

Office of Senator Bob Casey
FY23 Appropriations Guidance

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General Guidance

In general, the guidance covers two types of appropriations requests.

- Programmatic/Language Requests: These types of requests are general funding requests for national and regional programs, and/or bill and report language requests that directs, encourages, or urges an Agency or Department to carry out an action.
- Congressionally Directed Spending (CDS) Requests: According to Senate Rule XLIV, a CDS is a provision “included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority or other expenditure with or to an entity, or targeted to a specific State, location or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” Generally speaking, this is funding requested for a specific project in a specific location.

Please fill out the relevant form for your appropriations request in its entirety. The relevant form must be completed and submitted by 11:59 PM on **April 25, 2022**—late requests will not be considered. This deadline may be extended pending guidance from the Senate Appropriations Committee.

Some important notes on congressionally directed spending requests:

- **The amount of funds to be appropriated via congressionally directed spending is limited and the process will be competitive. Application does not guarantee funding.** The Committee has placed a 1 percent cap on discretionary spending for congressionally directed spending items. Last year, around 8 percent of projects that were submitted to Senator Casey’s office were funded. All applications submitted to the Senator’s office will undergo a detailed and competitive review. The Senator’s office anticipates receiving many applications for every account and cannot guarantee funding.
- **Only public and non-profit entities may request congressionally directed spending items.** The Committee will not fund congressionally directed spending items to for-profit entities and each member must certify in the cover letter accompanying their request that none of the entities for which they have requested congressionally directed spending is a for-profit entity (more detailed instruction below in this guide).
- **The application, in part or in whole, could be made public.** Senators are required to publish their CDS requests to their website as well as submit and make public a financial disclosure letter certifying that they do not have any financial interest in the items requested (more detail instruction below in this guide). Offices must post this information to their website within 15 calendar days after submitting their CDS requests to the Committee, and the Senate Appropriations Committee will provide a link to each office’s disclosure on the Committee website. The Government Accountability Office will audit a sample of enacted congressionally directed spending items and report its findings to Congress.
- **Staff are available to discuss potential projects.** Senator Casey’s staff is available to provide feedback and to discuss proposals before submission. Please email a brief project

description and a prospective budget for the proposal to Appropriations@casey.senate.gov, and a staff member will contact you to discuss your proposal.

- **Community support is a critical way you can distinguish your project from others.** Letters of support from third parties within the community or communities that would benefit from the request improve the competitiveness of a given application. These letters must clearly communicate the benefits that the request would confer upon the community.
- **Communicate the impact of your project.** Strong congressionally directed spending projects should improve livelihoods, create jobs, grow local economies, advance research and development, improve health outcomes, promote inclusivity, improve safety, etc.
- **Congressionally directed spending should not be viewed as a continuous funding source.** CDS projects should be viewed as a way to jumpstart an activity or fill a funding gap for a particular project – not sustain it over time.
- **Align the request with local need and federal mission.** Successful projects will match the project to the authorization or mission of an agency or account and have the support of local officials or communities.
- **All congressionally directed spending requests should include a project budget broken down by funding type and component (see example below).**

Sample Congressionally Directed Spending Project Budget

Project funding by component - The budget should be broken down into no fewer than two and no more than five components. Miscellaneous costs can be grouped into an "other" category. An example of a component might be "Planning", "Design", "Construction of new facility", "purchase of new vehicle", etc. Components should be broken out bullet by bullet, with a final bullet for total cost. Each bullet should lead with a bolded dollar amount and name of the component. After that, each bullet should contain a note on the status of funding and comments that indicate which components should receive priority for funding if full amount cannot be funded

Example

Project Funding by Component

- **\$40,000 for Building Design:** Covered by state funds, no need for funding
- **\$400,000 for Construction:** Partially covered by state funds and an EDA grant, remaining \$250,000 unfunded is highest priority need for the project
- **\$300,000 for Second Phase Construction:** No funding yet acquired, lower priority for funding if project must be trimmed
- **\$740,000** is total project cost, \$550,000 of which is requested

Project funding by funding source- This second budget should be broken down by funding source and clearly indicate how your requested amount will fit in with other funds.

Example

Project Funding by Funding Source:

- **\$40,000** in state funds, used for design
- **\$150,000** in EDA grant funds used for initial construction
- **\$550,000** in outstanding funding need, advanced as a congressionally directed spending request
- **\$740,000** total project cost

All Programmatic Requests

If you are requesting inclusion of specific programmatic funding or language in the bill and/or report as opposed to requesting funding for a specific project, please provide the following:

- Proposed funding proposal or draft language;
- Specification of the particular agency and appropriations account to which it is directed;
- Brief explanation of and rationale for the funding or language, including its relevance to Pennsylvania constituents;
- Indication of whether it is sought for bill text, report, or both bill and report.

Please note that programmatic requests generally have to do with funding federal programs. For example, if you were to request a certain overall level of funding for EPA's Clean Water Revolving Fund program, that would be a programmatic request. If you were to request funding for a specific project that utilizes the Clean Water Revolving Fund, that would be a congressionally directed spending request.

Congressionally Directed Spending (Project) Guidance, by Subcommittee

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

The Ag Subcommittee will consider CDS requests for the following accounts:

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

Below are specific requirements for accounts that will have 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 repairs and maintenance to existing facilities.
- Funding for construction of a building will not be considered.

APHIS Salaries and Expenses:

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

WFPO:

- Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project.
- Program sponsors need to contact their NRCS state office and the proposal needs to meet all program requirements, including financial requirements.

Community Facilities Grants:

The Community Facilities (CF) Grant program has a match requirement on a sliding scale based on community population size and median income. CF Grants can cover up to 75 percent of the total project costs. **In order to determine whether a project is eligible, your office or the applicant is required 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>.**

This program will fund up to 75% of total project costs, with match requirements based on area median income and 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; and the median household income of the proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.
- Maximum of 55 percent when the proposed 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 percent of the State nonmetropolitan median household income.
- Maximum of 35 percent when the proposed 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 percent of the State nonmetropolitan median household income.
- Maximum of 15 percent when the proposed 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 percent of the State nonmetropolitan median household income.

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

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

Please provide a full description of the service area/beneficiaries – this includes all towns, cities, counties, etc. that will benefit from the services provided and can be more than just the town where the project is physically located. Without this information, staff will not be able to determine eligibility and the project will not be funded.

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 bill
- To pay initial operating expenses or annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses (unless a CF loan is part of the funding package)

- To fund facilities to be used primarily for recreation purposes
- To fund facilities to be used primarily for business entrepreneur purposes

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

Distance Learning and Telemedicine Grants

The following project and applicant eligibility criteria apply:

- There is a flat 15 percent match (matching funds cannot come from another Federal source)
- For FY 2023, the grant award floor is \$50,000 and the ceiling is \$1,000,000.
- Broadband deployment is not an eligible use of funds for DLT
- Applicants must be in contact with their local RD office

Commerce, Justice, Science, and Related Agencies Subcommittee Guidance

The CJS Subcommittee will consider CDS in the following accounts:

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

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

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

DOJ Byrne Discretionary. The Subcommittee will accept requests for CDS for Byrne Discretionary projects to provide 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. Allowable costs are those costs consistent with the principles set out in the 2 CFR Part 200, Subpart E, and those permitted by the grant program's authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the

project, and they must also comply with the funding statute and agency requirements. This funding cannot be used for land acquisition or construction.

DOJ COPS Law Enforcement Technology and Equipment. The Subcommittee will accept requests for CDS for COPS Law Enforcement Technology projects 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. 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.

NASA Safety, Security and Mission Support (SSMS). The Subcommittee will accept CDS 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 does not fund construction but could be used for equipment, research funding, or education programs.

NIST Construction of Research Facilities, Extramural Construction. The Subcommittee will accept CDS for NIST Extramural Construction projects for non-Federal research facilities at research institutions and colleges and universities.

Defense Subcommittee Guidance

Congressionally Directed Spending: The Defense Subcommittee is not accepting requests for congressionally directed spending items, as defined in Senate Rule XLIV, for the FY 2023 appropriation bill.

Energy and Water Development Subcommittee Guidance

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 projects

- Electricity and Energy Resiliency projects
- Cybersecurity and Energy Security projects
- Nuclear Energy Projects
- Fossil Energy or Carbon Management Projects

For the Corps of Engineers and Bureau of Reclamation, only authorized projects and programs will be considered for funding.

Special Guidance for Department of Energy CDS Requests:

- Funds will not be awarded to projects that fund construction of buildings or new facilities (no brick and mortar), even if it will have clean energy associated with it.
- Funds will not be awarded to projects that fund electric 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.
- Please ensure that your project meets cost share guidelines:
 - 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 shown above. Therefore, some projects may have a blended cost share.

Financial Services and General Government Subcommittee Guidance

The Subcommittee will accept requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

- 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
- Office of National Drug Control Policy – Prevention Grants

Homeland Security Subcommittee Guidance

The Subcommittee will consider requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

- Federal Emergency Management Agency Pre-Disaster Mitigation Projects; and

- Federal Emergency Management Agency Emergency Operations Center Grant Program.

Descriptions of Eligible Accounts:

- Pre-Disaster Mitigation Projects: Requested projects must meet the eligibility requirements of the Building Resilient Infrastructure and Communities (BRIC) 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. All project proposals must be accompanied by a letter of support from the state agency that administers mitigation grants in Pennsylvania. The letter should affirm that the agency believes the project is eligible.
- 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. All project proposals must be accompanied by a letter of support from the state agency that administers mitigation grants in Pennsylvania. The letter should affirm that the agency believes the project is eligible.

Interior, Environment, and Related Agencies Subcommittee Guidance

The Subcommittee will consider requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

1. Clean Water: EPA, STAG, Clean Water SRF, Clean Water CDS
2. Drinking Water: EPA, STAG, Drinking Water SRF, Drinking Water CDS
3. Sanitation Facilities Construction: Indian Health Service, Sanitation Facilities Construction, Sanitation Facilities Construction CDS
4. Historic Preservation Fund: National Park Service, Historic Preservation Fund Projects
5. US Forest Service, State and Private Forestry, Forest Resource Information and Analysis
6. Projects on Agency Lists
 - a. LWCF: Great American Outdoors Act, Land and Water Conservation Fund
 - i. BLM, Land Acquisition
 - ii. FWS, Land Acquisition
 - iii. NPS, Land Acquisition
 - iv. USFS, Land Acquisition
 - v. USFS, Forest Legacy
 - b. LRF: Great American Outdoors Act, Legacy Restoration Fund
 - i. BLM, Legacy Restoration Fund
 - ii. FWS, Legacy Restoration Fund
 - iii. NPS, Legacy Restoration Fund
 - iv. BIE, Legacy Restoration Fund

- v. USFS, Legacy Restoration Fund
- c. LMCON: Land Management Agencies, Construction
 - i. BLM, Construction
 - ii. FWS, Construction Projects, Line Item Construction
 - iii. NPS, Construction, Line Item Construction and Maintenance
 - iv. USFS, Capital Improvement and Maintenance, Facilities, Road and Trails
- 7. Land Management Agencies, Local Projects and Research
 - a. BLM, Management of Land and Resources, Habitat Management Priorities
 - b. NPS, National Recreation and Preservation, Statutory and Contractual Aid
 - c. FWS, Resource Management, Stewardship Priorities
 - d. 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

It may be useful for an application for a particular account below to speak to the PA Department of Historic Preservation and you can find that link here: [PA link](#)

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

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

About the Program: This funding is for water infrastructure grants to fund local wastewater and drinking water infrastructure projects. This includes construction of, and modifications to, municipal sewage treatment plants and drinking water treatment plants. Only projects that are publicly-owned or owned by a non-profit entity are eligible--privately-owned projects are NOT eligible for water infrastructure grants.

State and Local Projects

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) are eligible and 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 grantee. 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.

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

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

1.	Land, except for projects described in the subsequent table under eligibility #11	1.	Dams or rehabilitation of dams
2.	Operations and maintenance costs	2.	Operations and maintenance costs
3.	Non-municipal point source control	3.	Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy or if the water rights purchase is covered by EPA's DWSRF Class Deviation for Water Rights 2019
4.	Acid drainage correction	4.	Reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are located on the property where the treatment facility is located
5.	Ambient water quality monitoring	5.	Laboratory fees for monitoring
6.	Flood Control Projects, unless the project is otherwise managing, reducing, treating, or recapturing stormwater	6.	Projects needed mainly for fire protection
7.	Privately owned sewer pipes	7.	Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance will ensure compliance
8.		8.	Projects for systems in significant noncompliance, unless funding will ensure compliance
9.		9.	Projects primarily intended to serve future growth

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

Projects that generally are eligible for SRF funding			
Clean Water / Waste Water		Drinking Water	
1.	Wastewater treatment plants, including sludge handling facilities.	1.	Facilitate compliance with national primary drinking water regulations or address serious risks to public health including non-regulated contaminants (i.e. PFAS)
2.	Collector Sewers - Small sewers that convey wastewater from residences, commercial establishments, and industrial sites.	2.	Rehabilitate or develop water sources (excluding reservoirs, dams, dam rehabilitation and water rights) to replace contaminated sources
3.	Interceptor Sewers - Large sewers that convey wastewater from collector sewers directly to a wastewater treatment facility.	3.	Install or upgrade treatment facilities

4.	Sewer Pipes – Rehabilitation is only eligible if the pipes are publicly owned.	4.	Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system
5.	Outfall Sewer - A sewer that conveys treated wastewater from a wastewater treatment facility to the receiving waters.	5.	Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels
6.	Storm Water Management – Measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water (i.e. storm sewers, green infrastructure, etc.).	6.	Projects to consolidate water supplies – for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons – are eligible for DWSRF assistance.
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 ground water 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.	9.	
10.	Septic Tanks - Remediation, rehabilitation, removal and replacement of failing tanks are eligible, as well as installation of new tanks.	10.	
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.	11.	
12.	Water Reuse - Projects involving the municipal reuse or recycling of wastewater, stormwater, or subsurface drainage water.	12.	

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.	13.	
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3. SFC: IHS, Sanitation Facilities Construction, Sanitation Facilities Construction CDS

For Tribal water CDS projects within the Sanitation Facilities Construction account, the subcommittee will accept CDS requests for projects included on the Indian Health Services’ (IHS) Sanitation Deficiency System (SDS) list.

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

The Historic Preservation Fund (HPF), established to help fund the programs engendered by the National Historic Preservation Act (Public Law 89-665; 54 USC 300301 et seq.), was designed to preserve historical and archaeological sites in the United States of America. The subcommittee anticipates that most requests will be made within the HPF for the Save America’s Treasures (SAT) program. All HPF grantees must meet standards set by the Secretary of the Interior and comply with the audit requirements. Non-formula funded activities within HPF that meet the qualifications of HPF programs will be eligible for CDS. Please note that acquisitions of collections or historic properties are not eligible under the HPF. The maximum project amount is \$500,000.

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. Interested applicants should connect with the Pennsylvania State Historic Preservation office to confirm their listing.

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

About the Program: The State & Private Forestry account provides technical and financial assistance grants to non-federal forest landowners, including state, Tribal and local governments. Activities within this account include forest health management, cooperative fire protection, wood innovation, and urban and community forestry. 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.

6. Projects on Agency Lists

- LWCF: Great American Outdoors Act, Land and Water Conservation Fund
- LRF: Great American Outdoors Act, Legacy Restoration Fund
- LMCON: Land Management Agency Construction

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

8. BIA, Operation of Indian Programs, Special Initiatives: BIA provides direct services and funding for compacts and contracts for Tribes to provide programs for a wide range of activities.

9. EPA, Science and Technology, Research: National Priorities: Project requests may be considered for high priority lines of research related to environmental quality and human health.

10. EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants: Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

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

The Subcommittee will consider requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

- 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—Rehabilitation Services—Demonstration and Training

- Department of Education—Higher Education—Fund for the Improvement of Postsecondary Education

Except where specifically authorized and noted, CDS available through the LHHS subcommittee cannot be used for construction (or the acquisition of property) or renovation of buildings. In addition, recipients of CDS may not sub-grant to other organizations or agencies.

DEPARTMENT OF LABOR

Employment and Training Administration (ETA)

CDS projects funded by ETA (through the Workforce Innovation and Opportunity Act (WIOA) demonstration authority) must 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. Further projects will be required to report on performance outcomes for participants and should include a meaningful connection to the local workforce development system.

CDS funding may be used for the purchase of equipment, but generally only if it is an incidental part of the larger project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals. If a larger portion of the CDS funding is expected to be used for equipment or curriculum development, please provide a detailed justification for how such costs relate to meeting the employment and training needs of workers.

CDS cannot be used for construction or renovation of facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration (HRSA)

CDS 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 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. 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, funding can be used to acquire capital equipment, such as lab equipment, x-ray machines, or telehealth and information technology. Equipment-only grants—that is, grants 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. Funds can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies or planning and design.
- Rural Health—CDS 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. 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>. Please include the address of the project's activities in the project justification, if different than the legal entity recipient address, for purposes determining project eligibility.

Substance Abuse and Mental Health Services Administration (SAMHSA)

CDS within SAMHSA should be submitted through the Health Surveillance and Program Support account and must fall under one of the following categories:

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

Please note--

- CDS within SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project).
- A General Provision prohibits the award of funding for projects which distribute sterile needles or syringes for I.V. drug injection.
- A General Provision prohibits the award of funding for projects which promote the legalization of illegal drugs or substances.

Administration for Children and Families (ACF)

CDS 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**—CDS for 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**—CDS for 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 cannot be used for construction or renovation of facilities.

Administration for Community Living (ACL)

Aging and Disability Services Programs—CDS for 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 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 cannot be used for construction or renovation of facilities.

DEPARTMENT OF EDUCATION

Innovation and Improvement

Fund for the Improvement of Education (FIE)—Elementary and secondary education CDS 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 should be providing early childhood or K-12 educational services.

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

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

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 under this account.

Rehabilitation Services

Demonstration and Training—CDS can be designated under this heading for a wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, CDS should focus on improving access to, or the quality of, such services for

individuals with disabilities. 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.

Higher Education

Fund for the Improvement of Postsecondary Education (FIPSE)—CDS projects funded 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 (i.e. the FIPSE authorization). Grantees are usually colleges and universities, but may include other public and private nonprofit organizations.

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, equipment, and telecommunications, provide student support, and implement university partnerships with school districts. If a significant portion of grant funds are expected to be used for the purchase of equipment, make sure to note that and include a justification for that use of funds.

CDS funding cannot be used for construction or renovation of facilities, except in the case of minor remodeling required as part of technology upgrades.

Military Construction, Veterans Affairs, and Related Agencies Subcommittee Guidance

The Subcommittee will consider requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

- 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

Department of State, Foreign Operations, and Related Programs Subcommittee Guidance

The Subcommittee on the Department of State, Foreign Operations, and Related Programs will not accept requests for congressionally directed spending items, as defined in Senate Rule XLIV, for the FY 2023 appropriation bill.

Transportation, Housing Urban Development, and Related Agencies Subcommittee Guidance

The Subcommittee will consider requests for CDS items only in the accounts listed below and in accordance with the requirements noted above in “General Guidance”.

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

TPR&D

- Requests from the TPR&D account should be for transportation research projects eligible under title 23 or title 49 of United States Code. Planning for specific local highway, transit, or rail projects that are eligible under HIP, TIG, or CRISI are NOT eligible for this account.

Airports (AIP)

- Requests for the AIP account should be for airport projects eligible under chapter 471 of title 49, United States Code.

FAA Facilities and Equipment (F&E).

- Requests for the FAA F&E account should **only be** for terminal air traffic control tower facility replacement projects eligible under part A of subtitle VII of title 49, United States Code.

Highways (HIP)

- Requests within the HIP account should be 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.
- **NEW: This year, projects that are not currently on the STIP or TIP can receive funding so long as they have a letter from PennDOT confirming that: (1) the project is eligible for Federal-aid highway funding under title 23, United States Code; (2) the State DOT is willing to carry out the project if funding is enacted; and (3) the State DOT will include the project on the STIP or TIP once funding for the project is enacted.**

Transit (TIG)

- Requests within the TIG account should be for transit projects eligible under chapter 53 of title 49, United States Code.
- **NEW: This year, transit projects that are not currently on the STIP or TIP can receive funding if the transit agency can provide 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.**

Rail (CRISI)

- Requests within the CRISI account should be for rail capital projects eligible under section 22907 of title 49, United States Code.
- **NEW: This year, rail projects that are not currently on State rail plan can receive funding as long as the 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.**

Economic Development Initiatives (EDIs)

- Requests for EDIs within the Community Development Fund account should be for activities eligible under section 5305 of chapter 69 of title 42, United States Code, as well as for affordable housing construction.
- Examples of eligible EDI projects include, but are not limited to:
 - Acquisition of real property (land, water rights, buildings);
 - Construction of new affordable housing;
 - Blight removal or remediation; and,
 - Construction, rehabilitation, and improvements of public facilities (except buildings for general conduct of government), such as neighborhood centers,

parks, and shelter for persons having special needs such as survivors of domestic violence and the homeless.