighter apparatus
- 911 call centers
- Emergency vehicles
- Regional bio-containment laboratories

## **Interior and Environment**

Departments and Agencies receiving funding from this bill are:

### ENVIRONMENTAL PROTECTION AGENCY

- STAG Water and Wastewater Infrastructure Project
- Environmental Programs and Management
- Science & Technology
- STAG – Other

### NATIONAL PARK SERVICE

- Operation of Natural Park System
- America’s Treasures
- Construction
- Land Acquisition
- Heritage Partnership Program

### FISH & WILDLIFE SERVICE

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U.S. GEOLOGICAL SURVEY

MINERALS MANAGEMENT SERVICE

INSULAR AFFAIRS

INTERIOR DEPARTMENT WILDLAND FIRE MANAGEMENT

US FOREST SERVICE

DEPARTMENT OF INTERIOR

## **Labor-Health and Human Services-Education**

Note: Only construction or renovation activities for health-related purposes, CAN BE FUNDED in the Labor-HHS-Education bill.

If the project funds health-related construction or renovation (such as clinics, hospitals, nursing homes, substance abuse centers, biomedical research facilities, or health care or research training facilities) it may be eligible for funding in Health Resources & Services Administration (HRSA) within the Department of Health and Human Services. Any construction or renovation activities, other than that for health-related purposes, CANNOT BE FUNDED in the Labor-HHS-Education bill.

Projects to fund projects to buy land or a building are NOT funded within this bill.

Departments and Agencies receiving funding from this bill are:

### DEPARTMENT OF LABOR

Employment and Training Administration (ETA) – Trainning & Employment Services (TEC)  
Projects direct training and employment services to individuals?

Some funding of curriculum development and/or equipment may be included, but only as an incidental part of a direct services request. If the primary purpose is equipment and being made by an institution of higher education may be eligible under FIPSE in the Department of Education (see below).

### DEPARTMENT OF HEALTH & HUMAN SERVICE

- Health Resources and Services Administration (HRSA) - Health Facilities and Services
- Substance Abuse & Mental Health Services Administration (SAMHSA) - Mental Health, Substance Abuse Prevention, or Substance Abuse Treatment
- Administration for Children & Families (ACF)/Social Services – Child Abuse Prevention or Social Services

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- includes projects to provide services for children with autism and their families
- Centers for Disease Control and Prevention (CDC) (includes projects for disease prevention, health promotion, or health outreach)
- Administration on Aging
- Centers for Medicare and Medicaid Services (CMS) – Research and Demonstration
- HHS Office of the Secretary (OS) – Research & Demonstration (including Minority & Women’s Health)
  - Projects in the Office of the Secretary (OS) generally can be funded only if services are for minority or female populations.
- Office of Minority Health

**DEPARTMENT OF EDUCATION**

Does NOT fund projects to fund construction or renovation of a building, gymnasium, or playground

- Fund for the Improvement of Education (FIE)
  - Includes project to support K-12 education (including special education)
- Fund for the Improvement for Postsecondary Education (FIPSE)
  - Includes project to support higher education
- Rehabilitation Services & Disability Research
  - Includes projects for the education and vocational training for disabled adults

**INSTITUTE OF MUSEUM & LIBRARY SERVICES**

Does NOT fund projects to fund construction or renovation of a building or exhibit, acquisition of objects for museum collections, or performing arts centers

Any museum receiving funding must be in operation and open to the public

## **Military Construction and Veterans Affairs**

The committee does not earmark funding specific projects in the Department of Veterans Affairs.

All military construction project requests must also be submitted to the Armed Services Committee.

Departments and Agencies receiving funding from this bill are:

**DEPARTMENT OF DEFENSE**

- Army
- Navy & Marine Corps
- Defense-wide (DoD agencies and SOCOM)
- Army National Guard

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- Air National Guard
- Army Reserves
- Navy Reserves
- Air Force Reserves
- Other

**AMERICAN BATTLE MONUMENTS COMMISSION**

- Salaries and Expenses

**ARMED FORCES RETIREMENT HOME**

- Trust Fund

**UNITED STATES COURTS OF APPEALS FOR VETERANS CLAIMS**

- Salaries and Expenses

## **Transportation and Housing and Urban Development**

Note: The information should be used only as a general guideline. It does not reflect all accounts for which projects will be considered. Further, the eligibility of specific projects should be confirmed independently by your state Department of Transportation (DOT) or the relevant federal agency.

Departments and Agencies receiving funding from this bill are

**FEDERAL HIGHWAY ADMINISTRATION (FHWA)**

- Transportation & Community & System Preservation (e.g. Main Street widening and resurfacing)

**FEDERAL TRANSIT ADMINISTRATION**

- Alternatives Analysis Program

The Alternative Analysis Program provides grants to assist in financing the evaluation of all reasonable modal and multimodal alternatives and general alignment options for identified transportation needs in a particular, broadly defined travel corridor.

The federal share for the Alternatives Analysis program is no more than 80%.

- New Starts

The New Starts program provides grants for construction of a new fixed guideway system or an extension to an existing fixed guideway system. A fixed guideway refers to any transit service that uses exclusive or controlled rights-of-way or rails, entirely or in part. Eligible purposes are light rail, rapid rail (heavy rail), commuter rail, monorail, automated fixed guideway system (such as a "people mover"), or a busway/high occupancy vehicle (HOV) facility.

Eligible recipients for New Starts funding are public bodies and agencies (transit authorities and other state and local public bodies and agencies thereof) including states, municipalities, other political subdivisions of states; public agencies and instrumentalities of one or more states; and certain public corporations, boards and commissions established under state law. The statutory match for New Starts funding is 80 percent Federal, 20 percent local, however, Congress has

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instructed FTA not to sign any new full funding grant agreement that have a maximum Federal share of higher than 60 percent.

- **Small Starts**  
The Small Starts program provides grants for construction of smaller fixed guideway projects as authorized by Section 5309 of title 49. In order to qualify as a Small Start, the total project cost must be less than \$250 million, with no greater than \$75 million for the Federal share.

**FEDERAL RAILROAD ADMINISTRATION**

- **Rail Line Relocation and Improvement Program**  
The Rail Line Relocation and Improvement Program provides grants for local rail line relocation and improvement projects. In order for a State to be eligible for a grant, the project must mitigate the adverse effects of rail traffic on a safety, motor vehicle flow, community quality of life, including noise mitigation or economic development. In addition, grants can be used for vertical or lateral relocation of a rail line.

This program was authorized in Section 9002 of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59). The federal share for the Rail Line Relocation and Improvement Program is no more than 90%.

- **Grade Crossing on Designated High Speed Rail Corridor**
- **Research and Development**

**FEDERAL AVIATION ADMINISTRATION (FAA)**

- **Grants-in-Aid for Airports (Airport Improvement Program- AIP)**  
The Airport Improvement Program (AIP) provides grants generally to public agencies for the planning and development of public-use airports. Eligible projects include those improvements related to enhancing airport safety, capacity, and environmental concerns. In general, sponsors can use AIP funds on most public-use airfield capital improvements or repairs except those for terminals, hangars, and nonaviation development. Projects related to airport operations and revenue-generating improvements are typically not eligible for funding.

The Committee includes language that the Administrator ensure that airport sponsors first use available entitlement funds for the project. In addition, state apportionments can be construed as discretionary funds.

**FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)**

- **Research & Development (FMCSA)**

**THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- **Economic Development Initiative (EDI)**

EDI funds can be used be for economic development activities, including; acquisition, planning, design, construction, and renovation of housing; land acquisition; and revitalization and redevelopment projects. Members should ensure that EDI projects are consistent with the underlying authorization for activities funded from the Community Development Fund within HUD. Funds should be used for activities which benefit low- and moderate-income persons.

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The following activities are not eligible for EDI funds:

- No funding for for-profit entities;
- No reimbursement of expenses (including debt service or debt retirement or payment for activities already undertaken);
- No water or sewage projects – although industrial park developments that include infrastructure developments may be considered;
- No first responder projects (including equipment grants, public safety grants, or public safety facilities construction, including police and fire stations);
- No transportation construction projects;
- No expenses for program operations, including staff;
- No planning projects for greater than \$100,000;
- No healthcare facilities;
- No college or university projects, except in unique circumstances where such projects clearly and unambiguously embody the statutory goals cited in the Housing and Community Development Act of 1974.

## **Agriculture**

Departments and Agencies receiving funding from this bill are  
AGRICULTURE RESEARCH SERVICE

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

- CSREES

ANIMAL RESOURCES CONSERVATION SERVICES

CONSERVATION OPERATIONS

WATERSHED/ FLOOD PREVENTION OPERATION

## **Defense**

The Defense appropriation process is complicated and follows a set of unique procedures and requirements. For guidance, you can contact your local Procurement Technical Assistant Center (see [http://www.aptac-us.org/new/Govt\\_Contracting/find.php?what=search&State=PA](http://www.aptac-us.org/new/Govt_Contracting/find.php?what=search&State=PA))