



# U.S. SENATOR BEN CARDIN'S NONPROFIT ORGANIZATIONS GUIDE TO

# CONGRESSIONALLY DIRECTED SPENDING (EARMARKS) FOR FY24



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# CONGRESSIONALLY DIRECTED SPENDING

This guide provides an overview of the existing funding opportunities available to nonprofit organizations through the Senate’s Congressionally Directed Spending projects, also known in the House of Representatives as Community Project Funding requests (earmarks). Earmarks provide a one-time – not multi-year – grant funding, allocation of resources for local community projects.

Congress revived the practice of earmarking federal funding to support local community projects in federal Fiscal Year 2022. This guide is based on the previously issued guidance by the Senate Appropriations Committee over the past two fiscal years, however, in late Spring 2023, the Committee may issue modified guidance and requestor requirements at the start of the consideration of Fiscal Year 2024 earmarks, or discontinue the earmark process entirely in future budget years.

Generally, project eligibility requirements for earmark funding are the same as for competitively awarded projects through existing federal grant programs, but individual programs may have slightly expanded eligibilities per Committee rules that are subject to change. Several federal agencies have created websites that outline the specific requirements for earmark recipients to receive their funds, such as whether an application is required and specific reporting requirements. Additional information on specific eligibility requirements can be found on the latest competitively awarded grant’s Notice of Funding Opportunity for each program that may be earmarked. A limited category of earmarks may require the approval or support by Maryland State agencies prior to Senate consideration for federal funding.

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Competition for earmark funding is highly competitive. Not every project that I select to advance to the Senate Appropriations Committee will receive funding. Maryland's Congressional Delegation works together to coordinate earmark project requests between multiple members, I encourage you to reach out to their offices and inform them of your projects so we may all have an opportunity to assist your funding needs. While I cannot guarantee funding success through the earmark process, through the use of this guide and coordination with my staff, I will work to ensure that your projects will be eligible to compete for funding if selected to advance to the Appropriations Committee.

**I strongly encourage you to schedule a meeting as soon as possible with my staff so they can share further guidance on how to advance your funding priorities and apply for earmarks for the upcoming fiscal year in late spring 2023.** To request a meeting, please email [MDlocal@cardin.senate.gov](mailto:MDlocal@cardin.senate.gov) for assistance and visit my website at <https://www.cardin.senate.gov/issues/earmarks-congressionally-directed-spendingrequests/> to review previous earmark projects that I have supported and those that received funding from the Senate Appropriations Committee.

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# BASIC PROJECT INFORMATION REQUIRED FOR CONSIDERATION

## Basic Project Information Required

The descriptions of earmark projects in this guide outlines the additional information required for specific authorities you are trying to fund via earmarks. The Senate Appropriations Committee requires all earmark requests to provide the following information for initial consideration of the requests:

- **Official Project Name**
- **Project Purpose**
  - Project Purpose This is a short, paragraph-length description of the project that will be made public in Congressional disclosures. This paragraph should answer the questions of “What would the funding accomplish? Who would it serve? Why are funds needed?”
- **Justification of Request**
  - This section requires you to provide greater detail on your project, such as the justification for why the project is a worthwhile investment for taxpayers, how it will serve low- to moderate-income individuals, and specific information for each project that the Appropriations Committee requires for consideration.
  - This section should also outline what new services or opportunities will be available as a result of the earmark funding, the geographic region you intend to utilize the funding, and any partnerships you have with other nonprofit or government organizations to support the project. If requesting additional funds for an ongoing project, please provide the current status or phase of the ongoing project
- **Project Costs**
  - This should outline the total cost of the project and how funds will be spent, such as on salaries, programming, equipment and what the earmark dollars would pay for.
  - If the project includes multiple phases, please include a breakdown of costs by phase.

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- **Financing on Hand**

- Requests should provide a full accounting of the non-earmark funding dedicated to the project, including non-federal funding such as state, county or municipal general funds, nonprofit funding or financing mechanisms, such as loans or tax financing.

- **Timeline to Completion**

- Please outline how long it will take to expend the earmark funded portion of your project, as well as the entirety of the project.
- The Appropriations Committee prioritizes funding projects that can be started or are already underway within the fiscal year that you are requesting funds. Completion of projects is not required within the fiscal year that the earmark funds are requested.

# SENATE EARMARK CONSIDERATION TIMELINE

1. → 2. → 3.

December 2022 – Sen. Cardin staff hold group roundtable sessions on the upcoming FY24 process, begin individual meetings on projects afterwards

President Biden releases the FY24 Budget officially, starting the Appropriations Process, typically in mid-spring

Nonprofit organizations submit requests to Senator Cardin shortly after the release of the FY24 budget for consideration

4. → 5. → 6.

Senator Cardin selects projects to advance to the Senate Appropriations Committee

Senate Appropriations reviews the submitted requests, typically in early summer

Senate Appropriations releases funding bills with earmarks that were selected, typically in August

7. → 8. → 9.

House and Senate Appropriations bills are conferenced together throughout the fall

Consolidated funding bill is agreed on by Congress and signed into law with Senate and House earmarks, typically in late December

Earmark funding is distributed by federal agencies, likely in early 2024

# CONSTRUCTION AND REHABILITATION OF COMMUNITY INFRASTRUCTURE

## Construction and Rehabilitation of Community Facilities

- **Economic Development Initiatives (EDI) or Community Development Block Grant (CDBG)**
  - The EDI program allows Congress to earmark CDBG projects. Projects must meet the same eligibility requirements under the existing CDBG authority.
  - Allowable activities include the acquisition of real property, construction and rehabilitation of community facilities, beautification of urban land, conservation of open spaces, natural resources or scenic areas for recreational opportunities, demolition or removal of buildings, elimination of blight, housing projects and projects to remove barriers that restrict the mobility and accessibility of elderly and handicapped persons.
  - Projects must primarily benefit low and moderate-income residents of a community and cannot be used for the acquisition, construction or rehabilitation of buildings for the general conduct of government, such as a town hall.
  - HUD has posted guidance for earmark recipients on their website that outlines eligible projects in greater depth at:  
[https://www.hud.gov/program\\_offices/comm\\_planning/edi-grants](https://www.hud.gov/program_offices/comm_planning/edi-grants).
  - *Earmarks awarded in FY23 under this authority ranged from \$250,000 to \$4 million.*
- **U.S. Department of Agriculture Rural Development (USDA RD) Community Facilities**
  - This flexible account can be used to purchase, construct, make improvements to or purchase equipment for community facilities in rural communities.
  - Allowable uses of funds include support for health care facilities, public facilities such as town halls, courthouses or street improvements, community support services for child care centers, community centers or fairgrounds, improvements to the facilities of emergency personnel, community educational services for museums, libraries or private schools, food systems including community gardens, food pantries and utility services for telemedicine and distance learning equipment.



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- Only rural communities with populations of 20,000 or less are eligible to compete for this funding source. The maximum federal share is up to 75 percent. The non-federal share increases depending on the population size and median income of the community a nonprofit organization will serve.
  - To be eligible for a Congressional earmark, these projects must be vetted by the Maryland USDA Director's office to verify that the project is eligible to receive funding. My office can connect you to the appropriate USDA RD staffer for verification.
  - USDA has posted an overview of the RD Community Facilities program at: <https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loangrant-program>
  - *Earmarks awarded in FY23 under this authority ranged from \$34,000 to \$985,000.*
- **National Park Services' (NPS) Save America's Treasures (SAT) Program**
    - The SAT program funds the preservation, rehabilitation, and conservation of nationally significant historic properties.
    - Eligible properties include those listed as a National Historic Landmark, including those that will be a contributing property within a National Historic Landmark district or properties individually listed in the National Register of Historic Places for National Significance. The full list can be accessed at the National Park Service's website at: <https://www.nps.gov/subjects/nationalregister/database-research.htm#table>
    - Properties listed at the state or local level for historic significance are not eligible for this program.
    - *This authority has a maximum earmark award value of \$500,000.*

- **Department of Energy, Energy Projects**

- The Department of Energy funds projects in five topic areas including:
  - Renewable and Clean Energy
  - Electricity and Energy Resiliency
  - Cybersecurity and Energy Security
  - Nuclear Energy
  - Fossil Energy or Carbon Management
- Projects funded under this account have a statutory cost share requirement for commercial application of an energy project, such as the installation of solar panels. A 50 percent cost share is required.
- Eligible entities include county and municipal government agencies and nonprofit organizations, including institutions of higher education.
- Funding for construction of a new facility, nor funding for electric vehicle charging stations will be considered.
- ***Earmarks awarded in FY23 under this authority ranged between \$750,000 and \$1 million.***

# TRANSPORTATION

## Transportation

The U.S. Department of Transportation provides federal support for wide range of transportation projects across all modes of transportation. Most of this funding is provided to states. It is important to note that nearly all transportation projects require coordination with the State and any applicable Metropolitan Planning Organization (MPO). The Appropriations Committee places priority on funding projects that are included in the Statewide Transportation Improvement Program (STIP), authored by the Maryland Department of Transportation (MDOT) or the several Metropolitan Planning Organizations (MPO) that author regional Transportation Improvement Plans (TIP).

Given their cost and complexity, many large scale transportation projects cannot be supported entirely through earmark funding, although earmarks may advance a component of a project or provide funding for planning documents. DOT's Transportation Alternatives Program is designed to provide direct support to county and municipal transportation priorities, such as the creation of expansion of pedestrian and bicycle infrastructure and are more likely to be fully funded through an earmark. This authority may also be utilized by nonprofit organizations on similar projects that have the support of their local communities.

***In FY23, the average range for projects that received funding from these accounts was between \$250,000 to \$3 million.***

- **Highway Infrastructure Program**

- This authority covers projects that are eligible for funding under the major federal surface transportation programs, including highway and bridge construction and repair, planning, environmental reviews, design and right-of-way acquisition for eligible highway projects. Additional activities that can be supported with this type of earmark include projects eligible for funding under the Transportation Alternatives Program, which supports local priorities including bicycle and pedestrian infrastructure.

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- Any project seeking earmark funding will need support from the State and applicable MPO. It also must be included in the STIP or regional TIP.
- Specific information needed for this type of earmark includes the website link to the STIP or TIP where the project is located, the project ID number in the STIP or TIP, listing all other sources of financing that contribute to the total cost of the project and listing the status of the planning and environmental work to help the Appropriations Committee address project readiness.
- If the project is not included in the STIP or TIP, the Appropriations Committee retains the discretion to fund projects that receive a letter from the State that the project will be included in the STIP once earmark funding is received. If your project is not included in the STIP or TIP, please contact my office so my staff can assist you on the steps for securing a letter from MDOT to make the earmark request eligible for consideration.

# CRIMINAL JUSTICE

## Criminal Justice

The Department of Justice (DOJ) provides funding to local law enforcement agencies for a wide range of criminal justice programs including law enforcement training, community relations, planning and evaluation, and other critical areas.

*Funding for these projects in FY23 ranged from \$150,000 to \$2 million.*

- **Department of Justice Byrne JAG Discretionary Projects**
  - This program has a wide range of allowable uses of funds, generally defined as providing additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems, including the development of new Law Enforcement Assisted Diversion (LEAD) programs.
  - DOJ has published FAQs that provide greater details on eligible activities under the Byrne JAG program at <https://bja.ojp.gov/program/jag/overview>
- **DOJ COPS Law Enforcement Technology:**
  - Allowable uses of funds include both the acquisition of equipment and relevant support systems for the new equipment.
- **Office of National Drug Control Policy - Prevention Grants**
  - This program provides funding for drug prevention programs, such as the Drug-Free Communities Supports Programs to help prevent youth substance abuse.

# HEALTH CARE SERVICES AND FACILITIES

## Health Resources and Services Administration (HRSA)

The Health Resources and Services Administration (HRSA) provides funding to state, county, and municipal governments, as well as partner nonprofit health care providers, to enhance the ability of the local community to respond to pressing health care needs, including the construction of facilities, capital equipment purchases, and rural health needs.

*Earmarks awarded under this account in FY23 ranged from \$83,000 to \$4 million.*

- **Health Facilities Construction and Equipment**

- This flexible account can provide federal funding to contribute towards 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.
- This may 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.
- Earmarked funds are prohibited from paying for work previously completed, as well as the acquisition of land or purchase of existing buildings, or to pay for salaries or operating costs of the health care facilities. General feasibility studies for a health care facility are prohibited expenses, but architectural and engineering costs with an eligible construction project are permissible uses of funds.
- Funding may also be utilized to purchase capital equipment involved in patientcare, such as lab equipment, x-ray machines, or other equipment with a useful life of more than a year and a unit cost of at least \$5,000 are permissible.

- **Rural Health**

- This account may fund project to improve health care in rural areas, including medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services.
- Eligible applicants are only those county, municipal, or partner nonprofit health care providers that service communities to meet HRSA's definition of a rural community. Please see HRSA's Rural Health Grants Eligibility Analyzer to determine the specific eligibility for your project at <https://www.hrsa.gov/rural-health/about-us/definition/index.html>. Under HRSA's eligibility analyzer, all parts of Caroline, Dorchester, Garrett, Kent, Talbot, and Worcester county are eligible for grants, and certain parts of Frederick, Queen Anne's, Somerset, and Washington counties.

## **Substance Abuse and Mental Health Services Administration (SAMHSA)**

The Substance Abuse and Mental Health Services Administration (SAMHSA) provides a wide range of funding to create or expand the capacity of state, county, and municipal governments, as well as partner nonprofit health care providers to provide mental health or substance abuse treatment or prevention programs for local residents, such as through crisis stabilization centers. No SAMHSA funding may be used for construction projects.

***Earmarks awarded under this account in FY23 ranged from \$250,000 to \$1.25 million.***

- **Mental Health**

- Eligible SAMHSA Mental Health projects include those to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.

- **Substance Abuse Treatment**

- This account provide resources to enhance programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.

- **Substance Abuse Prevention**

- Allowable uses of funds for this program include projects to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.

## SENIORS AND CHILDREN

### **Administration for Community Living's Aging and Disability Services Programs**

This office provides funding 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, projects 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. Funds cannot be used for construction or renovation of facilities.

While not a comprehensive list of eligible activities, the Senate awarded funding for projects in FY23 that provided additional technology equipment for community-based centers, case management and counseling services for seniors, expansion of transportation services for seniors, expansion of healthcare services offered at community-based centers, senior nutrition programs, and specialized care for individuals with disabilities.

*Projects awarded FY23 earmarks under these accounts ranged from \$100,000 to \$1.5 million.*

### **Administration for Children and Families Programs**

- **Child Abuse Prevention**

- This account funds 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.
- *Projects awarded FY23 earmarks under these accounts ranged from \$100,000 to \$1.5 million.*



- **Social Services Research and Demonstration**

- Funds are available 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.
- While not a comprehensive list of eligible activities, the Senate awarded funding for projects in FY23 that provided legal and technical assistance for low-income individuals to reduce poverty, support for bilingual family engagement centers, support for low-income pregnant women, mentoring services for youth, expansion of child care services and training for child care professionals, and food insecurity programs.
- Funds cannot be used for construction or renovation of facilities.
- ***Projects awarded FY23 earmarks under these accounts ranged from \$100,000 to \$1.5 million.***

# SMALL BUSINESS AND WORKFORCE DEVELOPMENT

## Small Business

The majority of programs within the Small Business Administration may be earmarked for county, municipal, and partner nonprofit governments to receive funding and support local small businesses. These grants can range from delivering services on entrepreneurial development, financial literacy workshops, small business incubators, and support for historically underserved businesses. Funds can also be utilized for the construction or renovation of facilities that will provide these services.

Due to the prohibition on providing earmark dollars to for-profit entities, SBA earmark funding cannot be sub-granted to for-profit small businesses for their own use. Funds must be retained and utilized by the county, municipal, or partner nonprofit association to deliver services or trainings directly to small businesses.

***Projects awarded FY23 earmarks under this account ranged from \$400,000 to \$2 million.***

## Workforce Development

Under the Department of Labor's Employment and Training Administration authority, earmark funds may be used by county, municipal, partner nonprofit organizations, K-12 school systems, or institutions of higher education to enhance Workforce Innovation and Opportunity Act (WIOA) eligible activities. Eligible programs for funding include those designed to provide direct services to individuals to enhance their employment opportunities and training for locally available, in-demand, jobs, enhancing connections between a State and local workforce investment system, or evaluating existing workforce investment systems for potential future enhancements.

***Projects awarded FY23 earmarks under this account ranged from \$500,000 to \$3 million.***

# EDUCATION AND RESEARCH OPPORTUNITIES

## Department of Education

The U.S. Department of Education (ED) provides federal funding to enhance K-12, Higher Education and Rehabilitation Services programs provided by nonprofit organizations, local school systems or institutions of higher education. In general, ED earmarks may not be used for the construction or renovation of facilities.

*Education projects awarded FY23 earmarks ranged from \$150,000 to \$2 million.*

- **Fund for the Improvement of Education (FIE)**

- In general, the focus of elementary and secondary education earmarks should be providing early childhood or K-12 educational services 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 addition, earmarks to provide and improve special education services at the elementary and secondary levels are also eligible under this account. Eligible projects may include early intervention services for infants and toddlers, transition services and postsecondary education services.
- Eligible grantees are nonprofit organizations, state education agencies, school districts and colleges and universities. Daycare and childcare projects that do not include educational services are not eligible for funding.
- 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.

- **Rehabilitation Services Demonstration and Training**

- Earmarks authorized by ED's Rehabilitation Services Administration focus on improving access to, or the quality of, services for individuals with disabilities that are authorized under the Rehabilitation Act. Potential projects include providing education, training, support services and independent living services to individuals with disabilities.
- Eligible grantees include non-profit organizations, state vocational rehabilitation agencies or community rehabilitation programs.

- **Fund for the Improvement of Postsecondary Education (FIPSE)**

- Generally, requests should focus on improving access to, or the quality of, postsecondary education. Examples 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.
- Eligible entities include nonprofit organizations and colleges and universities.
- This can include a range of activities as authorized and specified in section 741(a) of the Higher Education Act (i.e. the FIPSE authorization).

## **Science Agency Research Opportunities**

In addition to the Department of Education, several federal agencies with science and research priorities also offer earmark opportunities to support educational institutions and nonprofit organizations in enhancing their academic missions.

*Projects awarded FY23 earmarks under these accounts ranged from \$150,000 to \$1 million.*

- **NOAA Operations, Research, and Facilities (ORF) Special Projects**

- The Subcommittee will accept requests for earmarks for NOAA ORF. Projects should address fisheries, marine, mammals, ocean, climate, weather and atmospheric research programs.
- Construction projects will not be accepted. However, equipment necessary to conduct the research programs are eligible for funding.

- **NIST Scientific and Technical Research and Services (STRS) External Projects**
  - The Subcommittee will accept requests for CDS for NIST Scientific and Technical Research and Services. Projects should address standards-related research and technology development.
  - Construction projects will not be accepted.
  
- **NASA Safety, Security and Mission Support (SSMS)**
  - The Subcommittee will accept earmarks for NASA SSMS. Projects should focus on science education, research and technology development related to NASA's mission.
  - Medical research projects and projects at NASA-owned Visitor Centers or a state's designated Space Grant Consortium will not be funded. This account does not fund construction, but could be used for equipment, research funding or education programs.
  
- **Agricultural Research Service (ARS), Buildings and Facilities**
  - Requests for ARS Buildings and Facilities may only include funding for repairs and maintenance to existing facilities.
  - Eligible entities include USDA Agricultural Research Service centers, 1865 Land Grant Universities and 1890 Land Grant Universities.
  - Funding for construction of a new building will not be considered.

- **Department of Energy, Energy Projects**

- The Department of Energy funds projects in five topic areas including:
  - Renewable and Clean Energy
  - Electricity and Energy Resiliency
  - Cybersecurity and Energy Security
  - Nuclear Energy
  - Fossil Energy or Carbon Management
- Projects funded under this account have a statutory cost share requirement depending on the activity.
- Research of a basic or fundamental nature: No minimum cost share.
- Research of an applied nature: Minimum 20 percent cost share.
- Demonstration or commercial application (such as installation of solar panels): 50 percent cost share.
- Eligible entities include county and municipal government agencies, including institutions of higher education.
- Funding for construction of a new facility will not be considered, nor funding for electric vehicle charging stations.

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Thank you for your interest in Congressionally Directed Spending requests (earmarks). I encourage you to request a meeting as soon as possible with my staff so they can share further guidance on how to advance your local Maryland priorities and apply for earmarks for the upcoming fiscal year in late spring. Please email [MDlocal@cardin.senate.gov](mailto:MDlocal@cardin.senate.gov) for assistance.

