

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending (CDS)

The Ag Subcommittee will accept CDS requests for the following 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

Following enactment of the FY24 funding bill, CDS recipients must apply for funding through the normal agency application process.

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 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.

Rural Development, Community Facilities Grants:

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. The average CF CDS project size funded in FY23 was \$1,000,000. When considering which CDS requests to submit to the Subcommittee, this is a good baseline to use.

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.

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:

- There is 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.

Commerce, Justice, Science, and Related Agencies (CJS) Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

The Subcommittee will accept requests for CDS. CDS requests should fund local projects that further the missions of CJS agencies by increasing the understanding of the oceans and the atmosphere, protecting our communities, and promoting space- or standards- related science. Funding recipients must be governmental or non-profit entities, and requesting Members must comply with Senate Rule XLIV, meet Committee transparency requirements, and certify the recipients are not for-profit companies, as described in the Committee General Guidance document.

CDS requests must include **ALL** of the following information:

- Project Name – Please include only a short description of the project in this field – and not the project’s location or recipient name:

Example:

- Correct –
Public Safety Communications Equipment Upgrade
 - Incorrect –
Town of X Police Department Public Safety Communications Upgrade
- Project Detail – This description should provide a brief (250 words or less) summary of the project, including its purpose, goals, history and current status, as well as the justification for the project (i.e., why funding is in the interest of taxpayers). The description should explain how the money will be spent (i.e., \$-x- for salaries; \$-x- for programming; \$-x- for equipment; etc.). Be specific when describing the activities and expenditures. The project detail should also state what performance standards will be used to measure whether this project has achieved its objectives. This description must be complete on its own and may not simply incorporate supporting materials by reference. Within the project detail, please indicate if the project or recipient received CDS funding in FY 2022 or in FY 2023. If so, the request should differentiate the FY 2024 request from the prior year funding and explain how the project will be sustained over time without CDS funding.

The Subcommittee recommends that CDS projects create private sector jobs, advance research and development, or save lives. CJS CDS projects should not be viewed as continuous funding sources and should be distinct from competitive grant opportunities at the relevant agencies. CDS projects should be viewed as a way to jump start or complete an activity – not sustain it over time. Successful CSD requests will match the project to

the authorization or mission of an agency or account and have the support of local officials or communities. The Subcommittee recommends requestors examine the Senate [FY 2022](#) and [2023](#) CJS reports for examples of the CDS projects the Subcommittee has supported in the past.

The CJS Subcommittee will accept CDS requests in the following 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. Refrain from specifying brand names for equipment to ensure fair and open competition.

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. Please refrain from specifying brand names for equipment to ensure fair and open competition. **Requestors are cautioned against making 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](#)).

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 program**

Homeland Security Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

- The Chairman, consistent with the above principles and in consultation with the Ranking Member, reserves the right to determine whether an item included in an appropriations bill meets the definition of a Congressionally Directed Spending (CDS) item pursuant to Senate Rule XLIV.

Eligible CDS Accounts: For Fiscal Year 2024, the following accounts are eligible for CDS requests:

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

Descriptions of Eligible Accounts:

- **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. Full requirements can be found in the fiscal year 2022 [NOFO for the “Pre-Disaster Mitigation Grant Program”](#) (the NOFO for FY23 projects is expected to be issued in the coming weeks, but requirements are unlikely to change). For any projects designated for funding in the final 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 member 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.**

Energy and Water Development Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

The E&W Subcommittee will only consider CDS requests for items in the following 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

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. If a Member wishes to support an item in the President’s budget request at the requested amount, that will remain a programmatic request. For location specific requests, if the Member’s request is not included in the President’s FY24 budget request or if it exceeds the level recommended in the President’s FY24 budget request, it is a CDS request.

Special Guidance for Corps of Engineers & Bureau of Reclamation Requests:

- To streamline requests for the Corps of Engineers and Bureau of Reclamation, Senators can support the budget request for each project in their state. As discussed above, if you are supporting the President’s request for a Corps of Engineers or Bureau of Reclamation project, this is a programmatic request, not a CDS request.
- Senators may also request programmatic funding for categories of projects, such as navigation or rural water.
- Submit your requests using the FY23 enacted budget structure.
- Senators may support specific funding levels for the Harbor Maintenance Trust Fund or the Inland Waterways Trust Fund by searching for HMTF or IWTF, respectively, in the online request system.
- It is the practice of the Subcommittee to only provide funding which can be executed in the year of appropriation, and therefore CDS eligibility is further limited by the capability of the agency to obligate the funding. CDS requests for both the Corps of Engineers and Bureau of Reclamation are provided to the agencies (both prior to Senate mark and at conference) for technical assistance to verify authorization and capability. This means that at conference CDS amounts can be reduced from Senate or House mark levels based on a reduced capability, as determined by the agencies.

- The online request system includes additional subcommittee fields for CDS requests for the Corps of Engineers and Bureau of Reclamation. This includes the following:
 - “Prior Year Funded”: Before you finalize your request please ensure that you verify with the appropriate local Corps of Engineers or Bureau of Reclamation office that the project or program you are requesting has been funded in a prior FY. *Once you have the prior year funded please indicate it in the box labeled ‘prior year funded’.*

Special Guidance for Department of Energy CDS Requests:

- While the Subcommittee will consider requests in the Department of Energy, it is expected to provide **very few such items**. Requests must fit under at least one of the five topic areas listed above and be submitted to the “Energy Projects” account. Further, please carefully review the list below that lays out what type of CDS projects are not eligible for funding as the Subcommittee has updated this list for FY24. Even if you successfully funded a project in this account in prior fiscal years, new criteria changes may make that project not eligible this year.
- Successful projects will be in line with current Department of Energy missions that focus on transformative science and technology research, development, and demonstration under the five topic areas listed above. The Subcommittee is more likely to grant requests that are not eligible for funding through tax credits or other federal incentives.
- Further, the Subcommittee **will not fund** the following projects:
 - Projects that do not follow statutory cost sharing requirements. Statutory cost sharing requirements may apply to these projects, as required by section 988 of the Energy Policy Act of 2005. A step-by-step document explaining the cost share rules according to the Department is included as an addendum to this guidance. In short, 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.

Cost Sharing DOE Financial Assistance Awards

Statutory cost sharing requirements are typically applicable to DOE Projects awarded under financial assistance instruments (grants and cooperative agreements under EPLA 2005, §988). The amount of required cost sharing depends on the scope and technological maturity of the project:

Categories:

- Research and development projects - minimum 20% cost share

- Demonstration or commercial projects - minimum 50% cost share
- Outreach and educational projects - no minimum cost share
- Fundamental science projects - no minimum cost share

Some projects may contain elements of more than one of the categories shown above. Therefore, some projects may have a blended cost share.

DOE financial assistance actions are subject to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, at 2 CFR Part 200, as amended by 2 CFR Part 910.

The Uniform Administrative Requirements defines Research and Development (R&D) and Demonstration as follows:

- 2 CFR 200.1: Research and development (R&D) means all research activities, both basic and applied, and all development activities that are performed by non-Federal entities. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function. “Research” is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. “Development” is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.
- 2 CFR 910.130(e): Demonstration means a project designed to determine the technical feasibility and economic potential of a technology on either a pilot or prototype scale.

Cost Sharing or Cost Matching

The terms “cost sharing” and “cost matching” are often used synonymously. Even 2 CFR 200.306, “Cost Sharing or Matching” uses both of the terms in the title specific to regulations applicable to cost sharing. DOE almost always uses the term “cost sharing,” because it conveys the concept that non-federal share is calculated as a percentage of the Total Project Cost. An exception is the State Energy Program Regulation, which is subject to 10 CFR Part 420. Specifically, in accordance with 10 CFR 420.12, “State Matching Contribution” is calculated as a percentage of the federal funds only, rather than the Total Project Cost. - 2

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. Following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

Formula: Federal share (\$) divided by Federal share (%) = Total Project Cost Example: \$1,000,000 divided by 80% = \$1,250,000

Formula: Total Project Cost (\$) minus Federal share (\$) = Non-federal share (\$) Example: \$1,250,000 minus \$1,000,000 = \$250,000

Formula: Non-federal share (\$) divided by Total Project Cost (\$) = Non-federal share (%) Example: \$250,000 divided by \$1,250,000 = 20%

What Qualifies For Cost Sharing

While it is not possible to explain what specifically qualifies for cost sharing in one or even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under a DOE grant or cooperative agreement, then it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, then it is not allowable as cost share. In addition, costs may not be counted as cost share if they are paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing.

The Cost Principles, 2 CFR 200, Subpart E explains what is allowable as cost share specific to the type of organization that is receiving funds under the grant or cooperative agreement, though are generally the same for all types of entities. The specific rules applicable to:

- State and Local Governments and Indian Tribes are found at 2 CFR 200.416;
- Institutions of Higher Education are found at 2 CFR 200.418; and
- For-profit Organizations are found at 2 CFR 910.130.

In addition to the regulations referenced above, other factors may also come into play such as timing of donations and length of the project period. For example, the value of ten years of donated maintenance on a project that has a project period of five years would not be fully allowable as cost share. Only the value for the five years of donated maintenance that corresponds to the project period is allowable and may be counted as cost share.

Additionally, DOE generally does not allow pre-award costs for either cost share or reimbursement when these costs precede the signing of the appropriation bill that funds the award. In the case of a competitive award, DOE generally does not allow pre-award costs prior to the signing of the Selection Statement by the DOE Selection Official. - 3 -

Following is a link to the Uniform Administrative Requirements. You can click on the specific section for each Code of Federal Regulations reference mentioned above.

[Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards](#)

[Federal Agency Regulations for Grants and Agreements – Department of Energy](#)

As stated above, the rules associated with what is allowable cost share are generally the same for all types of organizations. Following are the rules found to be common, but again, the specifics are contained in the regulations and cost principles specific to the type of entity:

- A. *Acceptable contributions.* All contributions, including cash contributions and third party in-kind contributions, must be accepted as part of the recipient's cost sharing if such contributions meet all of the following criteria:
 - a. They are verifiable from the recipient's records.
 - b. They are not included as contributions for any other federally-assisted project or program.
 - c. They are necessary and reasonable for proper and efficient accomplishment of project or program objectives.
 - d. They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:
 - i. *For-profit organizations.* Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in 2 CFR 910.130 is determined in accordance

with the for-profit costs principles in 48 CFR Part 31 in the Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document.

- ii. *Other types of organizations.* Allowability of costs incurred by other types of organizations that may be subrecipients under a prime award is determined in accordance with [2 CFR 200, Subpart E](#).
- e. They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.
- f. They are provided for in the approved budget.

B. Valuing and documenting contributions

- a. *Valuing recipient's property or services of recipient's employees.* Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:
 - i. The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or
 - ii. The current fair market value. If there is sufficient justification, the contracting officer may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project. The contracting officer may accept the use of any reasonable basis for determining the fair market value of the property.
- b. *Valuing services of others' employees.* If an employer other than the recipient furnishes the services of an employee, those services are valued at the employee's regular rate of pay, provided these services are for the same skill level for which the employee is normally paid.
- c. *Valuing volunteer services.* Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services must be consistent with those paid for similar work in the recipient's organization. In those markets in which the required skills are not found in the recipient organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.
- d. *Valuing property donated by third parties.*
 - i. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
 - ii. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the contracting officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

1. The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
 2. The value of loaned equipment must not exceed its fair rental value.
- e. *Documentation.* The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:
- i. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
 - ii. The basis for determining the valuation for personal services and property must be documented.

**SAMPLE COST SHARE CALCULATION
FOR BLENDED COST SHARE PERCENTAGE**

Following example shows the math for calculating required cost share for a project with \$2,000,000 in Federal funds with four tasks requiring different Non-federal cost share percentages:

<u>Task</u>	<u>Proposed Federal Share</u>	<u>Federal Share %</u>	<u>Required Non-federal Cost Share %</u>
Task 1 (R&D)	\$1,000,000	80%	20%
Task 2 (R&D)	500,000	80%	20%
Task 3 (Demonstration)	400,000	50%	50%
Task 4 (Outreach)	100,000	100%	0%
	<u>\$2,000,000</u>		

Federal share (\$) divided by Federal share (%) = Task Cost

Each task must be calculated individually as follows:

Task 1

\$1,000,000 divided by 80% = \$1,250,000 (Task 1 Cost)

Task 1 Cost minus federal share = Non-federal share

\$1,250,000 - \$1,000,000 = **\$250,000 (Non-federal share)**

Task 2

\$500,000 divided 80% = \$625,000 (Task 2 Cost)

Task 2 Cost minus federal share = Non-federal share

\$625,000 - \$500,000 = **\$125,000 (Non-federal share)**

Task 3

\$400,000 / 50% = \$800,000 (Task 3 Cost)

Task 3 Cost minus federal share = Non-federal share

\$800,000 - \$400,000 = **\$400,000 (Non-federal share)**

Task 4

Federal share = \$100,000

Non-federal cost share is not mandated for outreach = **\$0 (Non-federal share)**

The calculation may then be completed as follows:

<u>Task</u>	<u>Proposed Federal Share</u>	<u>Federal Share %</u>	<u>Required Non-federal Cost Share \$</u>	<u>Required Non-federal Cost Share %</u>	<u>Total Project Cost</u>
Task 1	\$1,000,000	80%	\$250,000	20%	\$1,250,000
Task 2	500,000	80%	125,000	20%	625,000
Task 3	400,000	50%	400,000	50%	800,000
Task 4	100,000	100%	<u>0</u>	0%	100,000
	<u>\$2,000,000</u>		<u>\$775,000</u>		<u>\$2,775,000</u>

Blended Cost Share %

Non-federal share (\$775,000) divided by Total Project Cost (\$2,775,000) = 27.9% (Non-federal)

Federal share (\$2,000,000) divided by Total Project Cost (\$2,775,000) = 72.1% (Federal)

Financial Services and General Government Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

The FSGG Subcommittee will accept requests for CDS items only in the accounts listed below:

- 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 projects should not be viewed as continuous funding sources and should be distinct from competitive grant opportunities at the relevant agencies. CDS projects should be viewed as a way to jump start an activity not sustain it over time. The Subcommittee recommends staff look at [last year's report](#) for examples of the kinds of projects FSGG has supported.

FSGG CDS Eligibility Requirements:

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 FY24 GSA budget request. *Please note: Eligible projects do not include state or county facilities, DOD facilities, VA facilities, or transportation infrastructure facilities. The recently-enacted Infrastructure legislation [IIJA] provided funding to complete all land ports-of-entry projects on GSA planning lists.*
- **Office of National Drug Control Policy, Administrative Provision (Prevention Grants):** Preferred prevention programs would include community-based coalitions which, as part of their application, propose data-driven, evidence-based prevention interventions; have established

measurable objectives; and proposed implementing a comprehensive mix of strategies. Also, DFC-funded coalitions recently trained by CDC to implement Adverse Childhood Experiences (ACEs) as part of their substance use prevention efforts are recommended. ***Please note: Programs should not be substance specific. Treatment programs are not eligible for CDS under this account.***

Interior and Environment Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

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*

“Project Name” Field: Please enter only the exact text that would appear in the CDS table in the committee report. First state the recipient, then the word “for”, and finally a short descriptor of the project. Please try to use no more than 10 words.

[Recipient] for [Short Project Description]

Examples:

- City of Echo for Potable Water System Service Replacement
- Potable Water System Service Replacement for City of Echo
- City of Echo Water Project
- Potable Water System Service Replacement

The Subcommittee will accept CDS requests within the following programs. Information about each program and the project detail required for each project are explained in detail below.

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 the Member office'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

1.CW: EPA, STAG, Clean Water SRF, Clean Water CDS

2. DW: EPA, STAG, Drinking Water SRF, Drinking Water CDS

About the Program: 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.

"Project Description": Requestors **must** answer each of the following questions within the project description and/or justification fields on the form:

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:

Projects that generally are NOT eligible for SRF funding			
Clean Water / Waste Water		Drinking Water	
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.

Projects that generally ARE eligible for SRF funding			
Clean Water / Waste Water		Drinking Water	
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.		
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3.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).

“Project Description”: As applicable, requestors **must** answer each of the following questions in the project description and/or justification fields on the form:

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?

4. HPF: National Park Service, Historic Preservation Fund Projects

About the Program: 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.

“Project Description”: Requestors **must** answer each of the following questions within the project description and/or justification fields on the form:

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 here: [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.**

5. SPF: USFS, State and Private Forestry, Forest Resource Information and Analysis

About the Program: 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.

“Project Description”: Requestors **must** answer each of the following questions within the project description and/or justification fields on the form:

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.

6. Projects on Agency Lists

About the Programs: Funding for projects included in the fiscal year 2024 President’s budget request should be submitted with the Member office’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.

- For Land and Water Conservation Fund (LWCF), Legacy Restoration Fund (LRF), or Land Management Agency Construction (LMCON), is the project on the relevant list provided by the administration? **Required YES or NO**

7–10. Other

The Subcommittee may also consider CDS requests within these accounts, but only on a case-by-case basis. Requestors must answer each of the 16 questions below for ALL requests in these accounts.

7. 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.

8. 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.

9. 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.

10. 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.

“Project Description”: In order to consider a request that falls into one of the “Other” categories outlined above, the Subcommittee requires detailed information about the project. Requestors **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

Labor, Health and Human Services, Education, and Related Agencies Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

Please read this guidance in its entirety before submitting any requests, as some information has changed since last year, and emphasis has been added in places to address common issues.

The Subcommittee will accept requests for CDS in the accounts noted below. CDS requests should fund local projects that further the missions of LHHS agencies.

In an effort to promote transparency and facilitate consideration of CDS requests, requesters must provide the necessary details on how requested funds would be used for each CDS project. LHHS CDS projects should not be viewed as continuous funding sources and should be distinct from competitive grant opportunities at the relevant agencies. CDS projects should be viewed as a way to jump start an activity, not sustain it over time. Successful CDS requests will match the project to the authorization or mission of an agency or account and have the support of local officials or communities.

More details on the types of eligible activities by account are described below. The most common problem with requests in previous fiscal years was a failure to include sufficient information to determine if a project is eligible.

Eligible CDS Accounts

The Subcommittee will only accept CDS requests in the following 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

Required CDS Project Information

All LHHS CDS requests must include the information, and follow the instructions, below.

- **Agency or Account** – Projects will only be funded from the accounts listed above.
- **Recipient Name** – Name of the legal entity that would receive the CDS funding. This will be listed on public disclosure tables. If funded, this must match the name of the organization that eventually submits an application for funding from the relevant agency.
- **Project Name** – Unique name of the project to easily identify and distinguish the project.
- **Project Purpose** – Brief description of the project (no more than 1-2 sentences). More detailed information should be provided in the Project Detail field.
- **Project Detail** – A detailed summary of the project, which must include the total and major categories of spending for the CDS project accompanied by a short narrative for how each major category of spending supports the Project Purpose. While this must explain how specifically the funding will be spent (i.e. \$X for salaries; \$X for equipment; etc.), simply noting how much is for “salaries” is not sufficient – it must include a description of how the funding supports the project’s purpose and goals (e.g. what the people will be doing, what the equipment will be used for, etc.). **The most common obstacle to determining if a project is eligible for funding is a lack of specific information on how the funding will be used. Finally, all necessary information must be included in this field and not rely on references to separately-provided supporting materials. More words are not always better, the focus should be concisely providing the necessary information.**
- **Recipient Address, City, and State** – Address for the legal entity that will receive the CDS funding.
- **Recipient Point of Contact Name, Phone Number, and E-mail Address** – Information for at least one and preferably two contacts at the recipient organization. If a project is ultimately funded, these will be the individuals the agency reaches out to regarding the project. Under no circumstances should a registered federal or State lobbyist be listed as the point of contact. The points of contact must be individuals employed by or affiliated with the organization that would administer the federal funds.
- **Tax Identification #** – Tax Identification Number for the recipient.

Detailed Information on Eligible CDS Accounts

LHHS will accept CDS requests for the following activities:

DEPARTMENT OF LABOR

Employment and Training Administration (ETA)

CDS requests under ETA (through the Workforce Innovation and Opportunity Act (WIOA) demonstration authority) should clearly articulate a project purpose and be focused on meeting the employment and training needs of workers. Generally these projects should include direct services which could include career services, training services (including work-based training), supportive services, and other permissible services, as they are defined in WIOA.¹ Typical activities include training unemployed individuals to increase their skills and obtain employment and enhancing the skills of incumbent workers to get higher-paying jobs.

CDS requests should include a basic budget that clearly describes how the funds will be used for specific activities to achieve the project's goals.

CDS funding may be used for the purchase of equipment, but generally only if it is an incidental part of the larger project to provide direct services (a similar standard applies to curriculum development). If a larger portion of the CDS funding is expected to be used for equipment or curriculum development, please note that and provide a detailed justification for why such investments are necessary to meet the employment and training needs of individuals.

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

Finally, CDS projects will be expected to have measurable outcomes and demonstrate a linkage with the state or local workforce investment system.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration (HRSA)

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

¹ Generally these are defined in [20 CFR § 678.430](#), [20 CFR § 680.200](#), and [20 CFR § 680.900](#).

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: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>.

HRSA CDS recipients may not sub-grant to other organizations or agencies.

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.

Needle Exchange: A General Provision prohibits the award of funding for projects which distribute sterile needles or syringes for I.V. drug injection.

Use of Illegal Substances: A General Provision prohibits the award of funding for projects which promote the legalization of illegal drugs or substances.

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

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 construction or renovation of facilities, and ACF CDS recipients may not sub-grant to other organizations or agencies.

Administration for Community Living (ACL)

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

- **Aging and Disability Services Programs**—projects to improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities. Generally, CDS requests should focus on improving access to, or the quality of, education, training, support services, and independent living services for older adults and individuals with disabilities.

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

DEPARTMENT OF EDUCATION

Innovation and Improvement

Fund for the Improvement of Education (FIE)—Elementary and secondary education CDS requests can be designated under this heading for a wide variety of elementary and secondary education projects, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools, and early childhood education. In general, the focus of elementary and secondary education CDS requests should be providing early childhood or K-12 educational services.

CDS requests to provide and improve special education services at the elementary and secondary levels are also eligible under this heading. These CDS requests may include early intervention services for infants and toddlers, transition services, and postsecondary education services.

Eligible CDS recipients are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. Generally, CDS requests intended for individual schools are provided to the applicable school district and not directly to the individual school.

CDS funding within FIE cannot be used for construction or renovation of school buildings, except in the case of minor remodeling or minor alterations in a previously completed building, for example as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible under this account.

Higher Education

Fund for the Improvement of Postsecondary Education (FIPSE)—CDS requests through FIPSE should primarily be focused on improving access to, or the quality of, postsecondary education. This can include a range of activities as authorized and specified in section 741(a) of the Higher Education Act ([20 U.S.C. 1138\(a\)](#)). CDS recipients are usually colleges and universities but may include other public and private nonprofit organizations.

Examples of the types of CDS requests that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology, equipment, and telecommunications, provide student support, and implement university partnerships with school districts. If a significant portion of CDS funds are expected to be used for the purchase

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

Military Construction and Veterans Affairs, and Related Agencies Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

The following accounts are eligible for MilConVA CDS requests:

- 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 and Urban Development Subcommittee Guidance

Guidance on Submitting Requests for Congressionally Directed Spending

CDS projects must have a reasonable expectation of being obligated by the end of FY 2026.

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

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

Account Guidance:

TPR&D.

- CDS may be requested 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. Requests are encouraged for national or regional research and development projects.
- Project website must be included in your request.

Airports (AIP).

- CDS may be requested 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.
- **Required** to provide a link to the airport master plan that includes the requested project.
- Required to provide the status of the planning and environmental work to assess the readiness of the project.
- Required to provide a description of all other sources of funding contributing to the total cost of the project.
- Required to provide the airport name (see [NPIAS](#) for airport names).

FAA Facilities and Equipment (F&E).

- CDS may be requested 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.
- **Required** to provide a link to the airport master plan.
- Required to provide a statement of why the tower needs to be replaced. The statement must 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, the project detail is required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Member 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.

- Required to provide the airport name (see [NPIAS](#) for airport names).

Highways (HIP).

- CDS may be requested 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 the 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.
- **Required** to provide a link to the STIP or TIP that includes the requested project. In addition, must provide the STIP or TIP ID number for the project as it appears in the STIP or TIP.
 - CDS may be requested 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 included in the application as an attachment.
- **Required** to include the status of the planning and environmental work to assess the readiness of the project.
- **Required** to provide a description of all other sources of funding contributing to the total cost of the project.

Transit (TIG).

- CDS may be requested within the TIG account for transit projects eligible under chapter 53 of title 49, United States Code.
- **Required** to provide a link to the STIP or TIP that includes the requested project. In addition, must provide the STIP or TIP ID number for the project as it appears in the STIP or TIP.
 - CDS may be requested 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 and the most recent STIP or TIP on which the project will be added later should be attached to the application.

- **Required** to provide the status of the planning and environmental to assess the readiness of the project.
- **Required** to provide a description of all other sources of funding contributing to the total cost of the project.
- Required to provide the name of the recipient or subrecipient transit agency.

Rail (CRISI).

- CDS may be requested within the CRISI account for rail capital projects eligible under section 22907(c) of title 49, United States Code.
- **Required** to provide a link to the State Rail Plan that includes the requested project.
- 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.
 - CDS may be requested 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 letter and the most recent State Rail Plan on which the project will be added later should be included in the application as an attachment.
- Required to provide the status of the planning and environmental work to assess the readiness of the project.
- Required to provide a description of all other sources of funding contributing to the total cost of the project.

Economic Development Initiatives (EDIs).

- CDS may be requested 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 Member offices 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. Member offices should confirm with organizations requesting EDIs that they will be able to comply 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
- Reimbursement of expenses incurred prior to the enactment of a final FY24 appropriations bill is not permitted.
- **Required** to 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.
- 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.
- **Required** to 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>