

**General Guidance on Fiscal Year 2025 Appropriations Requests**  
*U.S. Senate Committee on Appropriations*

For fiscal year 2025, the U.S. Senate Committee on Appropriations (the Committee) will accept two types of appropriations requests, each of which may be submitted by an individual Senator or a group of Senators.

1. **Programmatic/Language Requests**: These 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.
2. **Congressionally Directed Spending (CDS) Requests**: According to [Rule XLIV of the Standing Rules of the Senate](#), 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, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

**Generally speaking, CDS is funding requested for a specific project in a specific location. Not all subcommittees accept CDS requests, so please review each subcommittee’s guidance closely.**

In order to be considered by the Committee, all appropriations requests must be entered into the Committee’s electronic Member request system, [Legi-Mate](#). **Each of the 12 subcommittees has its own guidance with specific requirements and instructions for submitting programmatic, language, and CDS requests.** The “Legi-Mate How-To Guide” provides step-by-step instructions on how to enter and submit such requests into the system. All subcommittee guidance and the “Legi-Mate How-To Guide” are available on the Legi-Mate homepage. It is strongly recommended that you review each subcommittee’s guidance before entering requests and that you follow each subcommittee’s guidance throughout the process. All requests must be received by the deadline set for each individual subcommittee.

Senators making CDS requests must comply with the requirements of Rule XLIV of the Standing Rules of the Senate, which governs CDS. This includes writing a letter to the Committee certifying that neither the Senator nor his or her immediate family members have any financial interest in the CDS item being requested (detailed instructions are in the “Legi-Mate How-To Guide”). If you have any questions about what constitutes a financial interest for purposes of Senate Rule XLIV, please consult with the Select Committee on Ethics (x4-2981).

The Committee will continue the following reforms for CDS requests that were instituted in the 117th Congress to promote greater transparency and accountability:

- The Committee has placed a one percent cap on discretionary spending for CDS items.

- The Committee will not fund CDS items to for-profit entities, and each Senator must certify in a letter accompanying his or her request that none of the entities for which he or she has requested CDS is a for-profit entity (detailed instructions are in the “Legi-Mate How-To Guide”).
- Senators are required to publish his or her CDS requests on his or her website and make public the previously mentioned financial certification letter (detailed instructions are in the “Legi-Mate How-To Guide”). Senators must post this information to their website 15 business days after the subcommittee deadline for submitting requests. The Committee will provide a link to each Senator’s disclosure on the Committee’s website.
- The Committee will require the Government Accountability Office to audit a sample of enacted CDS items and report its findings to Congress.

The Committee reminds Senators making CDS requests of the following:

- CDS items should have community support.
- The 15-business-day window is intended to allow Committee staff time to review Senators’ requests and make sure that requests have been properly identified as either programmatic or CDS items for the purpose of public disclosure.
- The Committee cannot fund CDS items above a Senator’s requested amount, with limited exceptions for capabilities determined by certain federal agencies.
- Funded CDS items must follow all laws and requirements that apply to the accounts and programs through which CDS items are funded, including any prohibition on reimbursing expenses incurred prior to the enactment of final fiscal year 2025 appropriations bills.

The Committee will provide several trainings on Legi-Mate during Open Season.

U.S. Senate Committee on Appropriations  
Subcommittee on Agriculture, Rural Development, Food and Drug Administration,  
and Related Agencies  
FY 2025 Member Requests

Martin Heinrich, Subcommittee Chair

<b>Open Season: Monday, April 22, 2024 to Wednesday, May 8, 2024 at 5:00 PM</b>	
<b>Majority Liaison</b>	Rachel Erlebacher, 202-224-4494
<b>Minority Liaison</b>	Alex Shultz, 202-224-3664
<b>Deadline for Submitting Requests</b>	Wednesday, May 8, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Thursday, May 30, 2024
<b>Subcommittee Guidance</b>	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	Yes
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	Not required

**Agriculture Subcommittee Guidance**

Whether you are requesting programmatic items or CDS, Member requests for the Agriculture Subcommittee must be in priority order.

**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 and Telemedicine Grants

Following enactment of the FY25 funding bill, CDS recipients must apply for funding through the normal agency application process. Members must certify that a recipient of a CDS can meet ALL program requirements including cost-share or matching requirements. Below are specific requirements for accounts through which Members may make CDS requests. The Subcommittee will not fund CDS items if a recipient CANNOT meet all program 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. Facilities must be ARS-owned.

### APHIS Salaries and Expenses:

Requests for APHIS S&E must align with APHIS' mission and must meet environmental review requirements (i.e. NEPA and ESA). Learn more about APHIS' programs [here](#). The period of availability for APHIS CDS will be one-year funding (i.e. until the end of the fiscal year).

### WFPO:

CDS recipients for WFPO must have a local sponsor. Eligible local sponsors can be 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; or 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:

1. Preliminary feasibility study (PIFR)
2. Watershed Plan development
3. Implementation of Watershed Plan
4. 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. Funding cannot be requested for stages 2-4 until the PIFR is completed (this includes projects where the PIFR is in progress). Offices are encouraged to request funding for projects that are nearing the construction stage.

Requests must include the following information in Legi-Mate:

- Local sponsor
- Confirm coordination with the Natural Resources Conservation Service State Conservationist
- Indicate for which phase of the project funding is requested

### 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 the community population size of where the project will be located. CF Grants can cover up to 75 percent of the total project costs. Rural Development (RD) verifies an applicant's population size from the most recent census. **In order to determine whether a project is eligible, your office or the applicant is required to reach out to your state RD office.** Contact information for the state offices can be found at this link: <https://www.rd.usda.gov/about-rd/state-offices>.

*The RD National Office will not be able to complete its eligibility review until after the deadline for Member offices to publish CDS requests on their official Senate websites. Therefore, it is essential that projects are vetted with your RD state office prior to Legi-Mate submission.*

This program will fund **up to 75%** 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.

Towns with populations over 20,000 are not eligible for this program.

In general, CF matching funds must come from a non-Federal source (must be a cash match; it cannot be in-kind). 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 a part of the capital stack can be a part of the applicant required contribution. While an applicant does not need to have its match in hand at the time of submission to Legi-Mate, they must have their match at the time of obligation. If applicants fail to have their match within three years of enactment of the final bill, funds may be swept back into the general CF account.

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.

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 FY24 was \$1,000,000. When considering which CDS requests to submit to the Subcommittee, this is a good baseline to use.

In order to best determine the eligibility of the request, the following information must be provided in Legi-Mate:

- Recipient
- Intended use of funds and how the completed construction/acquisition will be used (in "Project Detail" box in Legi-Mate). 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](#)
- Both the requested CDS dollar amount and the total cost of the project (in thousands of dollars)
- Project location

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; and
- 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 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 these 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 their website: <https://www.rd.usda.gov/about-rd/grant-awards>. 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:

- 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.

For both CF and DLT Grants, state directors and local specialists are available to answer specific questions regarding 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 Members certifying that the matching requirements will be met, offices must also certify that the potential recipient has contacted their local office and confirmed the proposed project meets the program's eligibility requirements.

Please contact Rachel Erlebacher ([Rachel\\_Erlebacher@appro.senate.gov](mailto:Rachel_Erlebacher@appro.senate.gov)) with the Majority or Daniel Mencher ([Daniel\\_Mencher@appro.senate.gov](mailto:Daniel_Mencher@appro.senate.gov)) with the Minority if you have additional questions about the program or how to reach the appropriate contacts at USDA and/or your state RD office.

U.S. Senate Committee on Appropriations  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
FY 2025 Member Requests

Jeanne Shaheen, Subcommittee Chair  
Jerry Moran, Subcommittee Ranking Member

<b>Open Season: Monday, April 22, 2024 to Thursday, May 9, 2024 at 5:00 PM</b>	
<b>Majority Liaison</b>	Angela Caalim, (202) 224-5202
<b>Minority Liaison</b>	Marcus Points, (202) 224-1241
<b>Deadline for Submitting Requests</b>	Thursday, May 9, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Wednesday, May 31, 2024
<b>Subcommittee Guidance</b>	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	Yes, for programmatic
<b>Signed Letter Format?</b>	As per Subcommittee guidance
<b>Hard Copy Delivery?</b>	Discouraged

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

### **Prioritization**

The CJS Subcommittee requires Members to prioritize CDS and programmatic requests together in Legi-Mate. Please note that the prioritization of your CDS requests does not need to be made publicly available. Should you have questions, please contact the Subcommittee staff for further direction.

### **Programmatic Requests**

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

- Specific department or agency
- Appropriations account
- Program, project, or activity
- Amount, if any, requested by the Member
- Amount, if any, requested in the President’s FY 2025 Budget Request
- Amount, if any, included in the FY 2024 enacted bill
- Brief explanation justifying the request
- A draft of the proposed bill language, report language, or both
- For group letters, the Members’ names must be printed beneath each digital or carbon signature
- Staff contact name, email address, and direct phone number

The Subcommittee welcomes suggestions to reduce funding for specific activities to offset any proposed increases, and offices should provide details on these reductions and offsets accordingly in the “Justification” field.

### **Congressionally Directed Spending (CDS) Requests**

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 – to avoid redundancy, as the “Project Name” field is next to the “Location” and “Recipient” fields.

Example:

- Correct –  
Public Safety Communications Equipment Upgrade
  - Incorrect –  
Town of X Police Department Public Safety Communications Upgrade
- Project Purpose – This is a short description that will appear in CDS disclosure tables. It should not be the name of an existing program, project, or activity but rather a description unique to your CDS request.
  - 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. Members may make a lengthier case for proposed CDS spending in the letters submitted to the Subcommittee via Legi-Mate. Within the project detail, please indicate if the project or recipient received CDS funding in FY 2022, in FY 2023, or in FY 2024. If so, the request should differentiate the FY 2025 request from the prior year funding and explain how the project will be sustained over time without CDS funding.
  - Member’s Request – The amount of funding requested for the CDS project, in thousands of dollars (\$000). For example, a request for \$1 million would be entered as \$1,000.
  - Project City or County / Project State – The name of the city or county and state where the project will take place. Please note that this information will be included in CDS public disclosure tables.
  - Project Recipient Information – Please include the name, address, and Federal Employer Identification Number (EIN) of the legal entity that will receive the CDS. This is the entity that would serve as the fiscal agent responsible for executing the CDS funding with the federal agency. Please note that the recipient point of contact must be an individual employed by or affiliated with the organization that would administer the Federal funds. Though the recipient point of contact details will not



appear on CDS public disclosure tables, please verify that this information in Legi-Mate is accurate as these details will be shared with the agencies, should the project be ultimately funded in a final bill.

In addition, Senators may provide a website for the project in the Project Website field. For non-profit entities (as opposed to units of Federal, State, or local government), please provide a Federal EIN for each recipient.

Some Senators may choose to collaborate with other Senators and/or Members of Congress to request the same CDS project. In those instances, Senators should ensure that the “Project Name”, “Project Purpose”, “Recipient Name”, “Recipient POC Name”, “Recipient Mailing Address”, and “Recipient POC Email/Phone” fields are identical among the shared requests.

In an effort to constrain CDS and promote transparency, Senators are encouraged to limit and fully justify their requests. 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. As a general matter, funding should be for one-time costs that do not create permanent resource requirements for the recipient. CDS projects should be viewed as a way to jump start or complete 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. The Subcommittee recommends staff examine the Senate [FY 2022](#), [2023](#), and [2024](#) 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”; and
- “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 scientific, technological, and standards-related research and technology development, limited to equipment, initial salaries, and limited contracting. There must be a clear, demonstrable nexus to the research component of the project and to a NIST research program. Construction projects will not be accepted. NIST allows minor alterations in terms of “retrofits,” based on how the agency utilizes STRS internally, including electrical and/or HVAC upgrades, and other minor modifications (e.g., expanding a door or putting up a partition wall). Anything that could be considered new construction (e.g., pouring a foundation or erecting walls or a roof) is not allowable.

**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. Member office staff are strongly encouraged to contact Subcommittee staff to discuss individual projects prior to submission.

**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. All projects must have a nexus to the criminal justice system, and funding cannot be used for land acquisition or construction. For additional guidance on allowable expenses, please refer to the most recent [Byrne Discretionary solicitation](#). CDS requests funded in a final bill will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#). The Subcommittee strongly encourages Member office staff to review the guide and manual prior to project submission. Senators should refrain from specifying brand names for equipment to ensure fair and open competition. Should you have questions about whether a project's nexus to the criminal justice system is sufficient, or 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. For additional guidance on allowable expenses, please refer to a recent [COPS Technology and Equipment Program solicitation](#). 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. The Subcommittee strongly encourages Member office staff to review the guide and manual prior to project submission. 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. 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  
FY 2025 Member Requests

Patty Murray, Subcommittee Chair  
John Kennedy, Subcommittee Ranking Member

Open Season: Monday, April 22, 2024 to Friday, May 10, 2024 at 5:00 PM	
<b>Majority Liaison</b>	Laura Powell (Laura_Powell@appro.senate.gov)
<b>Minority Liaison</b>	Anna Newton (Anna_Newton@appro.senate.gov)
<b>Deadline for Submitting Requests</b>	Friday, May 10, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Monday, June 3, 2024
Subcommittee Guidance	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	No
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	Signed Cover Letter and Letter Table delivered to SD-131 and SH-125

### Energy and Water Development Subcommittee Guidance

#### E&W Subcommittee Guidance for Congressionally Directed Spending (CDS) Requests

The 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. In FY24, the Subcommittee received a significant number of Corps of Engineers requests for Environmental Infrastructure projects. While the Subcommittee will consider requests in FY25 for Corps of Engineers Environmental Infrastructure projects, it is expected to provide funding for very few such items.

If a Member wishes to support an item in the President's budget request at the requested amount, that is a programmatic request. *For location specific requests, if the Member's request is not included in the President's FY25 budget request or if it exceeds the level recommended in the President's FY25 budget request, it is a CDS request.*

The Subcommittee anticipates receiving a large number of CDS and programmatic requests. Members are required to prioritize in one list for both CDS and programmatic requests. When in doubt, please consult the Subcommittee staff for further direction.

#### 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 by searching for their state in the Project Location box and selecting “[State] Projects – All Projects and Amounts in Budget Request (Do not include funding amount).” *As discussed above, supporting the President's request for a Corps of Engineers or Bureau of Reclamation project, is a programmatic request, not a CDS request.*
- Senators may also request programmatic funding for categories of projects, such as navigation or rural water, by searching for the applicable business line or activity in the Project Location box in the online request system. Please ensure the appropriate corresponding Account for the applicable business line or activity is selected. Questions should be directed to the identified Professional Staff Member populated in the request.
- Submit your requests using the FY24 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.
- For CDS requests, when filling in the **Recipient Name** use Army Corps of Engineers (Civil) or Bureau of Reclamation as applicable. *Do NOT add a specific Recipient POC Name or contact information. Please enter N/A in those fields instead.*
- 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.

- It is extremely beneficial to contact the local Corps or Reclamation District to verify CDS request capability, authorization, and project name prior to submittal. If you need a District POC please contact the Subcommittee.
- 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 FY25. 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. This includes 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.

- Clean energy projects that do not show transformative or emerging technological solution. For example, solar panels, battery storage, or light bulb upgrades without any transformative technology or integrated energy system associated with it.
- Planning studies for NetZero goals, for example “City of X seeks \$500K for a NetZero planning document/report.”

## 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 EPCA 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.



## 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%

Attached is a sample cost share calculation for a blended cost share percentage.

## 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.

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:
- (1) They are verifiable from the recipient's records.
  - (2) They are not included as contributions for any other federally-assisted project or program.
  - (3) They are necessary and reasonable for proper and efficient accomplishment of project or program objectives.
  - (4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:
    - (a) *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.
    - (b) *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](#).
  - (5) They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.
  - (6) They are provided for in the approved budget.
- (B) *Valuing and documenting contributions*
- (1) *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:

- (a) The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation; or
  - (b) 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.
- (2) *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.
- (3) *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.
- (4) *Valuing property donated by third parties.*
- (a) 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.
  - (b) 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:
    - (i) 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.
    - (ii) The value of loaned equipment must not exceed its fair rental value.

- (5) *Documentation.* The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:
- (a) Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
  - (b) The basis for determining the valuation for personal services and property must be documented.

Attachment

**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)	<u>100,000</u>	100%	0%
	\$2,000,000		

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	<u>100,000</u>	100%	<u>0</u>	0%	<u>100,000</u>
	\$2,000,000		\$775,000		\$2,775,000

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)

U.S. Senate Committee on Appropriations  
Subcommittee on Financial Services and General Government  
FY 2025 Member Requests

Chris Van Hollen, Subcommittee Chairman

<b>Open Season: Monday, April 22, 2024 to Thursday, May 9, 2024 at 5:00 PM</b>	
<b>Majority Liaison</b>	Maddie Dunn, (202) 224-1526
<b>Minority Liaison</b>	Dan Brandt, (202) 224-0797
<b>Deadline for Submitting Requests</b>	Thursday, May 9, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Friday, May 31, 2024
<b>Subcommittee Guidance</b>	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	No
<b>Signed Letter Format?</b>	One-page signed cover letter and letter table
<b>Hard Copy Delivery?</b>	Signed Cover Letter and Letter Table delivered to both SD-133 and SH-125

The below guidance is intended to assist in the submission of FSGG-specific programmatic, language and CDS requests. Please read it in its entirety before submitting any FSGG requests as some information has changed since last year, and emphasis has been added in places to address common issues.

Please refer to the separate Committee General Guidance document for information related to financial disclosure requirements and other rules governing CDS requests.

## **General Guidance**

Individual and Group FSGG requests should be entered into Legi-Mate, and a hard-copy of all letters should be delivered in accordance with the table above. The hard-copy should be a one-page signed cover letter, followed by the letter request table.

The Subcommittee will consider the priority ranking of the Member's requests, as set in Legi-Mate. The Subcommittee requires separate rankings for each of CDS requests and Programmatic requests. This means that each category of requests must have an ordered list beginning with #1. Please contact the Subcommittee if you have questions about how to rank and order your Member's priorities.

Please ensure the request is entered under the appropriate agency, program, or account. If you are unsure as to the appropriate location for the request please contact the relevant Subcommittee staff before submitting requests. Please feel free to contact the relevant Subcommittee staff for any questions or assistance about bill or report language you are considering. It is much easier to make adjustments on the front-end than trying to make corrections once the information is entered into Legi-Mate, particularly with regard to account and sub-account.

## **Request Types**

Distinguishing congressionally directed spending (CDS), programmatic, and language requests:

1. **CDS Requests**, generally speaking, are funding requests for a specific project in a specific location for the accounts that FSGG is accepting CDS requests.<sup>1</sup>
  - a. *Example: Provide \$500,000 for an entrepreneur training program at a nonprofit in City, State.*
2. **Programmatic Requests** are requests to fund a specific program in the bill at a specified level.
  - a. *Example: Provide \$150,000,000 for Small Business Development Centers.*
3. **Language Requests** are requests to include specific bill or report language that does not direct funding to a particular entity but encourages, urges, or directs some type of action by an agency.
  - a. *Example: The Committee encourages SBA and its resource partners to continue efforts to increase outreach and direct support to women entrepreneurs and small businesses in underserved communities.*

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<sup>1</sup> *The Committee prohibits CDS funding for for-profit entities, and requires Senators to certify that none of the entities for which he/she have requested CDS is a for-profit entity. Senators must submit a CDS Financial Certification letter to the Chair and Ranking Member of the Subcommittee certifying that neither the Senator nor his/her immediate family members have a financial interest in the CDS being requested, and should include the certification that none of the entities for which CDS funding has been requested are a for-profit entity. Senators must publish their CDS requests and this letter on their websites. See the Committee General Guidance and Legi-Mate How-To Guide documents for more details on these requirements.*

## **Congressionally Directed Spending Requests**

The 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.

CDS requests can either be submitted as “Individual” or “Group” requests. If you choose to coordinate with another Senate office and submit “Group” CDS requests it will help avoid issues with being properly credited as a requestor for a project. If you submit “Group” requests, each office can still separately prioritize requests in Legi-Mate and each office must still submit a separate CDS Financial Certification letter covering the project. If you choose to submit “Individual” requests, please note in the identified field if another Senator has requested the same project, which will help the Subcommittee identify multiple requests for the same project.

### ***Legi-Mate fields for FSGG CDS requests:***

- **Agency or Account** – Projects will only be funded from the accounts listed above.
- **Recipient Name** – Name of legal entity that would receive the CDS, which must be a governmental or not-for-profit entity. This is the legal entity that would serve as the fiscal agent responsible for executing the CDS funding with the federal agency. This is how the recipient’s name would be published in the Committee report accompanying the bill.
- **Project Name** – Unique name of the project, to easily identify and distinguish the project. This is how the project’s name would be published in the Committee report accompanying the bill.
- **Project Purpose** – Brief description of the project (no more than 1-2 sentences).
- **Project Detail** – More detailed summary of the project including its purpose, goals, history and current status. Please provide an estimated spend plan for the requested funding, breaking down anticipated expenditures in major categories (i.e., \$X for salaries; \$X for programming; \$X for equipment; etc.).
- **Recipient Address, City, and State** – Address for the legal entity that will receive the CDS.
- **Recipient Point of Contact Name, Phone Number, and E-mail Address** – Contact information for POC at the recipient organization. This must be an individual employed by or affiliated with the recipient organization.
- **Tax Identification #:** Tax Identification Number for the recipient.

In addition, Senators are strongly encouraged to provide a website for the project in the Project



Website field, and to indicate if they know if another Senator has requested the same project.

### **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 supporting small businesses, encompassing entrepreneur training, counseling, and research. Please be advised: SBA CDS funding is not intended for the provision of seed capital for small businesses, nor for sub-grants or loans, or the construction or acquisition of facilities.
- **National Archives and Records Administration, National Historical Publications and Records Commission (NHPRC):** Projects to 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. In considering how to develop your project, please review the NHPRC "[Eligibility](#)" page on NARA's website.
- **National Archives and Records Administration, Repairs and Restoration:** Projects that dedicate funding for one or more of the 15 presidential libraries established under the Presidential Libraries Act.
- **General Services Administration, Federal Buildings Fund, Construction and Acquisition or Repairs and Alterations Accounts:** CDS projects include all Construction projects and Major Repairs projects not requested in the FY25 GSA budget request, unless projects were partially funded in a prior enacted FSGG Appropriations bill. Construction projects typically include federal courthouses, federal buildings, or land ports-of-entry. Repairs projects must be federally-owned properties in need of major repairs or alterations and are typically federal buildings or federal courthouses. ***Please note:*** *Eligible projects do not include state or county facilities, DOD facilities, VA facilities, or transportation infrastructure facilities.*
- **Office of National Drug Control Policy, Administrative Provision (Prevention Grants):** CDS projects should focus on evidence-based drug-related projects, such as primary prevention of substance use disorder. 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, Drug-Free Communities (DFC)-funded coalitions recently trained by CDC to implement Adverse Childhood Experiences (ACEs) as part of their substance use prevention efforts are recommended. Allowable expenses include staff salaries and benefits for time spent on the project, building rent, and equipment. Unallowable expenses include (but are not limited to) real property purchases, and construction or renovation accosts. ***Please note:*** *Programs should not be substance specific. Treatment programs are not eligible for CDS under this account.*

U.S. Senate Committee on Appropriations  
 Subcommittee on Homeland Security  
 FY 2025 Member Requests

Chris Murphy, Subcommittee Chairman  
 Katie Boyd Britt, Subcommittee Ranking Member

Open Season: Monday, April 22, 2024 to Wednesday, May 15, 2024 at 5:00 PM	
<b>Majority Liaison</b>	Kamela White, (202) 224-1522, (202) 413-5573; Jim Daumit (CDS), (202) 224-8271
<b>Minority Liaison</b>	Viraj Mirani, (202) 228-3487, (202) 913-3077
<b>Deadline for Submitting Requests</b>	Wednesday, May 15, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Thursday, June 6, 2024
Subcommittee Guidance	
<b>Accepting CDS requests</b>	Yes
<b>Prioritization of Requests</b>	Yes
<b>Bulk Copy Permitted?</b>	Yes
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery</b>	No hard copy required

If you have questions about the substance of your request or questions about how to properly categorize your submission in Legi-Mate, please contact the appropriate staff below. Subcommittee staff are available to answer questions. It is important for our work that submissions are entered accurately.

**Account Contacts:**

Majority	Minority
Kami White, Clerk – CBP, OSEM (Ombudsman, CRCL)	Viraj Mirani, Clerk – CBP, ICE, TSA, Coast Guard, CISA, FEMA, USCIS, OSEM, MGMT, I&A, OSA, OIG
Jim Daumit – Coast Guard, CISA, FEMA, I&A, OSA	
Elizabeth Lapham – ICE, USCIS, USSS, OIG	Lloyd Belcher – USSS, FLETC, S&T, CWMD
Emily Trudeau – TSA, S&T, CWMD, FLETC, MGMT	

**DHS Subcommittee Guidance**

**General Subcommittee Guidance:**

- 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.
- It is important to the Subcommittee’s work that the data entered into Legi-Mate is as accurate as possible, including the amount requested as CDS (in thousands), the total cost of the project (in thousands, including both the federal and non-federal cost-share), and associating the correct agency or component with the underlying request. Therefore, if you have questions about the

data associated with your Senator's request, please review the [report](#) or [bill](#) for the prior fiscal year, if applicable, or contact the appropriate staff member prior to the Legi-Mate submission (see "Account Contacts" table, above).

- The Subcommittee requires Members to prioritize requests in Legi-Mate, including CDS. However, the prioritization of your CDS request(s) is not required to be made publicly available as part of the CDS information Member offices must publish on their official Senate websites.
- If bill or report language is requested, you must include a draft of the proposed language, including any amendment to existing law, along with an explanation of the problem being solved or the issue being addressed. It is also helpful for the Subcommittee to understand whether significant language changes have been made to the current request when compared to a prior year's bill or report language.
- The Subcommittee welcomes any suggestions to reduce funding for specific programs and activities to offset proposed increases. Please identify the agency, program, project or activity, and justification for each reduction.
- The Subcommittee reserves the right to make final funding recommendations for all agencies, programs, projects or activities, including recommendations for CDS requests within overall funding limitations set for the bill.
- As with prior years, CDS projects included in the final DHS appropriations bill are still subject to final review and approval through a Notice of Funding Opportunity (NOFO) and technical review process after enactment of the appropriations bill.

**Eligible CDS Accounts:** For fiscal year 2025, 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 CDS 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, hazard mitigation plan, and environmental and historic preservation requirements. Full requirements can be found in the fiscal year 2023 [NOFO for the "Pre-Disaster Mitigation Grant Program"](#) (the NOFO for FY24 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 2025 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 in Legi-Mate 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. Projects awarded BRIC funding will not be eligible for PDM CDS funding. If you have questions about the appropriateness of funding recommendations for individual project requests, please contact the Subcommittee staff handling FEMA.

- 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 2023 [NOFO for the “Emergency Operations Center Grant Program”](#) (the NOFO for FY24 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 2025 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 in Legi-Mate by a letter of support from the appropriate SAA affirming that it believes the project is eligible.

#### **Additional Legi-Mate Fields for CDS Accounts:**

Legi-Mate includes additional fields for CDS requests for the Subcommittee on Homeland Security.

These include the following:

- *Total Project Cost*: This is the full project cost, including any federal and non-federal shares. This is not the amount being requested through CDS, which includes only the federal cost-share and is entered under the *Member’s Request* field. As with other amounts, the *Total Project Cost* amount should be entered in thousands of dollars (\$000). For example, a total project cost for \$1 million would be entered as \$1,000, while a total project cost of \$250 thousand would be entered as \$250.
- *Has another Senator also submitted this request?* If you are aware that another Member (who is not a cosignatory here) is also submitting this request, please let us know by selecting “Yes” from the dropdown. Please select “No” if no other Senator is submitting the request, or “Don’t Know” if you are unsure.
- *Have you or do you plan to submit this request or elements thereof to another subcommittee?* If you have submitted this request to another subcommittee, please let us know by selecting “Yes” from the dropdown; otherwise, please select “No” from the dropdown.

U.S. Senate Committee on Appropriations  
Subcommittee on the Interior, Environment, and Related Agencies  
FY 2025 Member Requests

Jeff Merkley, Subcommittee Chairman  
Lisa Murkowski, Subcommittee Ranking Member

Open Season: Monday, April 22, 2024 to Wednesday, May 15, 2024 at 5:00 PM	
<b>Majority Liaison</b>	Angela Caalim, (202) 224-6817
<b>Minority Liaison</b>	LaShawnda Smith, (202) 224-6940
<b>Deadline for Submitting Requests</b>	Wednesday, May 15, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Thursday, June 6, 2024
Subcommittee Guidance	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	Yes
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	No hard copies required

### Subcommittee Guidance

*This guidance will use the following abbreviations:*

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

### **Prioritization**

- The Subcommittee requires separate rankings for CDS and Programmatic requests. This means that each category of request must have an ordered list beginning with #1.
- In order for the Subcommittee to consider a Group Programmatic request within the Individual Programmatic requests priority order, the Member office must submit the request as both an Individual request and a Group request and rank accordingly.
- Members may not submit Group requests for CDS requests.
- For example, if a Member office submits 7 CDS requests, 5 Programmatic requests, and 3 Group Programmatic requests:
  - The CDS requests should be ranked within the CDS category by priority as 1-7.
  - The Individual Programmatic requests should be ranked within the Programmatic category by priority as 1-5.
  - The Group Programmatic requests should be ranked within the Programmatic category by priority and listed as 6-8.

## Programmatic Requests

The Subcommittee provides the following guidance for Programmatic requests:

- Before submitting a request, verify that the President’s budget request level and fiscal year 2024 enacted level are correct for their respective fields.
- Prior to submitting requests, Member offices should verify that requests are in intended priority order and that these documents match.
- The “Justification” field must include all relevant background information about the request, including the purpose and goals for which the request is being made; information on whether the Member office is working with the relevant agency on the request; and a description of support, including from outside groups/organizations.
- If a request includes bill language, please include it in the “Proposed Bill Language” field and provide a leg counsel draft and any relevant CBO score.
- If a request includes report language, only include the exact language you would like to see appear in the Senate Report in the “Proposed Report Language” field.
- Please carefully read the general instructions for how to determine the “Project Location” and “Project Name” for Member requests (detailed instructions are in the Legi-Mate How To Guide). If your “Project Location” is a program or subactivity below the level of detail found in the [funding table](#) included in the report accompanying the fiscal year 2024 Interior bill, please use the “Project Name” field to identify that program or subactivity. If you are unsure about how to characterize any of your requests, please contact the Subcommittee. Incorrectly submitted requests may be sent back for clarification.
- Location-based projects included in the President’s budget request for land management agencies (including for LWCF, LRF, and agency construction) are considered Programmatic requests. However, projects listed on supplemental LWCF lists or otherwise not enumerated in the budget request must be submitted as CDS requests as detailed below.

## **Congressionally Directed Spending (CDS) Requests**

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. SPTF: USFS, State, Private, and Tribal 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

Additional CDS Request Guidance

**“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

**Identical Projects:** Members may not submit Group requests for CDS projects. However, to the extent feasible, the Subcommittee encourages Member offices to coordinate on CDS requests. When making identical requests, the Subcommittee strongly encourages Member offices to submit identical entries into Legi-Mate with particular emphasis on having identical text in the “Project Name” field.

**Recipient:** Please list the recipient that is the actual entity that would receive CDS project funding (e.g., the State of Oregon not the Governor of Oregon). This is the legal entity that would serve as the fiscal agent responsible for executing the CDS funding with the federal agency. For CDS projects that will be carried out by a federal entity, the recipient should be the federal agency not the entity making the request with your office (e.g. the Fish and Wildlife Service not ABC Non-Profit).



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. CDS projects included in a final bill will go through the federal grant award process and CDS projects will be subject to applicable requirements including those related to federal grants, domestic preference, and the National Environmental Policy Act.

### 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.

*"Additional Subcommittee Fields":* For State and Local Grants for Drinking or Clean Water Projects, Member offices **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**

*"Project Detail":* Member offices **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?
11. What is the project’s status (for example, preliminary engineering, initial planning and design, final design completed, construction initiated)?
12. Has the community ever received state or federal funding for water infrastructure projects (not limited to the specific 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

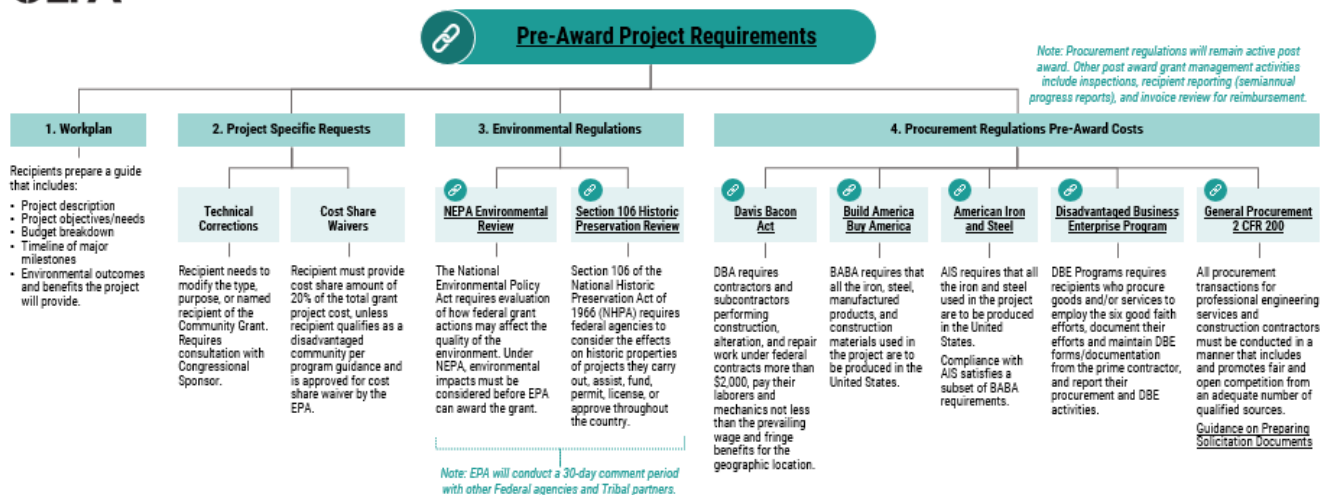
6.	Flood Control Projects, unless the project is otherwise managing, reducing, treating, or recapturing stormwater	6.	Projects needed mainly for fire protection
7.	Privately owned sewer pipes	7.	Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance 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.		

Finally, **please alert potential recipients** of the detailed process that must be followed before CDS funding for SRFs can be provided for an individual project:



### 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).

*“Additional Subcommittee Fields”*: For Tribal drinking or clean water facilities construction projects, Member offices **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**

*“Project Detail”*: As applicable, Member offices **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?

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

*About the Program:* The Historic Preservation Fund (HPF), established to help fund the programs created 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 will accept CDS requests for projects within HPF that meet the eligibility requirements of [existing HPF competitive programs](#).

- The Subcommittee notes that the vast majority of successful HPF projects in prior years have been funded within the Save America’s Treasures (SAT) program.
  - 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. Member offices must inquire with their [State Historic Preservation Office](#) to confirm listings and locate the National Register listing number(s).
    - For the purposes of SAT CDS, the listing may be at the national, state, or local level. In addition, a project is eligible if it has received a prior HPF award.
  - SAT projects require a **one-to-one match** with non-federal cash and/or in-kind contributions.
  - SAT grants are limited to preservation – new construction, reconstruction, and acquisitions of historic properties or historic collections are not eligible. The [SAT website](#) has more information about eligibility.
- Other HPF competitive programs have varied eligibility requirements which will be the basis of the Subcommittee’s consideration. Competitive grant programs are limited to preservation – new construction, reconstruction, and acquisitions of historic properties or historic collections are not eligible. The HPF [Competitive Grants website](#) has more information about eligibility for each program.
- The maximum CDS funding amount is \$500,000 for any HPF project.
- Each successful CDS recipient funded in a final bill must complete and submit an application containing a detailed scope of work and budget proposal to the National Park Service for review and approval.
- All HPF grantees, including successful CDS recipients, must meet standards set by the Secretary of the Interior and comply with the [audit requirements](#).

*“Project Detail”:* Member offices **must** answer each of the following questions in the order listed below:

1. For HPF, if the request is for a property, provide the National Register listing number(s) for the property (either as an individual property or as a contributing resource). **Please provide the listing number.**
2. 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.**
3. 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 or NO.**

4. Would the requested project fund an eligible activity under the HPF? For SAT, please visit [here](#) and note that new construction, reconstruction, and acquisitions of historic properties or collections are not eligible. **Please answer YES or NO.**
5. Has the recipient been notified that each successful CDS recipient funded in a final bill must submit an application containing a detailed scope of work and budget proposal to the National Park Service for review and approval? **Please answer YES or NO.**

## **5. SPTF: USFS, State, Private, and Tribal Forestry, Forest Resource Information and Analysis**

*About the Program:* The State, Private, and Tribal 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. There is no matching requirement.

The following limitations apply to these CDS requests:

1. The purchase of equipment must comply with 2 CFR 200.313 and .316, including that the primary recipient is required to manage and track the equipment (they may hold title to the equipment but the Federal government retains an interest).
2. Funds cannot be used for general research, capital improvements, or projects on federal land.
3. Recipients cannot receive funding for the same project that has received funding through other Forest Service grants and agreements.

*“Project Detail”:* Member offices should describe how the project will contribute to meeting the goals of the State’s Forest Action Plan, 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 2025 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, 2024 (P.L. 118-42), 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 a 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, 2024 (P.L. 118-42), 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.

*“Additional Subcommittee Fields”:* Review the prioritized project lists accompanying the current fiscal year budget request to confirm whether the project is included.

- 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**

*“Project Detail”:* Provide relevant details about the project. If the project is ranked low, not on the current year list, or if you are requesting a different funding amount, explain why and why it should be advanced.

## 7–10. Other

The Subcommittee may also consider CDS requests within these accounts, but only on a case-by-case basis. **Member offices must provide the relevant “Project Detail” as outlined below for ALL requests in these accounts.**

*“Project Detail”*: In order to consider a request that falls into one of the “Other” categories outlined above, the Subcommittee requires detailed information about the project. The Member office should use this space to make the case for the project. Member offices must include a detailed description of the project and a case for its consideration. The description should include the following:

- Type of entity requesting the project (ex. federal agency, state agency, Tribal entity, local city/county agency, university or college, or non-profit organization, etc.).
- Whether the entity has the project on a ranked or otherwise prioritized federal or state list (provide list name and rank) or is otherwise eligible for a specific grant program.
- The land/facility ownership status relevant to the project (ex. Federal, state, tribal or municipal land/facility or other).
- The federal nexus for this project and reason federal funding is necessary.
- The total cost of the project, including any previously awarded federal funds (provide year, amount, and program), matching funds, or partner contributions.
- Timeline for the project, including estimated obligation timeline and start and completion dates for the project.
- Please also note if this project is being submitted to another Subcommittee. If so, include the name of the Subcommittee, program, amount and other relevant information.

**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. These projects must occur on or have a nexus to BLM lands.
- 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 – Other:** 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.

U.S. Senate Committee on Appropriations  
Subcommittee on Labor, Health and Human Services, Education,  
and Related Agencies  
FY 2025 Member Requests

Tammy Baldwin, Subcommittee Chair  
Shelley Moore Capito, Subcommittee Ranking Member

<b>Open Season: Monday, April 22, 2024 to Tuesday, May 14, 2024 at 5:00 PM</b>	
<b>Majority Liaison</b>	Janie Dulaney (202) 224-5276 Claire Monteiro (202) 224-2064
<b>Minority Liaison</b>	Tom Pfeiffer, (202) 224-5265
<b>Deadline for Submitting Requests</b>	Tuesday, May 14, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Wednesday, June 5, 2024
<b>Subcommittee Guidance</b>	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	No
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	No Hard Copies; Legi-Mate submission only

### **LHHS Subcommittee Guidance**

Please read this guidance in its entirety before submitting any requests as emphasis has been added in places, particularly as it relates to common issues that can delay confirmation of the eligibility of Congressionally Directed Spending (CDS) requests. If you have any questions about submitting programmatic or CDS requests please reach out to Subcommittee staff.

#### **Programmatic Requests**

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The Subcommittee accepts requests for funding, report language, and bill language for LHHS programs. Funding requests can include a specific amount of funding or a description of the level of funding requested (e.g. increase funding, decrease funding, etc.) for specific programs or activities. Report language requests generally provide additional direction to agencies on how to administer programs, such as encouraging or directing an agency to provide funding for a specific purpose or to prioritize specific activities. Bill language requests are the least common and are generally only necessary when a new statutory authority is needed. A programmatic request may include one of those components (e.g. just funding) or multiple (e.g. funding and report language). To facilitate the review of programmatic requests, please provide any necessary background in the justification field in Legi-Mate.

Please make every effort to ensure your programmatic requests are made under the appropriate agency or program in Legi-Mate. If you are not sure about where a request should be included, please reach out to Subcommittee staff.

#### **Congressionally Directed Spending (CDS) Requests**

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The Subcommittee accepts requests for CDS in the accounts noted below. In an effort to promote transparency and facilitate consideration of CDS requests, Senators 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 CDS requests in previous fiscal years was a failure to include sufficient information to determine if a project is eligible. Any request that does not include sufficient detail will be returned to the office to provide that information, resulting in delays that could affect the ability to fund the CDS request in FY25.

### 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

### Multi-Member CDS Requests

CDS requests can either be submitted as “Individual” or “Group” requests. If you choose to coordinate with another Senate office and submit “Group” CDS requests, it will help avoid issues with being properly credited as a requestor for a project. If you submit “Group” requests, each office can still separately prioritize requests in Legi-Mate, and each office must still submit a separate CDS Financial Certification letter covering the project. If you choose to submit individual requests, each office will be responsible for helping the Subcommittee identify and confirm duplicate projects that are also requested by another Senate office.

### Required CDS Project Information

All LHHS CDS requests must include the information, and follow the instructions, below. Any requests that do not will be returned to the office, resulting in delays that could affect the ability to fund the CDS requests in FY25.

- **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 is the legal entity that would serve as the fiscal agent responsible for executing the CDS funding with the federal agency. This will be listed on public disclosure tables – however you input the recipient in Legi-Mate is how it will show up in the CDS table in the Senate Report, so please make sure

this is how you want the Recipient listed. 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 must 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 requested 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.
- **Recipient Employer Identification Number** – Employer Identification Number for the recipient organization.
- **Priority** – You must prioritize your CDS requests. The Subcommittee requires CDS and Programmatic requests to be prioritized separately.

#### 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<sup>1</sup>. 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.

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

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 in the Project Detail 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.

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 use disorder 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. For more information on construction and equipment requests, see:

<https://www.hrsa.gov/grants/manage-your-grant/training/community-project-funding-congressionally-directed>.

- **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>. Please include the address of the project’s activities in the Project Detail, if different than the legal entity recipient address, for purposes of determining project eligibility.

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, alcohol misuse, 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, cannot be used for the provision of medical care, 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. If a significant portion of CDS funds are expected to be used for the purchase of equipment, make sure to note that in the Project Detail and include a justification for that use of funds.

## 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 in the Project Detail 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, and Related Agencies  
FY 2025 Member Requests

Kyrsten Sinema, Subcommittee Chair  
John Boozman, Subcommittee Ranking Member

<b>Open Season: Monday, April 22, 2024 to Wednesday, May 8, 2024 at 5:00 PM</b>	
<b>Majority Liaison</b>	Gabriella Armonda, 202-224-5268
<b>Minority Liaison</b>	LaShawnda Smith, 202-224-6940
<b>Deadline for Submitting Requests</b>	Wednesday, May 8, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Thursday, May 30, 2024
<b>Subcommittee Guidance</b>	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	No
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	Signed Cover Letter and Letter Table <b>only</b> delivered to SD-125 and SH-125

**Subcommittee Guidance**

**Subcommittee on Military Construction, Veterans Affairs, and Related Agencies  
Fiscal Year 2025 Member Request Guidance**

As in previous years, Member requests must include both a letter signed by your Member and the data you submit on his/her behalf into the Committee-wide request system, Legi-Mate. Both individual Member requests and Dear Colleague letters must be included in Legi-Mate to be considered in FY2025. All requests for Congressionally Directed Spending items must comply with Senate Rule XLIV and Committee requirements.

Requests entered into Legi-Mate and included in letters must be prioritized across the bill, not by Title or Agency.

**The following types of requests will be considered:**

Programmatic/Language Requests: These types of requests include bill or report language that directs, encourages, or urges the Agency or Department to carry out an action, or are funding requests for a project that is not tied to a specific location. A programmatic funding request may support or highlight a project, program, or account as included in the President’s budget request; advocate changes to the budget request for a specific purpose; or carry forward funding for a project from the previous fiscal year. For example, “increase the Base Closure Account by \$1,000,000 to address PFOS/PFOA mitigation activities” is a programmatic request. Requests to adjust spending for programs operating within larger accounts are acceptable (e.g., “provide \$300,000,000 for VA spending on Rural Health within VA Medical Services Account”).

Congressionally Directed Spending (CDS): This is a funding request for a specific Military Construction project in a specific location that was not included in the President’s budget request or the FY24 enacted

bill or exceeds the level included in either document (whichever is higher). Projects included in the President’s budget request will be listed in the drop down “Agency/Account” list on Legi-Mate, in the Programmatic Request form. If you are asking for a project that is not on this list, was not funded in the FY24 enacted bill, or is being requested at a level that is above the President’s budget request or the FY24 enacted bill (whichever is higher), then it is most likely a CDS request. Funding for the Department of Veterans Affairs and the Related Agencies is not eligible for CDS.

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### Guidance on Submitting CDS Requests

The following accounts are eligible for 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

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:**

*Questions on each of these lists or whether a specific project is included should be directed to the Senate Liaison Offices of each military department.*

- 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/UPL lists 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 an 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, and the amount may be modified based on information provided by the appropriate Service or Agency. Eligible major military construction projects must be:

- Authorized in the Fiscal Year 2025 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 2025.

\* 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 to Legi-Mate as part of your request.

When inputting the request into Legi-Mate, as applicable, please list the installation as the recipient name, rather than the town or county. If the request is for major construction, you must complete the following requirements for each project:

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

For questions about this guidance, please contact: Gabriella Armonda at [Gabriella\\_Armonda@appro.senate.gov](mailto:Gabriella_Armonda@appro.senate.gov).

U.S. Senate Committee on Appropriations  
 Subcommittee on Transportation, Housing and Urban Development, and Related Agencies  
 FY 2025 Member Requests

Brian Schatz, Subcommittee Chairman  
 Cindy Hyde-Smith, Subcommittee Ranking Member

Open Season: Monday, April 22, 2024 to Monday, May 13, 2024 at 5:00 PM	
<b>Majority Liaison</b>	Kelsey Daniels, (202) 224-6806
<b>Minority Liaison</b>	Cameron O'Brien, (202) 224-7288
<b>Deadline for Submitting Requests</b>	Monday, May 13, 2024 at 5:00 PM
<b>Publish CDS Requests on Website</b>	Tuesday, June 4, 2024
Subcommittee Guidance	
<b>Accepting CDS requests?</b>	Yes
<b>Prioritization of Requests?</b>	Yes
<b>Bulk Copy Permitted?</b>	No
<b>Signed Letter Format?</b>	Minimal Cover Letter appropriate
<b>Hard Copy Delivery?</b>	No hard copies required

### THUD Subcommittee Guidance

This guidance covers Congressionally Directed Spending (CDS) requests for the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies (THUD). In order to be considered by the Subcommittee, all requests shall be timely entered into [Legi-Mate](#). Each subcommittee has its own guidance with its own specific requirements. It is therefore strongly recommended that you review this guidance in its entirety before entering requests in Legi-Mate, and that you follow this guidance throughout the process.

**Prioritization.** THUD requires Members to prioritize requests in Legi-Mate, including CDS requests. The prioritization of your CDS requests is not required to be made publicly available as part of the CDS information Member offices must publish on their official Senate websites.

**Same-State and Joint Requests.** To the extent practicable, if you and other Member(s) in your State's delegation (including House and Senate) are requesting the same project, please coordinate with their office(s) to ensure that all information entered in Legi-Mate is identical. This will help ensure Members are appropriately credited in the Senate's Committee report and for House funded projects in conference. Also, while joint CDS entries are allowed, the Subcommittee ***highly encourages*** Members to submit individual entries.

**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 under which the projects are funded. The cost-share may vary by State and by type of project. The Subcommittee recommends you consult with U.S. DOT for the cost-share requirements of any specific project.

**Disbursement of funds.** All THUD CDS funds are provided to grantees on a reimbursement basis – no recipients will receive an upfront disbursement from DOT or HUD. CDS recipients will be required to request drawdowns from their grant as eligible expenses are incurred. The Subcommittee strongly recommends making local government and non-profit applicants aware of this requirement. CDS projects must have a reasonable expectation of being obligated by the end of FY 2027.

**CDS Eligible Accounts.** THUD will accept requests for CDS from the following six accounts for FY 2025:

- “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;
- “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.

*Note: Member requests for specific projects that are consistent with the President’s budget request in the Federal Transit Administration’s Capital Investment Grants (CIG) program should be submitted as a standard programmatic request and not as a CDS request. Requests for additional funds on top of the budget request should be requested in TIG as CDS requests, but please be aware that additional funding for such projects are likely to be minimal compared to the overall project costs.*

## Legi-Mate Guidance for THUD CDS by Account

For all THUD CDS accounts, Members are required to provide the following information in Legi-Mate:

Project Name – this is what will appear in the CDS table in the Committee report. The project name cannot be changed after enactment of the bill. The name should be unique enough to easily identify and distinguish the project (e.g. “Electrification of Burlington Bus Route 40”, or “ABC Affordable Housing Development”)

- Project Purpose – this should be 1-2 sentences broadly describing the use of funds (e.g. “Electrification of the Burlington Transit System”, or “for the construction of senior housing”).
- Project Website – this should be a link to the relevant planning document for the project: the airport master plan for AIP, the Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) for HIP, TIG, and the State Rail Plan for CRISI, or the project website or relevant planning document for TPR&D and EDI. For transportation projects that are not currently on one of the identified planning documents, you may alternatively provide a letter from your respective State DOT supporting the project (additional details by account below).
- Project Detail – this should be a longer explanation of why this project is important, a breakdown of costs, identification of the source of cost-share if appropriate, the status of planning/environmental work, and other relevant information to help the Subcommittee evaluate project eligibility.
- Member’s Request – this is the amount of funding requested for the CDS, in thousands of dollars (\$000). For example, a request for \$1 million would be entered as \$1,000.
- Total Cost – this should be the total cost of the entirety of the project, in thousands of dollars (\$000). For example, a total cost of \$5 million would be entered as \$5,000.
- Location of the Activity – this should be the name of the city or county where the project will take place.
- Project Recipient Information – this should be the legal name of the entity that will receive the CDS funding listed exactly as it appears on the recipient’s IRS tax documents. A point of contact within the entity must be identified by name, phone number, address, and e-mail address, which will be provided to DOT/HUD for purposes of administering projects and will not be made public. **This point of contact cannot be a lobbyist or other external entity.** In addition, the entity’s Federal Tax Employer Identification Number (EIN) must be provided (for both non-profits and State/local governments). It is not acceptable to enter 00-0000000 or other fake numbers. Failure to provide the Federal EIN may result in the Subcommittee rejecting the request.

### TPR&D.

- Members 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. Members are encouraged to use this account for national or regional research and development projects.

- Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request, Total Cost, Location of the Activity, and Project Recipient Information.
- The **Project Website** for TPR&D projects should provide additional background behind the project.

#### Airports (AIP).

- Members 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>).
- 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.
- Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request, Total Cost, Location of the Activity, and Project Recipient Information.
- In the **Project Website** field, Members are required to provide a link to the airport master plan that includes the requested project.
- In the **Project Detail** field, Members are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Members should also provide a description of all other sources of funding contributing to the total cost of the project.
- Under **Additional Subcommittee Fields**, Members are required to select the airport name (see [NPIAS](#) for airport names).

#### Highways (HIP).

- Members 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 which case you should provide the name and POC information for the relevant Tribal government.
- Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request, Total Cost, Location of the Activity, and Project Recipient Information.

- In the **Project Website** field, Members are required to provide a link to the STIP or TIP that includes the requested project.
  - For FY 2025, Members 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 **Project Detail** field, Members 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). Members 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. The only exception to this is if the project is intended to be for a Tribal government, in which case you should provide the name and POC information for the relevant Tribal government.

Transit (TIG).

- Members can request CDS within the TIG account for transit projects eligible under chapter 53 of title 49, United States Code.
- Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request, Total Cost, Location of the Activity, and Project Recipient Information.
- In the **Project Website** field, Members are required to provide a link to the STIP or TIP that includes the requested project.
  - For FY 2025, Members 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 **Project Detail** field, Members are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. In

addition, Members 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). Members should also provide a description of all other sources of funding contributing to the total cost of the project.

- Under **Additional Subcommittee Fields**, Members are required to select the name of the recipient or subrecipient transit agency.

#### Rail (CRISI).

- Members can request CDS within the CRISI account for rail capital projects eligible under section 22907 of title 49, United States Code.
- Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request, Total Cost, Location of the Activity, and Project Recipient Information.
- In the **Project Website** field, Members are required to provide a link to the State Rail Plan that includes the requested project.
  - For FY 2025, Members 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 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 State Rail Plan on which the project will be added later.
- In the **Project Detail** field, Members are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Members should also provide a description of all other sources of funding contributing to the total cost of the project.

#### Economic Development Initiatives (EDIs).

EDI projects are funded 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 Subcommittee strongly encourages Member offices to pursue projects that address affordable housing, community services, and economic development, and are comparable to activities in the CDBG program. Eligible EDI activities include, but are not limited to:

- o Acquisition of real property;
- o Construction, rehabilitation, and improvements to affordable housing;
- o Blight removal or remediation;
- o Public housing modernization and,

- o Construction, rehabilitation, and improvements of public facilities, such as neighborhood centers, parks, and shelter for persons having special needs such as survivors of domestic violence and the homeless, except for buildings for the general conduct of government.

**Federal requirements:** EDIs are subject to all general Federal requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR Part 200, the National Environmental Policy Act (NEPA), HUD’s NEPA-implementing regulations under 24 CFR Part 50 or 24 CFR Part 58, and all appropriate Federal environmental and historic preservation laws, regulations, and Executive Orders. The environmental review must be completed by a “Responsible Entity” (RE), which is a state, unit of general local government, Indian tribe or Alaska Native Village. Nonprofits will need the RE for where the project is located to conduct the environmental review on their behalf. NEW: The Subcommittee strongly encourages Member offices to make EDI applicants aware that, consistent with HUD’s “Build America, Buy America” phased implementation, all FY 2025 EDIs are required to comply with the Build America Preference for iron, steel, construction materials, and manufactured products. Member offices should confirm with organizations requesting EDIs that they will be able to comply with all Federal 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)

**Other restrictions:** Any expenses incurred prior to the enactment of a final FY 2025 appropriations bill cannot be reimbursed with EDI funds. THUD CDS cannot be used for operational expenses or administrative salaries and benefits for EDIs. Examples of these ineligible expenses are costs that cover an organization’s day-to-day operations, such as utilities, rent, office supplies and equipment, insurance, and an organization's staff salaries and benefits.

**Legi-Mate fields:** Members are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member’s Request, Total Cost, Location of the Activity, and Project Recipient Information.

In the **Project Website** field, Members 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. If neither is available, provide the organization’s website.

In the **Project Detail** field, Members are required to provide at a minimum:

1. Brief description of the project;
2. Breakdown of how EDI funds will be used;
3. Status of the project (planning, design, under construction, etc.) and timeline of its expected completion;
4. List of all other sources of funding contributing to the total cost of the project; and
5. The status of the environmental review work and if the grantee is a nonprofit, if a “Responsible Entity” has been identified to conduct the Federal environmental review should one be necessary for the project.

In the **National Objectives** field, which is under **Additional Subcommittee Fields**, Members 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, which depending on the type of project, can be demonstrated through a benefit to a specific service area, serving a limited clientele, housing for certain income households, and the creation or retention of jobs for certain income individuals.

- o If using the LMI National Objective, please review this HUD resource:  
<https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/>
- o If the project is meeting the LMI National Objective through the service area, use the “Map Application” tool to provide the necessary data points on the LMI population in that service area:  
<https://hud.maps.arcgis.com/home/item.html?id=ffd0597e8af24f88b501b7e7f326bedd>