

**FY2025 Appropriations**  
**Preliminary Guidance and Instructions**  
*Offices of Senators Elizabeth Warren and Edward J. Markey*

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## **Introduction**

Senators Warren and Markey are now accepting Congressionally Directed Spending and Programmatic Funding / Language Requests for the FY2025 Appropriations process. **All FY2025 requests MUST be submitted electronically through the online portals by April 5, 2024 at 6:00pm ET.** Due to strict deadlines set by the Appropriations Committee, late applications and changes to submitted applications cannot be accommodated.

If you have questions during this process or require any accommodations, please contact [appropriations@warren.senate.gov](mailto:appropriations@warren.senate.gov) AND [appropriations@markey.senate.gov](mailto:appropriations@markey.senate.gov). Inquiries should come from one of the listed points of contact in the organization's application and use the following subject line format to ensure a timely response: [FY25 CDS Request] Organization Name, Project Name.

**Programmatic/Language Requests:** These types of requests are general funding requests for national and regional programs, and/or bill and report language requests that direct, encourage, or urge an agency or department to carry out an action. Senators Warren and Markey have separate applications for programmatic/language requests.

**Congressionally Directed Spending Projects:** Beginning in FY2025, Senator Warren and Markey are using a joint application for all congressionally directed spending requests. Programmatic requests should still be submitted separately to each individual office.

The purpose of this CDS application process is to identify high-impact projects in Massachusetts that can be completed with the federal government's assistance. For-profit entities are not eligible to receive Congressionally Directed Spending.

According to Senate Rule XLIV, a CDS is a provision “included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority or other expenditure with or to an entity, or targeted to a specific State, location or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” Generally speaking, this is funding requested for a specific project in a specific location. Not all subcommittees will be accepting requests for CDS spending, so please pay attention to specific subcommittee guidance.

Applicants must follow the provided guidance very carefully and verify that they can meet **ALL** CDS account program requirements, including cost share or matching funds obligations. Ineligible requests and applications will not be considered by the Committee. It is strongly recommended that applicants review each subcommittee’s instructions before entering requests and follow each subcommittee’s guidance throughout the process.

Over the past few years, the Committee has instituted the following reforms:

- The Committee has placed a 1 percent cap on discretionary spending for congressionally directed spending items;
- The Committee will not fund congressionally directed spending items to for-profit entities.
- The Committee will require the Government Accountability Office to audit a sample of enacted congressionally directed spending items and report its findings to Congress.

## Eligible Accounts

All accounts for which CDS requests we anticipate will be supported in FY2025 are listed below and within each subcommittee's individual guidance. Entities submitting an application will be required to complete a standard, detailed budget form available [here](#) for the project and a letter of certification as described in the application portal. Submission of this application should not be construed as a guarantee that funding will be requested or awarded.

### **Agriculture**

- Agricultural Research Service, Buildings and Facilities (ARS B&F)
- Animal Plant Health Inspection Service, Salaries & Expenses (APHIS)
- Natural Resources Conservation Service, Watershed and Flood Prevention Operations (WFPO)
- Rural Development, Community Facilities grants
- Rural Development, Distance Learning, Telemedicine, and Broadband (DLT) grants

### **Commerce, Justice, Science**

- Department of Commerce; National Institute of Standards and Technology (NIST); Scientific and Technical Research Services (STRS); External Projects
- Department of Commerce; NIST; Construction of Research Facilities, Extramural Construction.
- Department of Commerce; National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects
- Department of Justice; Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary
- Department of Justice; Community Oriented Policing Services (COPS); COPS Law Enforcement Technology and Equipment
- National Aeronautics and Space Administration; Safety, Security, and Mission Support

### **Energy & Water**

- Corps of Engineers: Investigations
- Corps of Engineers: Construction
- Corps of Engineers: Operation & Maintenance
- Corps of Engineers: Mississippi Rivers & Tributaries: Investigations
- Corps of Engineers: Mississippi Rivers & Tributaries: Construction
- Corps of Engineers: Mississippi Rivers & Tributaries: Operation & Maintenance
- Bureau of Reclamation: Water and Related Resources
- Department of Energy: "Energy Projects" Account will include the following topic areas:
  - Renewable and Clean Energy
  - Electricity and Energy Resiliency
  - Cybersecurity and Energy Security
  - Nuclear Energy
  - Fossil Energy or Carbon Management

### **Financial Services & General Government -**

- Small Business Administration, Administrative Provision
- National Archives and Records Administration, National Historical Publications and Records Commission
- National Archives and Records Administration, Repair and Restoration
- General Services Administration, Federal Buildings Fund, Construction and Acquisition

- General Services Administration, Federal Buildings Fund, Repairs and Alterations
- Office of National Drug Control Policy, Administrative Provision (Prevention Grants)

### **Homeland Security**

- Federal Emergency Management Agency, Pre-Disaster Mitigation Projects;
- Federal Emergency Management Agency, Emergency Operations Center Grant Program.

### **Interior**

- CW: EPA, STAG, Clean Water SRF, Clean Water CDS
- DW: EPA, STAG, Drinking Water SRF, Drinking Water CDS
- SFC: IHS, Sanitation Facilities Construction, Sanitation Facilities Construction CDS
- HPF: National Park Service, Historic Preservation Fund
- SPF: U.S. Forest Service, State and Private Forestry, Forest Resource Information and Analysis
- LCWF: Land and Water Conservation Fund
  - BLM, Land Acquisition
  - FWS, Land Acquisition
  - NPS, Land Acquisition
  - USFS, Land Acquisition
  - USFS, Forest Legacy
- LRF: Great American Outdoors Act, Legacy Restoration Fund
  - BLM, Legacy Restoration Fund
  - FWS, Legacy Restoration Fund
  - NPS, Legacy Restoration Fund
  - BIE, Legacy Restoration Fund
  - USFS, Legacy Restoration Fund
- LMCON: Land Management Agencies, Construction
  - BLM, Construction
  - FWS, Construction Projects, Line Item Construction
  - NPS, Construction, Line Item Construction and Maintenance
  - USFS, Capital Improvement and Maintenance, Facilities, Road and Trails
- Land Management Agencies, Local Projects and Research
  - BLM, Management of Land and Resources, Habitat Management Priorities
  - NPS, National Recreation and Preservation, Statutory and Contractual Aid
  - FWS, Resource Management, Stewardship Priorities
  - USGS, Surveys Investigations and Research, Special Initiatives
- BIA, Operation of Indian Programs, Special Initiatives
- EPA: Science and Technology, Research: National Priorities
- EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants

### **Labor, HHS, Education**

- Labor - Employment and Training Administration
- Health & Human Services - Health Resources Service Administration
- Health & Human Services - Substance Abuse and Mental Health Services Administration
- Health & Human Services - Administration for Children and Families
- Health & Human Services - Administration for Community Living—Aging and Disability Services Programs
- Education - Fund for the Improvement of Education (FIE)
- Education - Fund for the Improvement of Postsecondary Education (FIPSE)

**MilCon-VA**

- 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

**Transportation, Housing & Urban Development**

- Transportation Planning, Research, and Development (TPR&D)
- Grants-in-Aid for Airports (Airport Improvement Program or AIP)
- FAA Facilities and Equipment
- Highway Infrastructure Programs (HIP)
- Transit Infrastructure Grants (TIG)
- Consolidated Rail Infrastructure and Safety Improvement Program (CRISI)
- Housing and Urban Development (HUD) Economic Development Initiatives (EDI)

**U.S. Senate Committee on Appropriations**  
**Subcommittee on Agriculture, Rural Development, Food and Drug Administration,**  
**and Related Agencies**

**Eligible Accounts**

- Agricultural Research Service, Building and Facilities (ARS B&F)
- Animal and Plant Health Inspection Service, Salaries and Expenses (APHIS S&E)
- Natural Resources Conservation Service, Watershed and Flood Prevention Operations (WFPO)
- Rural Development, Community Facilities grants
- Rural Development, Distance Learning, Telemedicine, and Broadband Program (DLT) grants

Applicants must certify that they can meet ALL program requirements including cost-share or matching requirements. Below are specific requirements for accounts that will have CDS requests. The Subcommittee will not fund CDS items if a recipient cannot meet all requirements.

**Agricultural Research Service, Buildings, and Facilities:**

- Requests for ARS B&F may only include funding for existing facilities or facilities where funding has been provided in the past.

**APHIS Salaries and Expenses:**

- Must meet environmental review requirements (i.e. NEPA and ESA).
- 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
- A few APHIS programs have matching requirements:
  - Grasshopper/Mormon Cricket (Field Crop & Rangeland Ecosystems Pests) – this program conducts surveys, provides technical assistance, and conducts suppression activities. When conducting suppression activities, the Plant Protection Act dictates the Federal percentage of control costs and cost-sharing for other parties. The Federal government pays the total cost of suppression on Federal land (including most tribal trust lands), 50 percent of the cost on State land, and 33 percent of the cost on private land.
  - Brucellosis (Cattle Health) – this program has a 40 percent match by the States.
  - Wildlife Services – reimbursable service agreements are generally 50/50 cost-share and the States would reimburse for their portion.

**WFPO:**

- CDS recipients for WFPO must have a local sponsor. 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.

- Any individual project may not exceed a watershed or sub-watershed size of 250,000 acres. At least 20 percent of the project's benefits must be directly related to agriculture.
- 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. Offices are encouraged to request funding for projects that are nearing the construction implementation phase.
- Requests must include the following information:
  - List the local sponsor
  - Confirm coordination with the Natural Resources Conservation Service State Conservationist
  - Indicate for which phase of the project funding is requested

### **Rural Development, Community Facilities Grants:**

The following project and applicant eligibility criteria must be met prior to a congressionally directed spending request being approved:

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. **To determine whether a project is eligible, your office or the applicant is required to reach out to your State RD office.** Contact information for the State RD offices can be found at this link: <https://www.rd.usda.gov/about-rd/state-offices>.

This program will fund up to 75 percent of total project costs, with match requirements based on population as follows:

- Maximum of 75 percent when the proposed project is located in a rural community having a population of 5,000 or fewer.
- Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer.
- Maximum of 35 percent when the proposed project is 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.

This program is subject to the Build America Buy America Act requirements which will apply to the total project cost, not just the federal cost-share portion.

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.

CDS requests will be considered outside of the CF state allocations. Therefore, the sole cap that will determine the maximum grant assistance is the match requirement as described above. When considering which CDS requests to submit to the Subcommittee, this is a good baseline to use.

To best determine the eligibility of the request, the following information must be provided:

- Recipient
- Intended use of funds and how the completed construction/acquisition will be used in the relevant application field. Please provide as much detail as possible. For example, “the funding will be used to build three new classrooms to teach English.” A full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 3570](#).

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). Applicants must complete an application with RD if awarded a CDS in the final bill. Note: there are several set-asides within the CF grant program, but congressionally directed spending requests will only be eligible for the general CF Grant program.

Due to the complexity of CF grants, all applications should be vetted through your State RD office – the Subcommittee will not consider projects that are ineligible.

RD publishes its grant awards for all its programs on [its website](#). Once you download the excel spreadsheet, you can filter for just CF Grants.

#### **Rural Development, Distance Learning and Telemedicine Grants:**

The following project and applicant eligibility criteria must be met prior to a congressionally directed spending request being approved:

- A flat 15 percent match (matching funds cannot come from another Federal source).
- 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.
- Reminder, even though for-profit entities are eligible for this program, they are not eligible for congressionally directed spending requests
- Broadband deployment is not an eligible use of funds for DLT.
- Applicants must complete an application with RD if awarded a CDS in the final bill.

For both CF Grants and DLT Grants, State RD directors, and local specialists are available to answer specific questions regarding the eligibility of a proposed project. You can find their contact information at this link: <https://www.rd.usda.gov/about-rd/state-offices>. In addition to applicants certifying that the matching requirements will be met, applicants must also certify that the potential recipient has contacted their local office and confirmed the proposed project meets the program’s eligibility requirements.

**U.S. Senate Committee on Appropriations**  
**Subcommittee on Commerce, Justice, Science, and Related Agencies**

**Eligible Accounts**

- “Department of Commerce; National Institute of Standards and Technology (NIST); Scientific and Technical Research Services (STRS); External Projects”;
- “Department of Commerce; NIST; Construction of Research Facilities; Extramural Construction”;
- “Department of Commerce; National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects”;
- “Department of Justice; Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary”;
- “Department of Justice; Community Oriented Policing Services (COPS); COPS Law Enforcement Technology and Equipment”;
- “National Aeronautics and Space Administration; Safety, Security and Mission Support”.

**NIST STRS, External Projects**

The Subcommittee will accept CDS requests for NIST STRS. Projects should address standards-related research and technology development. Construction projects will not be accepted.

**NIST Construction of Research Facilities, Extramural Construction**

The Subcommittee will accept CDS requests for NIST Extramural Construction projects for non-Federal research facilities, including for projects at research institutions and colleges and universities. However, given the significant investments necessary for construction projects, only a very limited number of projects will be supported on an annual basis.

**NOAA ORF, Special Projects**

The Subcommittee will accept CDS requests for NOAA ORF. Projects should address fisheries, marine mammals, ocean, coastal issues, climate, weather, atmospheric research, data acquisition, and forecasting programs. Construction projects will not be accepted.

**DOJ Byrne Discretionary**

The Subcommittee will accept CDS requests for Byrne Discretionary projects. Projects should provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. If you have questions about whether a project’s nexus to the criminal justice system is sufficient, please contact the Subcommittee. CDS requests funded in a final bill will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#). Allowable costs are those costs consistent with the principles set out in the 2 CFR Part 200, Subpart E, and those permitted by the grant program’s authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements. This funding cannot be used for land acquisition or construction. Senators should refrain from specifying brand names for equipment to ensure fair and open competition. Should you have questions about whether a project is best categorized as Byrne Discretionary or as COPS Law Enforcement Technology and Equipment, please contact the Subcommittee.

**DOJ COPS Law Enforcement Technology and Equipment**

The Subcommittee will accept CDS requests for COPS Law Enforcement Technology and Equipment for 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 (for example, police and/or sheriff’s departments). Allowable activities are limited to the statutorily 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. CDS requests funded in a final bill will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#), and the applicable Award Owner's Manual. Senators should refrain from specifying brand names for equipment to ensure fair and open competition. Senators are cautioned against requests for vehicles and vessels that carry with them a high maintenance cost at the conclusion of the CDS request. Agencies should consider the full range of potential legal, constitutional, and civil liberties and privacy implications associated with generating, acquiring, or using technology or data. For example, agencies that purchase unmanned aircraft systems must be aware of the Federal requirements and best practices for their effective and safe operation that is respectful of civil liberties and maximize the safety of citizens ([see guidance](#)). Should you have questions on whether a project is best categorized as Byrne Discretionary or as COPS Law Enforcement Technology and Equipment, please contact the Subcommittee.

**NASA Safety, Security and Mission Support (SSMS)**

The Subcommittee will accept CDS requests 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 cannot fund construction but may be used for equipment, research funding, or education programs.

## U.S. Senate Committee on Appropriations Subcommittee on Energy and Water Development

### Eligible Accounts

- Corps of Engineers: Investigations
- Corps of Engineers: Construction
- Corps of Engineers: Operation & Maintenance
- Corps of Engineers: Mississippi Rivers & Tributaries: Investigations
- Corps of Engineers: Mississippi Rivers & Tributaries: Construction
- Corps of Engineers: Mississippi Rivers & Tributaries: Operation & Maintenance
- Bureau of Reclamation: Water and Related Resources
- Department of Energy: “Energy Projects” Account will include the following topic areas:
  - Renewable and Clean Energy
  - Electricity and Energy Resiliency
  - Cybersecurity and Energy Security
  - Nuclear Energy
  - Fossil Energy or Carbon Management

The Subcommittee anticipates receiving a large number of CDS and programmatic requests. 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.

Further, the Subcommittee **will not fund** the following projects:

- Statutory cost sharing requirements may apply to these projects, as required by section 988 of the Energy Policy Act of 2005. The amount of required cost sharing 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.
- Projects that require multiple years of funding.
- Construction of buildings or new facilities (no brick and mortar), even if it will have clean energy associated with it.
- Vehicle charging projects, unless the project is connected to larger clean energy sources (like a battery) or has clean energy applications beyond the charging station.
- Electrical substation replacement or routine grid upgrades that could otherwise be funded under ratepayer contracts or through existing federal incentives.
- Planning studies for a forthcoming project.

## **U.S. Senate Committee on Appropriations Subcommittee on Financial Services and General Government**

### **Eligible Accounts**

- Small Business Administration, Administrative Provision
- National Archives and Records Administration, National Historical Publications and Records Commission
- National Archives and Records Administration, Repairs and Restoration
- General Services Administration, Federal Buildings Fund, Construction and Acquisition
- General Services Administration, Federal Buildings Fund, Repairs and Alterations
- Office of National Drug Control Policy, Administrative Provision (Prevention Grants)

CDS requests must meet all applicable eligibility requirements for the program in which the request is made. Please see below for eligibility criteria for the accounts accepting CDS requests:

### **Small Business Administration, Administrative Provision:**

Projects in support of small businesses, including but not limited to entrepreneur training, counseling, research, and construction or acquisition of facilities. *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, Repairs 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 FY25 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 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*

## **U.S. Senate Committee on Appropriations Subcommittee on Homeland Security**

### **Eligible Accounts**

- Federal Emergency Management Agency, Pre-Disaster Mitigation Projects; and
- Federal Emergency Management Agency, Emergency Operations Center Grant Program.

**Pre-Disaster Mitigation (PDM) Projects:** Requested projects must meet the eligibility requirements of the PDM grant program, including the non-federal cost-share requirement, benefit-cost ratio, and environmental and historic preservation requirements. For any projects designated for funding in the final fiscal year 2024 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 to satisfy requests for eligible 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.

**Emergency Operations Center (EOC) Grant Program:** Requested projects must meet the eligibility requirements of the EOC grant program, including the non-federal cost-share requirement and environmental and historic preservation requirements. Full requirements can be found in the fiscal year 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.

## **U.S. Senate Committee on Appropriations Subcommittee on the Interior, Environment, and Related Agencies**

This guidance will use the following abbreviations:

- DOI: Department of the Interior
- BLM: Bureau of Land Management
- FWS: Fish and Wildlife Service
- NPS: National Park Service
- USGS: U.S. Geological Survey
- BIA: Bureau of Indian Affairs
- BIE: Bureau of Indian Education
- USFS: U.S. Forest Service
- EPA: Environmental Protection Agency
- IHS: Indian Health Service
- LWCF: Land & Water Conservation Fund

### **Eligible Accounts:**

1. CW: EPA, STAG, Clean Water SRF, Clean Water CDS
2. DW: EPA, STAG, Drinking Water SRF, Drinking Water CDS
3. SFC: IHS, Sanitation Facilities Construction, Sanitation Facilities Construction CDS
4. HPF: NPS, Historic Preservation Fund Projects
5. SPF: USFS, State and Private Forestry, Forest Resource Information and Analysis

The Subcommittee may also consider CDS requests within the following accounts, but only on a case-by-case basis. The Subcommittee will consider the appropriateness of CDS spending for the project, history of the program and other federal spending, and availability of funding within the program, among other factors. Please note that any project that is included in the President's budget request and for which the request for funding is at or below the President's budget request level should be submitted with applicant's programmatic requests. The Subcommittee will only consider CDS requests for projects that are not included in the President's budget request or for projects that would be funded above the President's budget request.

### 6. Projects on Agency Lists

- LWCF: Great American Outdoors Act, Land and Water Conservation Fund
  - BLM, Land Acquisition
  - FWS, Land Acquisition
  - NPS, Land Acquisition
  - USFS, Land Acquisition
  - USFS, Forest Legacy
- LRF: Great American Outdoors Act, Legacy Restoration Fund
  - BLM, Legacy Restoration Fund
  - FWS, Legacy Restoration Fund
  - NPS, Legacy Restoration Fund
  - BIE, Legacy Restoration Fund
  - USFS, Legacy Restoration Fund
- LMCON: Land Management Agencies, Construction
  - BLM, Construction
  - FWS, Construction Projects, Line Item Construction
  - NPS, Construction, Line Item Construction and Maintenance
  - USFS, Capital Improvement and Maintenance, Facilities, Road and Trails

### 7. Land Management Agencies, Local Projects and Research

- BLM, Management of Land and Resources, Land Management Priorities
- NPS, National Recreation and Preservation, Statutory and Contractual Aid
- FWS, Resource Management, Stewardship Priorities

- USGS, Surveys Investigations and Research, Special Initiatives
- 8. BIA, Operation of Indian Programs, Special Initiatives
- 9. EPA, Science and Technology, Research: National Priorities
- 10. EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants

### **CW & DW**

The Subcommittee anticipates that the vast majority of CDS requests made to the Interior Subcommittee will be for water infrastructure grants to fund local wastewater and drinking water infrastructure projects within the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. This includes construction of, and modifications to, municipal sewage treatment plants and drinking water treatment plants. 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.

The Subcommittee has previously considered projects benefiting both a clean water and drinking water system. Any such project must meet the qualifications below and must be requested under the Clean Water CDS account.

### ***State and Local Projects***

The Subcommittee will accept CDS requests for local and/or municipal projects included on a state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP). The Subcommittee may consider projects that are eligible for funding under State Revolving Loan Fund (SRF) guidelines (detailed below), but are not on the state IUP list.

There is a minimum 20% cost share requirement for any state or local water infrastructure grant funded through congressionally directed spending. For example, a \$1 million project could receive a maximum of \$800,000 from the federal government, with the remaining \$200,000 the responsibility of the CDS recipient. In almost all cases, other federal funds cannot be used to meet this 20% cost share. Please note that only the non-federal portion of assistance provided by a State Revolving Loan Fund can be applied towards a project's matching requirement.

For State and Local Grants for Drinking or Clean Water Projects, applicants must confirm this status with the state before finalizing your submission:

- Is the project on the state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan? *Required YES or NO*
- If the answer to the question above is NO, is the project eligible under SRF guidelines? *Required YES, NO, or N/A*

Applicants must answer each of the following questions in the order listed below:

1. What is the project purpose, e.g., drinking water, wastewater, stormwater, and/or water quality protection?
2. How will the project help the recipient meet applicable water standards—e.g. improve drinking water quality or improve surface/groundwater quality?
3. Is this project primarily to support existing water needs or to support future growth? Note that projects primarily to support future growth are typically ineligible for State Revolving Funds. Is this request seeking funding for planning and design, construction, or both?
4. Describe the project recipient—are they a municipality? Public water system? Other public entity?
5. What is the total estimated cost of the project, based on the facilities plan or preliminary engineering report?

6. What is the amount requested for the project?
7. Is the amount requested scalable to a lower amount and if so, what is the minimum amount?
8. Please list any funding received from federal appropriations, including the fiscal year and source of funding (Clean Water SRF, Drinking Water SRF, STAG grants, USDA Rural Development Program, FEMA, or others)?
9. Does the community have a financing plan certified by an authorized local official demonstrating how it will cover the matching funds of 20% or more
10. What are the anticipated non-federal sources of funding for this project?

Note that SRF projects have very specific eligibility requirements and the Subcommittee will not consider projects that do not meet those requirements. The following table lists some of the project types that are ineligible for SRF funding:

| <b>Projects that generally are NOT eligible for SRF funding</b> |                                                                                                                 |                       |                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Clean Water / Waste Water</b>                                |                                                                                                                 | <b>Drinking Water</b> |                                                                                                                                                                                                                                                         |
| 1.                                                              | Land, except for projects described in the subsequent table under eligibility #11                               | 1.                    | Dams or rehabilitation of dams                                                                                                                                                                                                                          |
| 2.                                                              | Operations and maintenance costs                                                                                | 2.                    | Operations and maintenance costs                                                                                                                                                                                                                        |
| 3.                                                              | Non-municipal point source control                                                                              | 3.                    | Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy or if the water rights purchase is covered by EPA's DWSRF Class Deviation for Water Rights 2019 |
| 4.                                                              | Acid drainage correction                                                                                        | 4.                    | Reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are located on the property where the treatment facility is located                                                                    |
| 5.                                                              | Ambient water quality monitoring                                                                                | 5.                    | Laboratory fees for monitoring                                                                                                                                                                                                                          |
| 6.                                                              | Flood Control Projects, unless the project is otherwise managing, reducing, treating, or recapturing stormwater | 6.                    | Projects needed mainly for fire protection                                                                                                                                                                                                              |
| 7.                                                              | Privately owned sewer pipes                                                                                     | 7.                    | Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance will ensure compliance                                                                                                                       |
|                                                                 |                                                                                                                 | 8.                    | Projects for systems in significant noncompliance, unless funding will ensure compliance                                                                                                                                                                |

|  |  |    |                                                    |
|--|--|----|----------------------------------------------------|
|  |  | 9. | Projects primarily intended to serve future growth |
|--|--|----|----------------------------------------------------|

The following list provides some examples of the types of projects that are typically eligible for SRF funding and are most frequently funded. This list is not intended to be exhaustive.

| <b>Projects that generally ARE eligible for SRF funding</b> |                                                                                                                                                                   |                       |                                                                                                                                                                                                                                         |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Clean Water / Waste Water</b>                            |                                                                                                                                                                   | <b>Drinking Water</b> |                                                                                                                                                                                                                                         |
| 1.                                                          | Wastewater treatment plants, including sludge handling facilities.                                                                                                | 1.                    | Facilitate compliance with national primary drinking water regulations or address serious risks to public health including non-regulated contaminants (i.e. PFAS)                                                                       |
| 2.                                                          | Collector Sewers – Small sewers that convey wastewater from residences, commercial establishments, and industrial sites.                                          | 2.                    | Rehabilitate or develop water sources (excluding reservoirs, dams, dam rehabilitation and water rights) to replace contaminated sources                                                                                                 |
| 3.                                                          | Interceptor Sewers – Large sewers that convey wastewater from collector sewers directly to a wastewater treatment facility.                                       | 3.                    | Install or upgrade treatment facilities                                                                                                                                                                                                 |
| 4.                                                          | Sewer Pipes – Rehabilitation is only eligible if the pipes are publicly owned.                                                                                    | 4.                    | Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system                                                                                      |
| 5.                                                          | Outfall Sewer – A sewer that conveys treated wastewater from a wastewater treatment facility to the receiving waters.                                             | 5.                    | Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels                                                                         |
| 6.                                                          | Storm Water Management – Measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water (i.e. storm sewers, green infrastructure, etc.). | 6.                    | Projects to consolidate water supplies – for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons |
| 7.                                                          | Combined sewer overflow (CSO) control and sanitary sewer overflow (SSO) control.                                                                                  | 7.                    | Land is eligible only if it is integral to a project that is needed to meet or maintain compliance and further public health protection                                                                                                 |

|     |                                                                                                                                                                                                                                                                                                             |    |                                                  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------------------------------|
| 8.  | Infiltration/Inflow Correction – Construction activities that prevent surface water or groundwater from entering the sewer system.                                                                                                                                                                          | 8. | Project planning, design and other related costs |
| 9.  | Water Security – Installation or upgrade of physical security infrastructure such as lighting, fencing, monitoring and access control. Also, cybersecurity measures, installation of safer treatment technologies, and more secure storage of on-site treatment.                                            | .  |                                                  |
| 10. | Septic Tanks – Remediation, rehabilitation, removal and replacement of failing tanks are eligible, as well as installation of new tanks.                                                                                                                                                                    |    |                                                  |
| 11. | Land – The leasing and fee-simple purchase of land, including surface and subsurface easements, needed to locate eligible municipal or Tribal projects, and land integral to the treatment process. Municipal purchase of land and/or conservation easements for source water protection are also eligible. |    |                                                  |
| 12. | Water Reuse – Projects involving the municipal reuse or recycling of wastewater, stormwater, or subsurface drainage water.                                                                                                                                                                                  |    |                                                  |
| 13. | Capital Nonpoint Source Pollution Control Projects – e.g., river or streambank restoration, agricultural best management practices (i.e., buffer strips, manure containment structures), wetlands restoration, etc.                                                                                         |    |                                                  |

**SFC: IHS, Sanitation Facilities Construction, Sanitation Facilities Construction CDS**

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).

For Tribal drinking or clean water facilities construction projects, applicants must confirm this status before finalizing your submission:

- Is the project on the IHS Sanitation Deficiency System list? *Required YES or NO*
- If the answer to the question above is NO, is the project eligible under the Criteria for the Sanitation Facilities Construction Program? *Required YES, NO, or N/A*

In the Project Justification section of the application, applicants must answer each of the following questions in the order listed below:

1. What is the project purpose, e.g., drinking water, wastewater, stormwater, and/or water quality protection?
2. Is the amount requested scalable to a lower amount and if so, what is the minimum amount?
3. Is this request seeking funding for planning and design, construction, or both?
4. Is the preliminary planning and engineering design completed for this project?
5. When will this project be ready to proceed to construction?
6. What is the total estimated cost of the project, based on the facilities plan or preliminary engineering report?
7. Please list any funding received from federal appropriations, including the fiscal year and source of funding (Clean Water SRF, Drinking Water SRF, STAG grants, USDA Rural Development Program, FEMA, or others), if applicable?
8. If applicable, does the community have a financing plan?

#### **HPF: National Park Service, Historic Preservation Fund Projects**

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. The Subcommittee anticipates that most requests will be made within the HPF for the Save America's Treasures (SAT) program. All HPF grantees, including successful CDS recipients, must meet standards set by the Secretary of the Interior and comply with the [audit requirements](#), and each successful CDS recipient funded in a final bill must complete an application through [grants.gov](#). 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. For more information, please visit [here](#). 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 are encouraged to inquire with their [State Historic Preservation Office](#) to confirm listings. Other HPF programs have varied eligibility requirements which will be the basis of the Subcommittee's consideration.

For HPF, if the request is for property, does the property meet the HPF program requirements of being listed on the National Register of Historic Places or as a National Historic Landmark individually or as contributing to an historic district? Required YES, NO, or N/A

Applicants must answer each of the following questions in the relevant application field in the order listed below:

1. What type of entity is the recipient (e.g., non-profit organization, state or local government, educational institution, federally-recognized Indian Tribe, Alaska Natives, or Native Hawaiian organizations)? *Please specify.*
2. Has the project received a previous federal grant in the past? For SAT, previous projects can be viewed on [NPS SatMap](#). *Please answer one of the following: YES and note the year, the amount, and the federal program; or NO.*
3. If the request is for SAT, does the recipient have in place, or a plan to provide, the one-to-one match with non-federal cash and/or in-kind contribution? *Please answer YES, NO, or N/A.*
4. Would the requested project fund an eligible activity under the HPF? For example, for SAT, please visit [here](#). *Please answer YES or NO.*

### **SPF: USFS, State and Private Forestry, Forest Resource Information and Analysis**

The State and Private Forestry account provides 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. Project requests should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan.

Applicants must answer each of the following questions in the relevant application field, in the order listed below:

1. Is the project part of a state Forest Action Plan or otherwise ranked in a prioritized list (provide list name and rank)?
2. How does this project contribute to the state Forest Action Plan?
3. What is the federal nexus for this project and why should there be a federal funding component?
4. Has this project received previous federal funds (provide year, amount, and program)?
5. What is the total cost of the project? Are there matching funds or partner contributions?
6. Is the amount requested scalable to a lower amount and if so, what is the minimum amount?
7. What is the timeline for this project?
8. Describe how the project will conserve and steward working forests or open space, protect forest health from insects and disease, meet urban and community forestry goals, create opportunities for innovative wood use, improve fire mitigation efforts, or otherwise benefit communities and forested lands.

### **Projects on Agency Lists**

Funding for projects included in the fiscal year 2024 President's budget request should be submitted with the applicant's programmatic requests if the request is for funding at or below the President's budget request level. The Subcommittee will only consider CDS 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. The Subcommittee will have a strong preference for projects included on agency-submitted priority lists.

- LWCF: Great American Outdoors Act, Land and Water Conservation Fund: Pursuant to the Great American Outdoors Act of 2020 (P.L. 116-152) and the Consolidated Appropriations Act, 2023 (P.L. 117-328), prioritized project lists will accompany the President's budget request in five LWCF accounts. This requirement is delivered in two separate lists: 1) a list of projects proposed for funding in the President's budget request; and 2) a supplemental list of projects that are ready but unfunded. Any funding request for

activities not included in the President’s budget request must be submitted as CDS request. These requests must be filed under “Bill-Wide – Multi – Land and Water Conservation Fund (LWCF) – Supplemental Projects, or Supplemental Projects – Not Listed”. There will be a high bar for considering any projects not present on the current year’s lists. Note that while third party organizations may advocate for specific projects, the CDS recipient for federal acquisition is the federal agency that will eventually manage the land (BLM, FWS, NPS, or USFS), or in the case of the Forest Legacy Program, it is the state.

- LRF: Great American Outdoors Act, Legacy Restoration Fund: Pursuant to the Great American Outdoors Act of 2020 (P.L. 116-152) and the Consolidated Appropriations Act, 2023 (P.L. 117-328), prioritized project lists for deferred maintenance projects to be funded by the National Parks and Public Lands Legacy Restoration Fund will accompany the President’s budget request for BLM, FWS, NPS, USFS, and BIE schools. 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.
- LMCON: Land Management Agency 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.

#### **7–10. Other**

The Subcommittee may also consider CDS requests within these accounts, but only on a case-by-case basis.

#### ***Land Management Agencies, Local Projects and Research***

In order for requests to be considered within this category, they 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 should contribute to local, state, and federal efforts to benefit species, habitat, and/or enhanced stewardship of land and water resources. Project funding is not intended to primarily fund annual operations and maintenance of existing programs at the state, federal, or local level.

- BLM, Management of Land and Resources, Land Management Priorities – project requests may be considered for activities related to wildlife and aquatic habitat management.
- NPS, National Recreation and Preservation, Statutory and Contractual Aid – project requests may be considered for activities relating to operating, managing, and preserving resources, including as authorized by law.
- FWS, Resource Management, Stewardship Priorities – project requests may be considered for fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
- USGS, Surveys Investigations and Research, Special Initiatives – project requests may be considered for high priority and core science research, and ecosystem and water resources related activities.

#### ***BIA, Operation of Indian Programs, 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.

***EPA, Science and Technology, Research: National Priorities***

Project requests may be considered for high priority lines of research related to environmental quality and/or human health.

***EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants***

Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

In order to consider a request that falls into one of the “Other” categories outlined above, the Subcommittee requires detailed information about the project. Applicants should use this space to make the case for the project. Applicants must answer each of the following questions in the order listed below. If the question does not apply to the requested project, please explain why.

1. Describe the project and make the case for its consideration.
2. Is the recipient entity a federal agency, state agency, Tribal entity, local city/county agency, university or college, or non-profit organization?
3. Does the project meet the eligibility and matching requirements for a specific grant program (provide description)?
4. Does the relevant federal agency have the authority to provide funds to this project and/or recipient (cite authority)?
5. Is the project specifically authorized (cite public law or other authority)?
6. Is the project on federal land or a federal facility?
7. Is the project funded in the President’s budget request (provide amount and describe any difference between the budget and your request)?
8. What is the federal nexus for this project and why should there be a federal funding component?
9. What is the total cost of the project?
10. Has this project received previous federal funds (provide year, amount, and program)?
11. Are there matching funds or partner contributions?
12. Is this request being submitted to other Subcommittees for consideration (note Subcommittee, program, amount, and other relevant information)?
13. Is the project ranked on any federal, state, or other prioritized list (provide list name and rank)?
14. What is the timeline for this project and why are federal funds required in this fiscal year?
15. What are the estimated start and completion dates for the project?
16. Can the project obligate all of the requested funding within 12 months of receipt?

**U.S. Senate Committee on Appropriations**  
**Subcommittee on Labor, Health and Human Services, Education, and Related Agencies**

**Eligible Accounts**

- Department of Labor—Employment and Training Administration—Training and Employment Services
- Department of Health and Human Services—Health Resources and Services Administration—Program Management
- Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support
- Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs
- Department of Health and Human Services—Administration for Community Living—Aging and Disability Services Programs
- Department of Education—Innovation and Improvement—Fund for the Improvement of Education
- Department of Education—Higher Education—Fund for the Improvement of Postsecondary Education

**Department of Labor—Employment and Training Administration**

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 WIOA1. 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 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.

**HHS –Health Resources and Services Administration**

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 requests 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*—CDS requests for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. CDS funds can be used for services only in areas that meet HRSA's definition of rural. For lists of eligible rural areas and further information regarding that definition, see [here](#). Please include the address of the project's activities in the relevant application field, if different than the legal entity recipient address, for purposes of determining project eligibility.

### **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 to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.

Notes:

- *Needle Exchange*: A General Provision prohibits the award of funding for projects that distribute sterile needles or syringes for I.V. drug injection.
- *Use of Illegal Substances*: A General Provision prohibits the award of funding for projects that 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.

### **HHS – 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 developmental disabilities, and Native Americans.

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

### **HHS – 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 the construction or renovation of facilities, and ACL CDS recipients may not sub-grant to other organizations or agencies.

### **Department of Education - Fund for 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.

### **Department of 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, 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.

## **U.S. Senate Committee on Appropriations**

### **Subcommittee on Military Construction, Veterans Affairs & Related Agencies**

#### **Eligible Accounts:**

- 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 program five years into the future. FYDPs identify these future planned projects, which are candidates for CDS requests. Inquiries related to the FYDP or whether a specific project is included should be directed to the Senate Liaison Offices of each military department.
- **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 could be funded if additional appropriations were provided. Questions about the UFR list or whether a specific project is included should be directed to the Senate Liaison Offices of each military department.
- **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 may submit a list of projects -- separate from the budget request -- that have received authorization and appropriation but require additional funding to be completed. Once the full budget request is released, questions about these lists and whether specific projects are included should be directed to the Senate Liaison Offices of each military department.

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

- The DD 1391 form is required by the Department of Defense 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, and this DD 1391 must be uploaded as part of your request.

**U.S. Senate Committee on Appropriations  
Subcommittee on Transportation, Housing and Urban Development, and  
Related Agencies**

**Eligible Accounts**

- “Transportation Planning, Research, and Development (TPR&D)” for transportation research projects eligible under title 23 or title 49, United States Code (not for project-specific planning that is eligible for funding under HIP, TIG, or CRISI);
- “Grants-in-Aid for Airports (Airport Improvement Program or AIP)” for airport projects eligible under chapter 471 of title 49, United States Code;
- “Facilities and Equipment (F&E)” for terminal air traffic control facility replacement projects eligible under part A of subtitle VII of title 49, United States Code;
- “Highway Infrastructure Programs (HIP)” for highway projects eligible under title 23, United States Code;
- “Transit Infrastructure Grants (TIG)” for transit projects eligible under chapter 53 of title 49, United States Code;
- “Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grants” for rail projects eligible under section 22907 of title 49, United States Code; and
- “Community Development Fund” for “Economic Development Initiatives (EDI)” for activities eligible under section 5305 of chapter 69 of title 42, United States Code, as well as for affordable housing construction.

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

**Account Descriptions**

**Facilities and Equipment (F&E):** Requests for specific projects that are consistent with the President’s budget request in the Federal Aviation Administration’s Facilities and Equipment account, Terminal Air Traffic Control Facility Replacement program should be submitted as a programmatic request and not as a CDS request. Requests for additional funds on top of the budget request should be requested in F&E as a CDS request.

**Highways (HIP):** Applicants can receive funding for highway projects that are not currently on the STIP or TIP, but for which a State DOT has provided a letter confirming that: (1) the project is eligible for Federal-aid highway funding under title 23, United States Code; (2) the State DOT is willing to carry out the project if funding is enacted; and (3) the State DOT will include the project on the STIP or TIP once funding for the project is enacted.

**Transit (TIG):** Applicants can receive funding for transit projects that are not currently on the STIP or TIP, but for which a transit agency has provided a letter confirming that: (1) the project is eligible for transit funding under chapter 53 of title 49, United States Code; (2) the transit agency is willing to carry out the project if funding is enacted; and (3) the transit agency will include the project on the STIP or TIP once funding for the project is enacted.

**Consolidated Rail Infrastructure and Safety Improvements (CRISI):** Applicants can receive funding for rail projects that are not currently on State rail plan, but for which a State rail agency

or State DOT has provided a letter confirming that: (1) the project is eligible for rail funding under section 22907 of title 49, United States Code; (2) the State rail agency, State DOT, or other relevant State agency is willing to carry out the project if funding is enacted; and (3) the State rail agency or State DOT will include the project on the State Rail Plan once funding for the project is enacted.

#### **TPR&D.**

- Applicants can request CDS within the TPR&D account for transportation research projects eligible under title 23 or title 49 of the 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. Applicants are encouraged to consider this account for national or regional research and development projects.

#### **Airports (AIP)**

- Applicants can request CDS within the AIP account for airport projects eligible under chapter 471 of title 49, United States Code (<https://www.faa.gov/airports/aip/overview>).
- NOTE: As AIP CDS follows the existing AIP statute, the Federal cost-share requirements still apply to CDS. For large and medium primary hub airports, CDS can cover 75 percent of eligible costs (or 80 percent for noise program implementation). For small primary, reliever, and general aviation airports, CDS can cover a range of 90-95 percent of eligible costs, based on statutory requirements.

#### **FAA Facilities and Equipment (F&E)**

- Applicants can request CDS within the FAA F&E account but only for terminal air traffic control tower facility replacement projects eligible under part A of subtitle VII of title 49, United States Code.
- In the Project Website field, applicants are required to provide a link to the airport master plan.
- In the relevant application field field, applicants are required to provide a statement of why the tower needs to be replaced. Applicants are required to provide 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. In addition, applicants are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Requests should provide information on how the CDS funding will ensure completion of a project or segments of a project, including the total cost of the project, the CDS funding amount, and any other identified sources of funding.

#### **Highways (HIP)**

- Applicants can request CDS within the HIP account for highway projects eligible under title 23, United States Code, including, but not limited to, highway and bridge construction projects, planning, environmental review, design, and right-of-way acquisition. Operational expenses are not eligible.
- All highway CDS funds will be provided directly to your State Department of Transportation. If the local or county level government is requesting the CDS, they will be required to coordinate with the State DOT to receive the funding and ensure a non-Federal match is available. The only exception to this is if the project is intended to be for a Tribal government.

- In the Project Website field, applicants are required to provide a link to the STIP or TIP that includes the requested project.
- Consistent with FY 2023, applicants can request funding for highway projects that are not currently on the STIP or TIP but for which a State DOT has provided a letter confirming that: (1) the project is eligible for Federal-aid highway funding under title 23, United States Code; (2) the State DOT is willing to carry out the project if funding is enacted; and (3) the State DOT will include the project on the STIP or TIP once funding for the project is enacted. The letter from the State DOT should be attached to the request in Legi-Mate in the Letters of Support field, and the Project Website field should include the most recent STIP or TIP on which the project will be added later.
- In the relevant application field, applicants are required to include the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. In addition, they must provide the STIP or TIP ID number for the project as it appears in the STIP or TIP included in the Project Website field (if the project is already on a STIP or TIP). Applicants should also provide a description of all other sources of funding contributing to the total cost of the project.
- For Project Recipient Information, please only enter information for the State DOT. All HIP CDS funding is provided directly to the State DOT. Local or county level governments interested in a HIP CDS are required to coordinate with the State DOT for implementation.

#### **Transit (TIG)**

- Applicants can request CDS within the TIG account for transit projects eligible under chapter 53 of title 49, United States Code.
- In the Project Website field, applicants are required to provide a link to the STIP or TIP that includes the requested project. Consistent with FY 2023, applicants can request funding for transit projects that are not currently on the STIP or TIP but for which a transit agency has provided a letter confirming that: (1) the project is eligible for transit funding under chapter 53 of title 49, United States Code; (2) the transit agency is willing to carry out the project if funding is enacted; and (3) the transit agency will include the project on the STIP or TIP once funding for the project is enacted. The letter should be attached to the request in Legi-Mate in the Letters of Support field, and the Project Website field should include the most recent STIP or TIP on which the project will be added later.
- In the relevant application field, applicants are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. In addition, Applicants should provide the STIP or TIP ID number for the project as it appears in the STIP or TIP included in the Project Website field (if the project is already on a STIP or TIP). Applicants should also provide a description of all other sources of funding contributing to the total cost of the project.

#### **Rail (CRISI)**

- Applicants can request CDS within the CRISI account for rail capital projects eligible under section 22907(c) of title 49, United States Code.
- In the Project Website field, applicants are required to provide a link to the State Rail Plan that includes the requested project.
- Consistent with FY 2023, applicants can request funding for rail projects that are not currently on the State Rail Plan but for which a State rail agency or State DOT has provided a letter confirming that: (1) the project is eligible for rail funding under section 22907 of title 49, United States Code; (2) the State rail agency, State DOT, or other relevant State agency is willing to carry out the project if funding is enacted; and (3) the

State rail agency or State DOT will include the project on the State Rail Plan once funding for the project is enacted. The Project Website field should include the most recent State Rail Plan on which the project will be added later.

- Applicants are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Applicants should also provide a description of all other sources of funding contributing to the total cost of the project.

### **Economic Development Initiatives (EDIs)**

- Applicants can request funding for EDIs within the “Community Development Fund” account for activities eligible under section 5305 of chapter 69 of title 42, United States Code, as well as for affordable housing construction.
- The Committee encourages applicants to pursue 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 removal 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.
- EDIs are subject to other Federal requirements including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, the National Environmental Policy Act (NEPA), HUD’s NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, and all appropriate Federal environmental and historic preservation laws, regulations, and Executive Orders. Applicants requesting EDIs should provide documentation of their compliance with these requirements. To review HUD’s current implementation of the EDI program and the applicable Federal requirements, please see HUD’s EDI landing page: [https://www.hud.gov/program\\_offices/comm\\_planning/edi-grants](https://www.hud.gov/program_offices/comm_planning/edi-grants)
- Reimbursement of expenses incurred prior to the enactment of a final FY25 appropriations bill is not permitted.
- In the Project Website field, applicants should provide a link to the project website, if available, or if the project is included in an existing CDBG grantee’s Consolidated Plan or Annual Action Plan, a link to such plan.
- In the Project Detail field, applicants are required to provide at a minimum:
  - description of the project;
  - status of the project (planning, design, under construction, etc.) and timeline of its expected completion;
  - breakdown of how EDI funds would be used;
  - description of all other sources of funding contributing to the total cost of the project; and
  - the status of the environmental review work.
- Applicants should identify which of the three National Objectives of the broader CDBG program the EDI project and its activities meets and include relevant data or a description indicating how it meets such National Objective(s). The three CDBG program National Objectives are: (1) benefit low- and moderate-income persons or communities; (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 for which other funding is not available. The most

common CDBG National Objective that EDI projects will meet is the benefit to low- and moderate- income (LMI) persons.

- If using the LMI National Objective, please review this HUD resource:  
<https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/>
- Use the “Map Application” tool to provide the necessary data points demonstrating the LMI benefit:  
<https://hud.maps.arcgis.com/home/item.html?id=ffd0597e8af24f88b501b7e7f326bedd>