

Additional Subcommittee Guidance for Fiscal Year 2022 Congressionally Directed Spending

Several programs and appropriations accounts have their own eligibility criteria and require additional information and materials be submitted with Congressionally-Directed Spending (CDS) requests. Please consult the relevant sections in the following pages, which are broken down by appropriations bill, for additional guidance and instructions for CDS requests.

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AGRICULTURE, RURAL DEVELOPMENT, AND FOOD AND DRUG ADMINISTRATION

CDS requests will be accepted in the following accounts:

- **Animal Plant Health Inspection Service (APHIS), Salaries and Expenses.** Must meet environmental review requirements (i.e. National Environmental Policy Act (NEPA) and Endangered Species Act), and some APHIS programs, including Field Crop & Rangeland Ecosystems Pests, Brucellosis, and Wildlife Services, have matching requirements.
- **Watershed Protection and Flood Prevention Program.** Each project must contain benefits directly related to agriculture, including rural communities, which account for at least 20% of the total benefits of the project. There are several financial and programmatic requirements in Watershed Flood Prevention Operations. You must certify that a program sponsor has contacted their USDA Natural Resources Conservation Service (NRCS) state office and the proposal meets all program requirements, including financial requirements. If applicable, please provide these certifications.
- **Rural Development.** For both Community Facility and Distance Learning and Telemedicine grants, acting 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 certifying that the matching requirements will be met, you must also certify that the potential recipient has contacted their local USDA Rural Development office and confirmed the proposed project meets the program's eligibility requirements.

○ **Community Facilities Grants.**

- Projects funded under this account must meet non-federal match requirements, which vary based on area median income and population. The maximum federal contribution for projects funded under this account is as follows:
 - 75% for a project located in a rural community having a population of 5,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 60% of the State nonmetropolitan median household income.
 - 55% for a project is located in a rural community having a population of 12,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 70% of the State nonmetropolitan median household income.
 - 35% for a project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 80% of the State nonmetropolitan median household income.
 - 15% for a project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 90% of the State nonmetropolitan median household income.
- The maximum grant assistance cannot exceed the lower of:
 - Qualifying percentage of eligible project cost determined above
 - Either 50% of the annual State allocation or \$50,000, whichever is greater
- Must meet environmental review requirements (i.e., NEPA)
- Full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 3570](#)

- **Distance Learning and Telemedicine Grants.** Projects funded under this account require a 15% nonfederal 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](#)

COMMERCE, JUSTICE, AND SCIENCE

Department of Commerce

- **National Institute of Standards and Technology (NIST); Scientific & Technical Research Services (STRS); External Projects.** Projects should address standards-related research and technology development. Construction projects will not be accepted.

- **NIST; Construction of Research Facilities.** Projects for non-Federal research facilities at research institutions and colleges and universities.
- **National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects.** Projects should address fisheries, marine mammals, ocean, climate, weather, and atmospheric research and programs. Construction projects will not be accepted.

Department of Justice

- **Office of Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary.** Projects support additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#). This funding cannot be used for land acquisition or construction.
- **Community Oriented Policing Services (COPS); COPS Law Enforcement Technology.** Projects support the development of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime. Recipients shall include State, local, Tribal, and territorial governments and their public agencies (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. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#), and the applicable Award Owner's Manual.

National Aeronautics and Space Administration (NASA)

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

ENERGY AND WATER DEVELOPMENT

CDS requests will be accepted in the following accounts:

- **Army Corps of Engineers.** Requests must be for authorized projects and programs.
 - Investigations
 - Construction
 - Operations & Maintenance

- Mississippi Rivers & Tributaries
- **Bureau of Reclamation: Water and Related Resources.** Requests must be for authorized projects and programs.
- **Energy Efficiency and Renewable Energy**
- **Office of Electricity**
- **Office of Cybersecurity, Energy Security, and Emergency Response**
- **Office of Nuclear Energy**

FINANCIAL SERVICES AND GENERAL GOVERNMENT

CDS requests will be accepted in the following accounts:

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

HOMELAND SECURITY

CDS requests will be accepted in the following accounts:

- **Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Projects.** Requested projects must meet the eligibility requirements of the Building Resilient Infrastructure and Communities grant program, including the cost-share requirement, benefit cost ratio, and environmental and historic preservation requirements. Requirements can be found in the most recent [Notice of Funding Opportunity](#). The state agency responsible for administering mitigation grants in the requestor's state must submit an application to FEMA, and that entity will serve as the administrative agent for the grant. All project proposals must be accompanied by a letter of support from the appropriate state agency affirming that it believes the project is eligible.
- **FEMA Emergency Operations Center Grant Program.** Requested projects must meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements. Requirements can be found in the most recent [Notice of Funding Opportunity](#). The state administrative agency must submit an application to FEMA, and that agency will serve as the administrative agent for the grant. All project proposals must be accompanied by a letter of support from the appropriate SAA affirming that it believes the project is eligible.

INTERIOR AND ENVIRONMENT

CDS requests will be accepted in the following accounts:

- **Environmental Protection Agency, Water and Wastewater Infrastructure, State and Tribal Assistance Grants.** Projects include construction of, and modifications to, municipal sewage treatment plants and drinking water treatment plants. In general, local and/or municipal projects must be included on a state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP). There is a minimum 20% cost share requirement for any state or local water infrastructure grant funded through CDS. Entities requesting funding under this account must complete the additional fields under the "Interior and Environment" tab of the CSD request form.
- **National Park Service, Historic Preservation Fund (HPF).** All HPF grantees must meet standards set by the Secretary of the Interior and comply with the [audit requirements](#). Successful CDS recipient must complete an application through grants.gov. Please note that acquisitions of collections or historic properties are not eligible under the HPF. For more information, please visit [here](#). Entities requesting funding under this account must complete the additional fields under the "Interior and Environment" tab of the CSD request form.
- **U.S. Forest Service, State and Private Forestry (SPF), Forest Resource Information and Analysis.** This 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. Requests must meet USFS eligibility requirements for the appropriate grant program. Project requests should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan. Entities requesting funding under this account must complete the additional fields under the "Interior and Environment" tab of the CDS request form.
- **Projects on Agency Lists.** These projects must appear on the list of the administering agency. Entities requesting funding under this account must complete the additional fields under the "Interior and Environment" tab of the CDS request form.
 - **Land and Water Conservation Fund (LWCF):** Note that the Grantee for federal acquisition is the federal agency that will eventually manage the land (either BLM, FWS, NPS, or USFS), or in the case of the Forest Legacy Program, it is the state.
 - **Legacy Restoration Fund (LRF):** Note that the Grantee is the federal agency.
 - **Land Management Agencies, Construction (LMCON):** Note that the Grantee is the federal agency.
- **Land Management Agencies, Local Projects and Research.** Requests for funds must be relevant to the specified mission area within the bureaus listed below and contribute to responsible stewardship of land, wildlife, and recreation resources or contribute to priority research areas that inform stewardship of those resources. Proposed projects

should contribute to local, state, and federal efforts to benefit species, habitat, and/or enhanced stewardship of land and water resources. Entities requesting funding under this account must complete the additional fields under the “Interior and Environment” tab of the CDS request form.

- BLM, Management of Land and Resources, Habitat Management Priorities. Project for activities related to wildlife and aquatic habitat management.
 - NPS, National Recreation and Preservation, Statutory and Contractual Aid. Projects for activities relating to operating, managing, and preserving resources, including as authorized by law.
 - FWS, Resource Management, Stewardship Priorities. Projects for fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
 - USGS, Surveys Investigations and Research, Status and Trends. Projects for high priority and core science research, and ecosystem and water resources related activities.
- **Bureau of Indian Affairs, Operation of Indian Programs, Special Initiatives.** Projects 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. Entities requesting funding under this account must complete the additional fields under the “Interior and Environment” tab of the CDS request form.
- **Environmental Protection Agency, Science and Technology, Research: National Priorities.** Projects for high priority lines of research related to environmental quality and human health. Entities requesting funding under this account must complete the additional fields under the “Interior and Environment” tab of the CDS request form.
- **Environmental Protection Agency, State and Tribal Assistance Grants, STAG Infrastructure Grants.** Projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health. Entities requesting funding under this account must complete the additional fields under the “Interior and Environment” tab of the CDS request form.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

- **Department of Labor, Employment and Training Administration.** This program support projects related to the Workforce Innovation and Opportunity Act, including for employment and job training programs. All projects must: (1) include direct services to individuals to enhance employment opportunities; (2) demonstrate evidence of a linkage with the State or local workforce investment system; and (3) include an evaluation component. Equipment purchases may be included in the request only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project’s emphasis on direct services to individuals. Funding request may not be made for construction or renovation of facilities.
- **Department of Health and Human Services (HHS), Health Resources and Services**

Administration (HRSA). HRSA requests must fall in one of the following categories:

- **Health Facilities Construction and Equipment.** Projects for the cost of construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research. In addition to construction and renovation, funding can be used to acquire capital equipment, such as lab equipment or x-ray machines. Equipment-only grants—that is, grants not involving construction—are permissible.
- **Health Professions Education and Workforce Development.** Projects to improve education and training of health care professionals.
- **Rural Health.** Projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. Grant funds can be used for services only in areas that meet HRSA’s definition of rural. For lists of eligible areas and further information regarding that definition, see: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>.

➤ **HHS, Substance Abuse and Mental Health Services Administration (SAMHSA).**

Requests within SAMHSA must fall under one of the following categories:

- **Mental Health.** Projects support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- **Substance Abuse Treatment.** Projects support programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- **Substance Abuse Prevention.** Projects support programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.

SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

➤ **HHS, Administration for Children and Families (ACL).** Requests within ACL must fall under one of the following categories:

- **Child Abuse Prevention.** Projects supporting programs 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 supporting programs to support the ability of families to thrive through financial self-sufficiency, and to

promote the healthy development and greater well-being of children and families. Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.

- **HHS, Administration for Community Living, 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. Projects focus on improving access to, or the quality of, education, training, support services, and independent living services for older adults and individuals with disabilities.
- **Department of Education (ED).** Requests within ED must fall under one of the following categories:
 - **Innovation and Improvement, Fund for the Improvement of Education (FIE).** Projects can support a wide variety of elementary and secondary education projects, including instructional services, after-school 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. Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. CDS cannot be used for construction or renovation of school buildings, except in the case of minor remodeling required as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible.
 - **Rehabilitation Services, Demonstration and Training.** Projects can support a wide variety of programs that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Eligible grantees include State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies and organizations. CDS cannot be used for construction or renovation of facilities.
 - **ED, Higher Education, Fund for the Improvement of Postsecondary Education (FIPSE).** Projects can support a wide variety of higher education projects. Generally, requests should focus on improving access to, or the quality of, postsecondary education. Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers. Grantees are usually colleges and universities, but may include other public and private nonprofit organizations. CDS cannot be used for construction or renovation of academic buildings, except in the case of minor remodeling required as part of technology upgrades.

MILITARY CONSTRUCTION

Note: Funding for the Department of Veterans Affairs and the Related Agencies is not eligible for CDS.

The following Military Construction accounts are eligible for CDS requests: Army, Navy and Marine Corps, Air Force, Defense-Wide, Army National Guard, Air National Guard, Army Reserve, Navy Reserve, and Air Force Reserve. Requests may include major construction, unspecified minor military construction, and planning and design; however, only projects included on one of the lists below are eligible for CDS funding.

Eligible Lists:

- Future Years Defense Program (FYDP).—Each military department, to include the guard and reserve, as well as defense-wide agencies, plans its major military construction program five years into the future. FYDPs identify these future planned projects, which are candidates for CDS requests. Some of the lists can be found on the website of the Under Secretary of Defense (Comptroller).
- Unfunded Requirements/Priorities Lists (UFR/UPL).—In addition to the annual budget request and as required by law, each military department submits to the congressional defense committees a document identifying unfunded priorities that would be funded if additional appropriations were provided.
- Cost-to-Complete (CTC).—Variables such as construction market conditions can affect cost estimating throughout the military construction programming process, and as such, DOD can experience cost increases that cannot be sufficiently covered by available appropriated funding. In these cases, the military departments submit a list of projects separate from the budget request that have received an authorization and appropriation, but require additional funding to be completed.

CDS eligibility is further limited by the executability of funding. Eligible major military construction projects must therefore be:

- Authorized in the Fiscal Year (FY) 2022 or prior year National Defense Authorization Act;
- At 35% design or higher with a DD 1391*; and
- Prepared to award a construction contract in FY 2022;

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

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

- Identify which list (FYDP, UFR/UPL, or CTC) includes the project requested;

- Confirm that the project is at 35% design and has a DD 1391 planning document; and
- Confirm that the requested project has either been previously authorized or a request to authorize has been submitted to the Senate Armed Services Committee.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

Requests for funding under the Transportation, Housing and Urban Development (THUD) appropriations bill must have a reasonable expectation of being able to be obligated before funds expire. All requests must provide the Project Name, Project Purpose, Justification, Request, Location of the Activity, and Project Recipient Information fields. Six accounts within the THUD appropriations bill are eligible for CDS projects.

- **Transportation Planning, Research, and Development (TPR&D).** This account funds transportation research projects eligible under title 23 or title 49, United States Code.
 - You are strongly encouraged to include relevant information in the “**Project Website**” and to identify the **Total Cost** on the form.
- **Grants-in-Aid for Airports (Airport Improvement Program or AIP).** This account funds airport capital projects eligible under chapter 471 of title 49, United States Code.
 - In the “**Justification**” field of the form, you are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project.
 - In the “**Project Website**” field, you must provide a link to the masterplan that includes the requested project.
 - Under “**Additional Requirements**”, you must provide total cost of the project and select the airport name (see [NPIAS](#) for airport names).
- **Highway Infrastructure Program (HIP).** This account funds highway capital projects eligible under title 23, United States Code;
 - In the “**Justification**” field, you are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project.
 - In the “**Project Website**” field, you should provide a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project.
 - Under **Additional Requirements**, you are required to provide total cost of the project, which should be consistent with the total cost of the project in the STIP or TIP.
- **Transit Infrastructure Grants (TIG).** This account funds transit capital projects eligible under chapter 53 of title 49, United States Code;
 - In the “**Justification**” field, you are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the

- total cost of the project.
 - In the “**Project Website**” field, you should provide a link to the STIP or TIP that includes the requested project.
 - Under “**Additional Requirements**”, you are required to provide total cost of the project, which should be consistent with the total cost of the project in the STIP of TIP. You are also required to select the name of the recipient or sub-recipient transit agency.
- **Consolidated Rail Infrastructure and Safety Improvement (CRISI) Grants.** This account funds rail capital projects eligible under section 22907 of title 49, United States Code; and
- In the “**Justification**” field, you are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. You should also provide a description of all other sources of funding contributing to the total cost of the project.
 - In the “**Project Website**” field, you are required to provide a link to the State Rail Plan that includes the requested project.
 - Under “**Additional Requirements**,” you are required to provide total cost of the project, which should be consistent with the total cost of the project in the State Rail Plan.
- **Economic Development Initiatives, Community Development Fund.** This account funds economic development projects eligible under chapter 69 of title 42, United States Code.
- In the “**Justification**” field, you are required to provide the current status of the project, a description of all other sources of funding contributing to the total cost of the project, and the status of the planning and environmental review work. In addition, include relevant data on how activities or projects benefit primarily low- and moderate-income persons or communities to meet program requirements.
 - In the “**Project Website**” field, you should provide a link to the project website if available or a link to the HUD five-year Consolidated Plan or Annual Action Plan if the project is included or complements planned or current projects within these required plans.
 - Under “**Additional Requirements**” Fields, you are required to provide the total cost of the project.