

FY24 Congressionally Directed Spending Requests Guidance

On April 26, 2021, the Senate Appropriations Committee announced that Congress would restore – on a bipartisan basis – the authority to approve Congressionally-Directed Spending items for appropriations bills for the fiscal year with enhanced transparency and accountability

Congressionally Directed Spending (CDS) is generally defined as a spending provision in federal appropriations legislation included primarily at the request of a Member of Congress providing, authorizing, or recommending a specific amount of discretionary funding to a specific State, locality, or Congressional district for a specific purpose.

Under current rules, the entity submitting a CDS request must be a state or local unit of government, or a nonprofit organization. Each project request must meet statutory requirements for the federal program through which it is funded, along with additional Senate Appropriations Committee requirements outlined below.

Please consider this guide and the frequently asked questions as a starting point (additional guidance can be provided upon request). We will be hosting virtual informational sessions to answer questions about the FY24 CDS process online at 10AM on February 28th, March 7th, and March 14th. You can register for any of these sessions by emailing CDSRequests@king.senate.gov (please put ‘Senator King FY24 CDS Informational Session’ in the subject line of the email).

We can also provide specific assistance with your submission and help answer any questions you may have. For any questions about the CDS process not covered in this guide, please email CDSRequests@king.senate.gov.

The deadline for submitting FY 2024 CDS requests to Senator King’s office is 5pm, Friday, March 17, 2023.

FY24 Congressionally Directed Spending Requirements

In reviewing member requests for CDS items, the Senate Appropriations Committee will implement Rule XLIV of the Standing Rules of the Senate. Rule XLIV, requires rigorous procedures for accountability and transparency, such as:

- No Member Financial Interest: The rules forbid any member from pursuing a CDS item to further his or her financial interest, or that of his or her immediate family. Each member requesting a CDS item must certify in writing that there is no such interest and make that certification available to the public.

FY24 Congressionally Directed Spending Requests Guidance

- **Request in Writing:** Any member requesting a CDS item must do so in writing, including the Member's name, the name and location of the intended recipient, and the purpose of the spending item.
- **Committee Consideration:** When reporting legislation containing CDS items, the Committee is required to make each item publicly available online in a searchable format as soon as practicable after the mark up (including the name of each Member requesting the item).
- **Disclosure Before Floor Consideration:** The rules prohibit a vote on a motion to proceed to a bill or a vote on adoption of a conference report, unless the chair of the committee, certifies that a complete list of CDS items has been publicly available for at least 48 hours.
- **Point of Order Against New Projects in Conference Reports:** A point of order may be raised against a provision of the conference report if it includes a CDS item that was not included in either the Senate or House bills.

In addition to these important requirements, the Senate Appropriations Committee will enhance the existing Senate procedures for CDS items with reforms as follows:

- Institute a 1 percent cap on discretionary spending for CDS items;
- Ban CDS items to for-profit entities;
- Require Senators to post online their CDS item requests, as well as their financial certification disclosures attesting that they do not have any financial interest in any of the items requested; and
- The Committee will require the Government Accountability Office to audit a sample of enacted CDS items and report its findings to Congress.

Letters of Interest:

Senator King's staff is available to provide feedback and to discuss proposals for FY24 CDS consideration before submission. A letter of interest, including a short description of the project and a general budget for the proposal *may be* submitted via email to CDSRequests@king.senate.gov, and a staff member will contact you to discuss your proposal.

Submitting a CDS Request

Determine project eligibility:

- A limited number of federal funding streams (known as "accounts") are eligible for CDS. This guide includes a list of eligible accounts for FY24 with brief descriptions and requirements for your review (see below guide).

FY24 Congressionally Directed Spending Requests Guidance

- If you identify an account that may be a fit for your project, please reach out for more detailed information about eligibility via email CDSRequests@king.senate.gov.

Gather necessary documentation:

- The Senate Appropriations Committee requires a significant amount of information in order to properly vet CDS submissions. Quality, complete, and accurate responses are essential to advancing your request.
- Requirements will include:
 - Information about the requesting entity, including a tax id number, legal organization name, point of contact, and confirmation of government or non-profit status.
 - Full description of the project and a justification for use of federal funds.
 - Full description of the project's budget, including total project cost, amount requested, and use of any additional funding streams. A standard, detailed budget form for the project request is available [here](#). Plans to meet project matching requirements, if applicable.
 - Certification that no individual associated with the project has any pecuniary interest in the project
 - Demonstration of strong community support and engagement with the project.
 - Examples include but are not limited to: letters of support from elected officials; city or town council resolutions; press articles highlighting need for the project; support from newspaper editorial boards; and state or local planning documents referencing the project.
 - Additional information specific to the account eligibility (see account list below).
- Senator King will also be required to certify that neither he nor his immediate family have a financial interest in the project and that project requests are from eligible entities.

Submit the request through [our online form](#):

- **The deadline for submitting CDS requests to Senator King is 5pm on Friday, March 17, 2023**
- You can access the submission form on our website at <https://www.king.senate.gov/cds>
- We encourage you to review [the questions](#) and prepare answers ahead of time; **the form will not save your answers if you close out before submitting.**

FY24 Congressionally Directed Spending Requests Guidance

Please note that the CDS requests selected for submission by Senator King will be made public to ensure transparency and accountability. **Submission of any CDS request should not be construed as a guarantee that funding will be requested or awarded.**

Disclaimer:

Please note that any CDS requests are for informational purposes only and are not an application for federal funding. Submission of such requests does not constitute a binding commitment on any party nor a guarantee that any organization will be awarded funding from any federal agency through this process. Furthermore, the submission, review, and approval of applications for federal funding will be carried out consistent with federal agency rules and regulations.

Frequently Asked Questions

I think this account may be a good fit for my project. What's next?

Senator King's staff is available to discuss eligibility requirements, give examples of past successful requests, and provide feedback for FY24 CDS request consideration before submission. A letter of interest, including a short description of the project and a general budget for the proposal *may be* submitted via email to CDSRequests@king.senate.gov, and a staff member will contact you to discuss your proposal.

Do all accounts have matching requirements?

No. It varies depending on the statutory requirements for each account, which all CDS requests will be expected to meet.

How important are examples of community engagement?

Demonstrating community support for your project is critical to a successful submission.

How much funding should I request?

Ultimately, this will vary by account. We can provide examples of past successful requests and help provide guidance on an appropriate range. Generally, you should not request more assistance than you need or can realistically be provided or spent in the upcoming fiscal year (each account varies on the timeline of when funds must be expended).

FY24 Congressionally Directed Spending Requests Guidance

If my project is funded, will I receive the full amount I requested?

It depends on the availability of funding and competitiveness of the project requests in each account. There are circumstances where you may receive a portion of the requested amount.

Should I submit my request to multiple members of the Maine delegation?

Senate Appropriations majority staff encourages organizations to submit project requests to each of the delegation offices. We encourage you to reach out to other members in the Congressional delegation for more information on their submission process. Please know that the entire delegation is committed to coordinating efforts to secure funding for Maine-based projects.

How will you choose which projects to submit to the Committee?

We anticipate the CDS process to be very competitive. Our office will likely receive many more eligible and worthy requests for funding than we can ultimately support. Our process will prioritize requests that fulfill each requirement and provide strong justifications for the need for federal funding.

If you submit my request to the Committee, will it be approved? When will I know?

We are expecting the overall CDS process to be very competitive. Therefore, we can't be certain that submissions will be included in appropriations legislation ultimately signed into law. We encourage you to explore other funding sources in addition to your CDS request and are available to provide assistance. Our office is happy to discuss additional federal funding resources and opportunities.

The Senate is expected to begin consideration of FY24 appropriations bills later this year. Though FY24 federal government funding must be approved by October 1, final negotiations often stretch beyond that date. Please keep in mind that, even if your project is supported in the Senate and/or House-passed appropriations bill, the funding level is subject to change until the final conference report is signed into law.

What if I miss your request deadline?

Given we will have very limited time to consider CDS requests before our final submissions to the Committee are due, we will likely not be able to accept requests after our 5pm, March 17, 2023 deadline.

FY24 Congressionally Directed Spending Requests Guidance

Are Congressionally Directed Spending submissions publicly disclosed?

Yes, there are significant transparency requirements for CDS submissions. Information about each of our submissions will be posted on our website, along with a certification that Senator King and her immediate family have no financial interest in the project. CDS amounts will also be listed prominently within the legislation and throughout the appropriations process.

FY24 Congressionally Directed Spending Eligible Accounts

FY24 CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made. If your project requires matching funds or other cost share requirements, you must show that the project sponsor is able to meet those financial obligations. Following enactment of the FY24 funding bill, CDS recipients must apply for funding through the normal agency application process.

Agriculture, Rural Development, Food & Drug Administration, Related Agencies:

- **Agricultural Research Service (ARS), Building and Facilities (B&F)**
 - Requests for ARS B&F may only include funding for existing facilities or facilities where funding has been provided in the past.

- **Animal Plant Health Inspection Service, Salaries and Expenses (APHIS S&E)**
 - APHIS submissions must meet environmental review requirements i.e. National Environmental Policy Act (NEPA) and Endangered Species Act (ESA). Some APHIS programs, including Field Crop & Rangeland Ecosystems Pests, Brucellosis, and Wildlife Services, have matching requirements.
 - While the entire S&E account is open for CDS requests, below are the line items within the account that are most compatible with CDS:
 - Field Crop & Rangeland Ecosystems Pests
 - Pest Detection
 - Plant Protection Methods Development
 - Specialty Crop Pests
 - Tree & Wood Pests
 - Wildlife Damage Management
 - Wildlife Services Methods Development
 - Veterinary Diagnostics
 - Equine, Cervid and Small Ruminant Health

FY24 Congressionally Directed Spending Requests Guidance

- **Natural Resources Conservation Service, Conservation Operations (NRCS)**
- **Watershed Flood Prevention Operations (WFPO)**
 - Each project must contain benefits directly related to agriculture, including rural communities, which account for at least 20 percent of the total benefits of the project. Any individual project may not exceed a watershed or sub-watershed size of 250,000 acres. There are several financial and programmatic requirements in Watershed Flood Prevention Operations.
 - CDS recipients for WFPO must have a local sponsor and must certify that a program sponsor has contacted their Natural Resources Conservation Service (NRCS) state office and the proposal meets all program requirements, including financial requirements. If applicable, please provide these certifications. For reference, the Maine NRCS State Office can be reached at (207) 990-9100, ext. 3.
 - Eligible local sponsors include any State, political subdivision, soil or water conservation district, flood prevention or control district, or combinations thereof; any irrigation or reservoir company or water users' association; any Indian tribe or tribal organization.
 - Projects are required to complete a four-step process including:
 - Preliminary feasibility study (PIFR)
 - Watershed Plan development
 - Implementation of Watershed Plan
 - Commencement of construction for authorized watershed conservation
 - If a project is a "new start" it is eligible only for PIFR funding at a level of \$55,000.
- **Rural Development:**

USDA Rural Development staff are available to answer specific questions regarding project eligibility for Community Facility and Distance Learning & Telemedicine grants. Contact information for each state office is available at this link: <https://www.rd.usda.gov/about-rd/state-offices>. Maine's USDA State Office can be reached at (207) 990-9160. In addition to certifying that the matching requirements will be met, applicants must contact their local USDA Rural Development office and confirm the proposed project meets the program's eligibility requirements.

 - **Rural Development, Community Facilities (CF):** The following project and applicant eligibility criteria must be met prior to a congressionally directed spending request being approved:

FY24 Congressionally Directed Spending Requests Guidance

The Community Facilities (CF) Grant program has a match requirement on a sliding scale based on community population size. CF Grants can cover up to 75 percent of the total project costs. Rural Development (RD) will verify an applicant's population size from the 2020 census. In order to determine whether a project is eligible, your office or the applicant is required to reach out to your State RD office.

Projects funded under this account must meet nonfederal match requirements, which vary based on area median income and population. Projects must also meet environmental review requirements. For a full list of eligible entities, uses, and limitations, please see [7 CFR Part 3570](#). This program will fund up to 75 percent of total project costs, with match requirements based on population as follows:

- Maximum of 75% for a project located in a rural community having a population of 5,000 or fewer;
- Maximum of 55% for a project located in a rural community having a population of 12,000 or fewer;
- Maximum of 35% for a project located in a rural community having a population of 20,000 or fewer;

The match requirements are outlined in the CF regulation: 7 CFR 3570.63(b). Towns with populations over 20,000 are not eligible for this program.

Funds may not be used for the following activities:

- To reimburse funds for projects already constructed/acquired or projects that will be completed by the passage of the final bill.
- To pay initial operating expenses or annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses (unless a CF loan is part of the funding package).
- To fund facilities to be used primarily for recreation purposes.
- To fund facilities to be used primarily for business entrepreneur purposes.

Applicants must meet environmental review requirements (i.e., NEPA).

CF Grants must comply with the Build America, Buy America Act requirements, which was enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, and which will apply to the total project cost, not just the federal cost-share portion. It requires that all iron, steel, manufactured products and construction materials used in federally funded projects must be produced in the United States.

FY24 Congressionally Directed Spending Requests Guidance

In general, CF matching funds must come from a non-Federal source. However, there are two exceptions: (1) sometimes a Federal source will state that it can be used as a match for Federal grants and (2) when a Federal source loses its Federal identity --- such as CDBG funds that are distributed through a Governor's office (not the CDBG entitlement funding) --- a CF project having these funds as part of the capital stack can be a part of the applicant required match.

- **Rural Development, Distance Learning and Telemedicine (DLT)**: Projects funded under this account require a 15% non-federal match (matching funds cannot come from another Federal source). A full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 1734 Subpart A and B](#)
 - The maximum grant size is \$1,000,000
 - Broadband deployment is **not** an eligible use of funds for DLT.

Commerce, Justice, Science (CJS), and Related Agencies:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made. CDS requests should fund local projects that further the mission of CJS agencies by increasing the understanding of the oceans and the atmosphere, protecting our communities, and promoting space – or standards – related science.

The Subcommittee recommends that CDS projects create private sector jobs, advance research and development, or save lives. CJS 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 or complete an activity – not sustain it over time.

- **Department of Commerce:**
 - **National Institute of Standards and Technology (NIST); Scientific & Technical Research Services (STRS); External Projects**
 - Projects should address standards-related research and technology development. Construction projects are not accepted.
 - **NIST; Construction of Research Facilities, Extramural Construction**
 - Projects for non-Federal research facilities, including for projects at research institutions and colleges and universities.

FY24 Congressionally Directed Spending Requests Guidance

- Given the significant investments necessary for construction projects, only a very limited number of projects will be supported on an annual basis.
- **National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects**
 - Funds research, demonstration, or education projects performed by external partners and may be used to prioritize geographically specific projects. Eligible NOAA programs include Sea Grant, Research Labs, Ocean Exploration and Research, Ocean Acidification, and Global Ocean Monitoring and Observation
 - Projects should address fisheries, marine mammals, ocean, coastal issues, climate, weather, atmospheric research, data acquisition, and forecasting and programs
- **Department of Justice:**
 - **Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary**
 - These grants assist state, local, and tribal law enforcement to prevent crime, improve the criminal justice system, and provide support services. Projects support additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems.
 - Awarded projects will be subject to requirements under [2 CFR Part 200](#) and [DOJ Grants Financial Guide](#).
 - This funding cannot be used for land acquisition or construction.
 - **Community Oriented Policing Services (COPS); COPS Law Enforcement Technology**
 - Projects support the development of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime.
 - Recipients shall include State, local, Tribal, and territorial governments and their public agencies (i.e. police, sheriff departments).
 - Allowable activities are limited to allowable purpose areas under the [COPS Office statute](#) including the procurement of equipment, technology, or support systems, and the development of new technologies to assist recipient entities in reorienting the emphasis of their activities from reacting to crime to preventing crime.
 - Awarded grants will be subject to the requirements of 2 CFR Part 200 and the DOJ Grants Financial Guide and the applicable Award Owner's Manual.

FY24 Congressionally Directed Spending Requests Guidance

- **National Aeronautics and Space Administration (NASA):**
 - **Safety, Security, and Mission Support**
 - Projects funding should focus on science education, research, and technology development related to NASA's mission.
 - Medical research projects, Space Grant projects (which require a funding match), and projects at NASA owned Visitor Centers are discouraged.
 - This account cannot fund construction but may be used for equipment, research funding, or education programs.
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Energy and Water Development:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made.

- **Army Corps of Engineers:**
 - Investigations: Funds for authorized projects and programs, preconstruction engineering and design work
 - Construction: Funds construction, reconstruction, continuing authorities programs, environmental infrastructure assistance, major rehabilitation, dam safety assurance, dredge material disposal facilities, and deficiency correction of authorized projects and programs
 - Operations & Maintenance: Funds operation and maintenance of infrastructure and navigation improvements for authorized projects and programs managed by the U.S. Army Corps of Engineers.
 - Mississippi Rivers & Tributaries: Funds authorized projects and programs on the Mississippi River main stem and its tributaries.
- **Bureau of Reclamation (Water and Related Resources):**
 - Funds construction and maintenance of authorized projects and programs for the majority of the large dams and water diversion structures in the 17 conterminous U.S. states west of the Mississippi River. authorized projects and programs
- **DOE Energy Projects Including:**
 - Renewable and Clean Energy
 - Electricity and Energy Resiliency
 - Cybersecurity, Energy Security
 - Nuclear Energy (NE)

FY24 Congressionally Directed Spending Requests Guidance

- Fossil Energy or Carbon Management

For the Corps of Engineers and Bureau of Reclamation, only authorized projects and programs will be considered for funding. For the Corps of Engineers, with the exception of Operation and Maintenance, an authorized project or program that has not received funding in prior years is considered a new start. Few, if any, new starts will be funded.

For Department of Energy, the Subcommittee will not consider projects that do not follow statutory cost sharing requirements (statutory cost sharing requirements may apply to these projects, as required by section 988 of the Energy Policy Act of 2005), construction projects of new buildings, projects that require multiple years of funding, construction of buildings or new facilities (no brick and mortar), vehicle charging ports (unless the project is connected to larger clean energy sources i.e. battery or has clean energy applications beyond the charging station, electrical substation replacements or routine grid upgrades that could otherwise be funded under ratepayer contracts or federal incentives, or planning studies for forthcoming projects.

Successful projects will be in line with current Department of Energy missions that focus on transformative science and technology research, development, and demonstration under the five topic areas. The Subcommittee is more likely to grant requests that are not eligible for funding through tax credits or other federal incentives.

Note: the statutory required cost sharing requirements will depend on the scope and technological maturity of the project:

- Research or development activities of a basic or fundamental nature: no minimum cost share.
- Research or development activities of an applied nature: minimum 20 percent cost share.
- Demonstration or commercial application: minimum 50 percent cost share.
- Some projects may contain elements of more than one of the categories listed above. Therefore, some projects may have a blended cost share.

Financial Services and General Government:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made.

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.

FY24 Congressionally Directed Spending Requests Guidance

- **Small Business Administration (SBA), Administrative Provision:**
 - Funds support for small businesses, including but not limited to entrepreneur training, counseling, research, and construction or acquisition of facilities.
 - Eligible project recipients must be other units of government or nonprofit organizations.
 - **Please note:** SBA CDS funding cannot be used to provide seed capital for small businesses nor can it be used by the CDS recipient to make grants/loans
- **National Archives and Records Administration, National Historical Publications and Records Commission (NHPRC):**
 - Projects that help ensure online public discovery and use of historical records collections, encourage public engagement with historical records, strengthen the nation's archival network, or publish documentary editions of historical records. This includes initiatives like record digitization, programming, and online availability of records.
- **National Archives and Records Administration, Repair and Restoration:**
 - Projects that direct spending for presidential libraries or new archival facilities.
- **General Services Administration, Federal Buildings Fund, Construction and Acquisition or Repairs and Alterations Accounts**
 - Construction projects typically include federal courthouses, federal buildings, or land ports-of-entry.
 - Repairs projects must be federally-owned properties in need of repair or alteration and are typically federal buildings or federal courthouses.
 - Programmatic requests are limited to projects with line items in the GSA Federal Buildings Fund requested by the Administration in the FY24 GSA budget request.
 - **Please note:** Eligible projects do not include state or county facilities, DOD facilities, VA facilities, or transportation infrastructure facilities. The recently-enacted Infrastructure legislation [IIJA] provided funding to complete all land ports-of-entry projects on GSA planning lists.
- **Office of National Drug Control Policy, Administrative Provision (Prevention Grants):**
 - Preferred prevention programs would include community-based coalitions which, as part of their application, propose data-driven, evidence-based prevention interventions; have established measurable objectives; and proposed implementing a comprehensive mix of strategies. Also, DFC-funded coalitions

FY24 Congressionally Directed Spending Requests Guidance

recently trained by CDC to implement Adverse Childhood Experiences (ACEs) as part of their substance use prevention efforts are recommended.

- **Please note:** Programs should not be substance specific. Treatment programs are not eligible for CDS under this account.
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Homeland Security:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made.

- **FEMA - Pre-Disaster Mitigation (PDM) Projects:**
 - Funds support state and local governments, tribes, and territories through capacity and capacity-building to enable them to identify mitigation actions and implement projects that reduce risks posed by natural hazards and provide a significant opportunity to reduce future losses.
 - Requested projects must meet the eligibility requirements of the PDM grant program, including the non-federal cost-share requirement, benefit-cost ration, and environmental and historic preservation requirements. Full requirements can be found in the FY22 [NOFO for the “Pre-Disaster Mitigation Grant Program”](#) (the NOFO for FY23 projects is expected to be issued in the coming weeks but requirements are unlikely to change).
 - For any projects designated for funding in the final FY24 Homeland Security Appropriations Act, the state agency responsible for administering mitigation grants in the requestor’s state must submit an application to the Federal Emergency Management Agency, and that entity will serve as the administrative agent for the grant.
 - Therefore, all project proposals must be accompanied by a letter of support from the appropriate state agency affirming that it believes the project is eligible.
 - In addition to the PDM grant program requirements listed above, the Subcommittee will principally seek projects that are important to states and local communities but which may not receive adequate attention under the larger Building Resilient Infrastructure and Communities (BRIC) program.
- **FEMA - Emergency Operations Center (EOC) Grant Program:**
 - Funds emergency management improvement and preparedness capabilities.
 - Must meet the eligibility requirements of the EOC grant program, including the non-federal cost-share requirement and environments and historic preservation

FY24 Congressionally Directed Spending Requests Guidance

requirements. Full requirements can be found in the 2022 [NOFO for the “Emergency Operations Center Grant Program”](#) (the NOFO for FY23 projects is expected to be issued in the coming weeks, but requirements are unlikely to change).

- For any projects designated for funding in the final fiscal year 2024 Homeland Security Appropriations Act, the state administrative agency (SAA) must submit an application to the Federal Emergency Management Agency, and that agency will serve as the administrative agent for the grant.
 - Therefore, all project proposals must be accompanied by a letter of support from the appropriate SAA affirming that it believes the project is eligible.
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Interior, Environment, and Related Agencies:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made.

Note: CDS projects submitted under the Interior and Environment appropriations subcommittee will be asked to complete a supplemental question form.

- **Environmental Protection Agency (EPA), Water and Wastewater Infrastructure, State and Tribal Assistance Grants:**
 - Projects include construction of, and modifications to, municipal sewage treatment plants and drinking water treatment plants.
 - In general, local and/or municipal projects should be included on a state’s most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP) or meet eligibility requirements for funding under State Revolving Loan Fund (SRF) guidelines).
 - You must identify whether the project is Drinking Water or Clean Water. There is a minimum 20% cost share requirement for any state or local water infrastructure grant funded through CDS. For more info, please visit [here](#).
 - The Subcommittee will be limiting water infrastructure grants only to projects that are publicly-owned or owned by a non-profit entity. Privately-owned projects are NOT eligible for water infrastructure grants.
 - Applicants should be prepared to answer the following eligibility questions:
 - For Waste and Wastewater Infrastructure State and Local Projects, is the project on the state’s most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan?

FY24 Congressionally Directed Spending Requests Guidance

- For Waste and Wastewater Infrastructure State and Local Projects, if the answer to the above question (Q1) is NO, is the project eligible under SFR guidelines?
 - For Waste and Wastewater Infrastructure Tribal Projects, is the project on the HIS Sanitation Deficiency System list?
 - For Waste and Wastewater Infrastructure Tribal Projects, if the answer to the above question (Q3) is NO, is the project eligible under the Criteria for the Sanitation Facilities Construction Program?
- **SFC: IHS, Sanitation Facilities Construction**
 - For Tribal water CDS projects within the Sanitation Facilities Construction account, the Subcommittee will accept CDS requests for projects included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list. In exceptional circumstances, the Subcommittee may consider projects that are eligible for funding under the Criteria for the [Sanitation Facilities Construction Program](#) but are not on the SDS list (see pg. 5-1 through 5-12 of the Criteria).
 - **National Park Service, Historic Preservation Fund (HPF)**
 - The Historic Preservation Fund (HPF), established to help fund the programs engendered by the National Historic Preservation Act (Public Law 89-665; 54 USC 300301 et seq.), was designed to preserve historical and archaeological sites in the United States of America.
 - All HPF grantees must meet standards set by the Secretary of the Interior and comply with audit requirements. Please note that acquisitions of collections or historic properties are not eligible under the HPF. For more info, please visit [here](#).
 - The Subcommittee will accept CDS requests for non-formula funded activities within HPF that meet the qualifications of HPF programs. Please note that acquisitions of collections or historic properties are not eligible under the HPF.
 - The maximum project amount is \$500,000.
 - The Subcommittee will review requests for projects in the context of existing HPF grants. For example, for SAT, the Subcommittee will require that the property be listed as an historic place on the National Register of Historic Places or as a National Historic Landmark.
 - Applicants should be prepared to answer the following eligibility question:
 - For HPF requests, if the request is for a property, does the property meet the HPF program requirements of being listed, at the appropriate level, for the National Register of Historic Places or as a National Historic Landmark individually or as contributing to an historic district?

FY24 Congressionally Directed Spending Requests Guidance

- **U.S. Forest Service, State and Private Forestry (SPF), Forest Resource Information and Analysis**
 - Funds projects that provide technical and financial assistance grants to non-federal forest landowners, including state, tribal and local governments.
 - Activities within this account include forest health management, cooperative fire protection, wood innovation, and urban and community forestry.
 - Requests must meet USFS eligibility requirements for the appropriate grant program and should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan.

- **Projects on Agency Lists.** Only requests for projects that are not included in the President's budget request or for funding levels that are above the amounts provided in the President's budget request will be considered, with a strong preference for projects included on agency submitted priority lists.
 - **LWCF: Great American Outdoors Act, Land and Water Conservation Fund**
Funds the federal acquisition of lands and water for conservation and/or encouragement of outdoor recreation. Land acquisition project requests funded from the LWCF should be requested through the agency that will eventually manage the land being acquired (either BLM, FWS, NPS, or USFS) or in the case of the Forest Legacy Program, it is the state.
 - BLM, Land Acquisition
 - FWS, Land Acquisition
 - NPS, Land Acquisition
 - USFS, Land Acquisition
 - USFS, Forest Legacy
 - **LRF: Great American Outdoors Act, Legacy Restoration Fund:** Note the Grantee is the federal agency
 - BLM, Legacy Restoration Fund
 - FWS, Legacy Restoration Fund
 - NPS, Legacy Restoration Fund
 - BIE, Legacy Restoration Fund
 - USFS, Legacy Restoration Fund

- **Land Management Agencies, Local Projects and Research:** Requests for funds must be relevant to the specified mission area within the bureaus listed below and contribute to responsible stewardship of land, wildlife, and recreation resources or contribute to priority research areas that inform stewardship of those resources. Proposed projects

FY24 Congressionally Directed Spending Requests Guidance

should contribute to local, state, and federal efforts to benefit species, habitat, and/or enhanced stewardship of land and water resources.

- **BLM, Management of Land and Resources, Land Management Priorities:** Projects for activities related to land, wildlife, and aquatic habitat management.
 - **NPS, National Recreation and Preservation, Statutory and Contractual Aid:** Projects for activities relating to operating, managing, and preserving resources, including as authorized by law.
 - **FWS, Resource Management, Stewardship Priorities:** Projects for fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
 - **USGS, Surveys Investigations and Research, Status and Trends:** Projects for high priority and core science research, and ecosystem and water resources related activities.
- **Land Management Agencies, Construction:**
 - The four land management agencies (BLM, FWS, NPS, and USFS) receive annual appropriations for new construction and other capital improvement projects and typically include a short list of specific projects in the President's budget request. There will be a high bar for considering any projects not present on the current year's lists. Note that the CDS recipient is the federal agency.
 - **Bureau of Indian Affairs, Operation of Indian Programs, and Special Initiatives:**
 - BIA provides direct services and funding for compacts and contracts for Tribes to provide programs for a wide range of activities.
 - While the Subcommittee will not consider CDS projects for individual tribes, the Subcommittee may consider requests from other eligible entities that honor the commitment to invest in Tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective Tribal governance, and conserve natural resources.
 - **Environmental Protection Agency, Science and Technology, Research: National Priorities:** Projects for high priority lines of research related to environmental quality and human health.
 - **Environmental Protection Agency, State and Tribal Assistance Grants, STAG Infrastructure Grants:** Projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

FY24 Congressionally Directed Spending Requests Guidance

Labor, Health and Human Services (LHHS), and Education, and Related Agencies:

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made.

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 CDS requests will match the project to the authorization or mission of an agency or account and have the support of local officials or communities. More details on the types of eligible activities by account are described below. The most common problem with requests in previous fiscal years was a failure to include sufficient information to determine if a project is eligible.

- **Department of Labor (DOL) Employment and Training Administration (ETA):**
 - CDS requests under ETA (through the Workforce Innovation and Opportunity Act (WIOA) demonstration authority) should clearly articulate a project purpose and be focused on meeting the employment and training needs of workers. Generally, these projects should include direct services which could include career services, training services (including work-based training), supportive services, and other permissible services, as they are defined in WIOA. Typical activities include training unemployed individuals to increase their skills and obtain employment and enhancing the skills of incumbent workers to get higher-paying jobs.
 - CDS requests should include a basic budget that clearly describes how the funds will be used for specific activities to achieve the project's goals.
 - CDS funding may be used for the purchase of equipment, but generally only if it is an incidental part of the larger project to provide direct services (a similar standard applies to curriculum development). If a larger portion of the CDS funding is expected to be used for equipment or curriculum development, please note that and provide a detailed justification for why such investments are necessary to meet the employment and training needs of individuals.
 - CDS funding within ETA cannot be used for construction or renovation of facilities or the purchase of land or buildings, and ETA CDS recipients may not sub-grant to other organizations or agencies.
 - Finally, CDS projects will be expected to have measurable outcomes and demonstrate a linkage with the state or local workforce investment system.

FY24 Congressionally Directed Spending Requests Guidance

- **Health and Human Services (HHS) Health Resources and Service Administration (HRSA) Program:** CDS requests 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 requests for the cost of limited-scope 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, CDS funding can be used to acquire capital equipment, such as lab equipment, x-ray machines, or telehealth and information technology. The Committee will not consider a CDS request for federal funding within this account that exceeds \$15 million.
 - Equipment-only CDS requests—that is, requests 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 or planning and design.
 - **Rural Health:**
 - 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.

FY24 Congressionally Directed Spending Requests Guidance

- 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/aboutus/definition/index.html>. Please provide the address of the project's activities in the project justification, if different than the legal entity recipient address, for purposes determining project eligibility.
- **Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA):**

CDS requests 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 that prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use

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.

CDS funding within SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project), and SAMHSA CDS recipients may not sub-grant to other organizations or agencies.

FY24 Congressionally Directed Spending Requests Guidance

- **Administration for Children and Families (ACF)**

CDS requests 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:**
 - 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:**
 - Projects to promote the ability of families to thrive through financial self-sufficiency in order to reduce poverty 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 development disabilities, and Native Americans.

CDS funding within ACF cannot be used for construction or renovation of facilities, and ACF CDS recipients may not sub-grant to other organizations or agencies.

- **Administration for Community Living (ACL):**

CDS requests within ACL should be submitted through the Aging and Disability Services Programs account and must fall under the following category:

- **Aging and Disability Services Programs:**
 - 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 requests 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 funding within ACL cannot be used for construction or renovation of facilities, and ACL CDS recipients may not sub-grant to other organizations or agencies.

FY24 Congressionally Directed Spending Requests Guidance

- **Department of Education - Innovation and Improvement:**
 - **Fund for the Improvement of Education (FIE):**
 - Elementary and secondary education CDS requests 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 requests should be providing early childhood or K-12 educational services.
 - CDS requests to provide and improve special education services at the elementary and secondary levels are also eligible under this heading. These CDS requests may include early intervention services for infants and toddlers, transition services, and postsecondary education services.
 - Eligible CDS recipients are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities.
 - Generally, CDS requests intended for individual schools are provided to the applicable school district and not directly to the individual school.
 - CDS funding within FIE cannot be used for construction or renovation of school buildings, except in the case of minor remodeling or minor alterations in a previously completed building, for example as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible under this account.
 - **Higher Education:**
 - **Fund for the Improvement of Postsecondary Education (FIPSE):**
 - CDS requests through FIPSE should primarily be focused on improving access to, or the quality of, postsecondary education.
 - This can include a range of activities as authorized and specified in section 741(a) of the Higher Education Act ([20 U.S.C. 1138\(a\)](#)).
 - CDS recipients are usually colleges and universities but may include other public and private nonprofit organizations.
 - Examples of the types of CDS requests 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, equipment,

FY24 Congressionally Directed Spending Requests Guidance

and telecommunications, provide student support, and implement university partnerships with school districts.

- If a significant portion of CDS funds are expected to be used for the purchase of equipment make sure to note that and include a justification for that use of funds.
- CDS funding within FIPSE cannot be used for endowments, or for the construction or renovation of facilities, except in the case of minor remodeling or minor alterations in a previously completed building, for example as part of technology upgrades.

Military Construction and Veterans Affairs, and Related Agencies:

The following Military Construction accounts are eligible for CDS requests: Army, Navy and Marine Corps, Air Force, Defense-Wide, Army National Guard, Air National Guard, Army Reserve, Navy Reserve, and Air Force Reserve.

- Military Construction, Army
- Military Construction, Navy and Marine Corps
- Military Construction, Air Force
- Military Construction, Defense-Wide
- Military Construction, Army National Guard
- Military Construction, Air National Guard
- Military Construction, Army Reserve
- Military Construction, Navy Reserve
- Military Construction, Air Force Reserve

Requests may include major construction, unspecified minor military construction, and planning and design, however, only certain major military construction projects within these accounts are eligible for CDS. Eligible projects can be found on three types of lists, outlined below, which are provided to Congress by the Department of Defense, and contain requirements that have been validated and vetted by the appropriate Service or Agency.

Eligible Lists:

- **Future Years Defense Program (FYDP):** Each military department, to include the guard and reserve, as well as defense-wide agencies, plans its major military construction

FY24 Congressionally Directed Spending Requests Guidance

program five years into the future. FYDPs identify these future planned projects, which are candidates for CDS requests.

- **Unfunded Requirements/Priorities Lists (UFR/UPL):** In addition to the annual budget request and as required by law, each military department submits to the congressional defense committees a document identifying unfunded priorities that would be funded if additional appropriations were provided.
- **Cost-to-Complete (CTC):** Variables such as construction market conditions can affect cost estimating throughout the military construction programming process, and as such, DOD can experience cost increases that cannot be sufficiently covered by available appropriated funding. In these cases, the military departments submit a list of projects – separate from the budget request – that have received an authorization and appropriation but require additional funding to be completed.

It is the practice of the Subcommittee to only provide funding that can be executed in the year of appropriation. Therefore, CDS eligibility is further limited by the executability of funding.

Eligible major military construction projects must be:

- Authorized in the Fiscal Year (FY) 2024 or prior year National Defense Authorization Act;
- At 35% design or higher with a DD 1391*; and
- Prepared to award a construction contract in FY 2024.

*A DD 1391 form is required by DOD for any military construction project. It contains scope and cost estimates, an assessment of the current requirements, justification for the project, and anticipated contracting and construction timelines. Any project that meets the CDS eligibility requirements should have a DD 1391.

When submitting the request, be sure to complete the following requirements:

- Identify which list (FYDP, UFR/UPL, or CTC) includes the project requested, if major construction;
- Confirm that the project is at 35% design has a DD 1391 planning document, attached the DD1391; and
- Confirm that the requested project has either been previously authorized or a request to authorize has been submitted to the Senate Armed Services Committee.

FY24 Congressionally Directed Spending Requests Guidance

Transportation, Housing and Urban Development (THUD)

CDS requests will be accepted in the following accounts. All CDS requests must meet the applicable eligibility requirements for the program in which the request is made. CDS projects must have a reasonable expectation of being obligated by the end of FY 2026

Projects excluded from CDS: The Subcommittee will not fund CDS requests for operational expenses or administrative salaries and benefits.

Cost-Share requirements for CDS: All DOT CDS projects will have a non-Federal cost-share requirement, consistent with the authorized program. The cost share may vary by State and by type of project, and it is recommended that you consult with DOT for the cost-share requirements of any specific project.

Eligible accounts under THUD:

- **Transportation Planning, Research, and Development (TPR&D):** Funds transportation research projects eligible under title 23 or title 49, United States Code.
 - Planning for specific local highway, transit, or rail projects that are eligible under HIP, TIG, or CRISI should NOT be included in this account.
 - Project requests are encouraged to use this account for national or regional research and development projects.
 - Projects must provide a link to the master plan that includes the requested project.
- **Airport Improvement Program (AIP):** This account funds airport capital projects to improve airports, including enhancing safety, capacity, and mitigating environmental concerns. Eligible projects must meet the requirements of the AIP and must be eligible under chapter 471 of title 49, United States Code.
 - Projects requests are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project.
 - Requests should also provide a description of all other sources of funding contributing to the total cost of the project.
 - Requests must provide a link to the master plan that includes the requested project.
 - Requests must provide total cost of the project and select the airport name (see [NPIAS](#) for airport names).
- **Facilities and Equipment (F&E):** This account funds terminal air traffic control facility replacement projects.
 - Project requests must be eligible under Part A of Subtitle VII of Title 49, United States Code.
 - Requests must provide a link to the master plan that includes the requested project.

FY24 Congressionally Directed Spending Requests Guidance

- Requests must provide total cost of the project and select the airport name (see [NPIAS](#) for airport names).
- Requests must provide a statement of why the tower needs to be replaced, as well as information on the age of the tower, number of enplanements, operational line of sight issues, other related infrastructure work not covered by the cost of replacing the air traffic control tower (roads, utilities, etc.), and any other information to justify the project.
- Requests are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project, as well as information on how the CDS funding will ensure completion of a project or segments of a project, including the total cost of the project.
- **Highway Infrastructure Programs (HIP) for highway capital projects:** This account funds highway capital projects eligible under title 23, United States Code.
 - Requests are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project
 - Requests must provide a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project.
 - **Note:** Highway projects that are not currently on the STIP or TIP may be eligible if a State DOT has provided a letter confirming that:
 - the project is eligible for Federal-aid highway funding under title 23, United States Code;
 - the State DOT is willing to carry out the project if funding is enacted; and
 - the State DOT will include the project on the STIP or TIP once funding for the project is enacted.
 - Requests are required to provide total cost of the project, which should be consistent with the total cost of the project in the STIP or TIP.
- **Transit Infrastructure Grants (TIG):** This account funds transit capital projects
 - Requests must be eligible under chapter 53 of title 49, United States Code
 - Requests are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project.
 - Requests must provide a link to the STIP or TIP that includes the requested project.
 - **Note:** Transit projects that are not currently on the STIP or TIP may be eligible if a transit agency has provided a letter confirming that:
 - the project is eligible for transit funding under chapter 53 of title 49, United States Code;
 - the transit agency is willing to carry out the project if funding is enacted; and

FY24 Congressionally Directed Spending Requests Guidance

- the transit agency will include the project on the STIP or TIP once funding for the project is enacted.
 - Requests are required to provide total cost of the project, which should be consistent with the total cost of the project in the STIP of TIP. You are also required to select the name of the recipient or sub-recipient transit agency.
- **Consolidated Rail Infrastructure and Safety Improvement Program (CRISI):** This account fund rail capital projects
 - Project requests must be eligible under section 22907 of title 49, United States Code
 - Requests are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project.
 - Requests must provide a link to the State Rail Plan that includes the requested project.
 - **Note:** Rail projects that are not currently on State rail plan may be eligible if a State rail agency or State DOT has provided a letter confirming that:
 - the project is eligible for rail funding under section 22907 of title 49, United States Code;
 - the State rail agency, State DOT, or other relevant State agency is willing to carry out the project if funding is enacted; and
 - the State rail agency or State DOT will include the project on the State Rail Plan once funding for the project is enacted.
 - Requests are required to provide total cost of the project, which should be consistent with the total cost of the project in the State Rail Plan.
- **Economic Development Initiatives (EDI):**
 - Funds economic projects eligible under section 5304 of chapter 69 of title 42, United States Code, as well as affordable housing construction
 - The Committee encourages projects that address affordable housing, community services, and economic development.
 - Examples of eligible EDI projects include, but are not limited to:
 - Acquisition of real property (land, water rights, buildings);
 - Construction of new affordable housing;
 - Blight removals or remediation; and
 - Construction, rehabilitation, and improvements of public facilities (except buildings for general conduct of government), such as neighborhood centers, parks, and shelter for persons having special needs such as survivors of domestic violence and the homeless.
 - Requests are required to provide the current status of the project, a description of all other sources of funding contributing to the total cost of the project, and the status of the planning and environmental review work.
 - Requests are encouraged to include relevant data on how activities or projects address at least one of the three National Objectives of the broader CDBG program:

FY24 Congressionally Directed Spending Requests Guidance

- (1) benefit low- and moderate-income persons or communities (and include that in the project justification);
- (2) prevent or eliminate slums or blight; or
- (3) address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community
- Project requests must provide a link to the project website if available or a link to the HUD five-year Consolidated Plan or Annual Action Plan if the project is included or complements planned or current projects within these required plans.
- Requests are required to provide the total cost of the project.