

General Guidance on Fiscal Year 2024 Appropriations Requests

This document provides a general overview of the accounts eligible for Congressionally Directed Spending requests in FY24, and the criteria for submission eligibility. These criteria are determined by the U.S. Senate Committee on Appropriations, based on standing rules of the Senate, statutory authorities, and eligibility determinations made by the relevant agencies. Note that the Committee will not fund CDS items to for-profit entities, and each Senator must certify in the cover letter accompanying his or her requests that none of the entities for which he or she has requested CDS is a for-profit entity.

Applications for funding that do not adhere to eligibility criteria will not be moved forward in the consideration process. Additionally, due to the volume of requests received, not all eligible projects will be successful.

The deadline for submitting appropriations requests to Senator Murkowski's office is March 17, 2023. The application portal can be found here: [FY24 Appropriations and CDS Request Page \(senate.gov\)](#)

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, 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. CDS funding should be one-time funding, requested for a specific project for a specific timeframe. CDS projects should be viewed as a way to jump start or complete an activity – not sustain it over time. Funding should meet an identified community need, and application should demonstrate community engagement and support for the request.

Each of the subcommittees has its own guidance with specific requirements and instructions for submitting programmatic, language, and CDS requests. Not all subcommittees will be accepting CDS requests, so please review each subcommittee's guidance closely

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

The Subcommittee will accept CDS requests for the following accounts:

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

Account Specific Eligibility Information

1. Agricultural Research Service, Building and Facilities (ARS B&F)

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

2. Animal and Plant Health Inspection Service, Salaries and Expenses (APHIS S&E)

- a. Must meet environmental review requirements (i.e. NEPA and ESA).
- b. While the entire S&E account is open for CDS requests, below are the line items within the account that are most compatible with CDS:
 - Field Crop & Rangeland Ecosystems Pests
 - Pest Detection
 - Plant Protection Methods Development
 - Specialty Crop Pests
 - Tree & Wood Pests
 - Wildlife Damage Management
 - Wildlife Services Methods Development
 - Veterinary Diagnostics
 - Equine, Cervid and Small Ruminant Health
- c. 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.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- Wildlife Services – reimbursable service agreements are generally 50/50 cost-share and the States would reimburse for their portion

3. Natural Resources Conservation Service, Watershed and Flood Prevention Operations (WFPO)

- a. CDS recipients for WFPO must have a local sponsor. Eligible local sponsors include any State, political subdivision, soil or water conservation district, flood prevention or control district, or combinations thereof; any irrigation or reservoir company or water users' association; any Indian tribe or tribal organization.
- b. 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.
- c. Projects are required to complete a four-step process including:
 - Preliminary feasibility study (PIFR) o Watershed Plan development
 - Implementation of Watershed Plan
 - Commencement of construction for authorized watershed conservation
- d. If a project is a "new start" it is eligible only for PIFR funding at a level of \$55,000. Offices are encouraged to request funding for projects that are nearing the construction implementation phase.

4. Rural Development, Community Facilities grants

The Community Facilities (CF) Grant program has a match requirement on a sliding scale based on community population size. CF Grants can cover up to 75 percent of the total project costs. Rural Development (RD) will verify an applicant's population size from the 2020 census.

In order to determine whether a project is eligible, the applicant is required to reach out to your State RD office. Contact information for the State RD offices can be found at this link:

<https://www.rd.usda.gov/about-rd/state-offices>.

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

- Maximum of **75 percent** when the proposed project is located in a rural community having a population of **5,000** or fewer
- Maximum of **55 percent** when the proposed project is located in a rural community having a population of **12,000** or fewer
- Maximum of **35 percent** when the proposed project is located in a rural community having a population of **20,000** or fewer

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

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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

CDS requests will be considered outside of the CF state allocations. Therefore, the sole cap that will determine the maximum grant assistance is the match requirement as described above. The average CF CDS project size funded in FY23 was \$1,000,000. When considering which CDS requests to submit to the Subcommittee, this is a good baseline to use.

Funds may not be used for the following activities:

- To reimburse funds for projects already constructed/acquired or projects that will be completed by the passage of the final bill.
- To pay initial operating expenses or annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses (unless a CF loan is part of the funding package).
- To fund facilities to be used primarily for recreation purposes.
- To fund facilities to be used primarily for business entrepreneur purposes.

5. Rural Development, Distance Learning, Telemedicine, and Broadband Program (DLT) 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 Grants and DLT Grants, State RD 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 State RD office and confirmed the proposed project meets the program's eligibility requirements.

Subcommittee on Commerce, Justice, Science, and Related Agencies

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.

The Subcommittee recommends that CDS projects create private sector jobs, advance research and development, or save lives. CJS CDS projects should not be viewed as continuous funding sources and should be distinct from competitive grant opportunities at the relevant agencies.

CDS projects should be viewed as a way to jump start or complete an activity – not sustain it over time. Successful CSD requests will match the project to the authorization or mission of an agency or account and have the support of local officials or communities.

The 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
 - Projects should address standards-related research and technology development. Construction projects will not be accepted
- Department of Commerce; NIST Construction of Research Facilities; Extramural Construction
 - CDS requests will be accepted 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.
- Department of Commerce; National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects
 - Projects should address fisheries, marine mammals, ocean, coastal issues, climate, weather, atmospheric research, data acquisition, and forecasting programs.
 - Construction projects will not be accepted.
- Department of Justice; Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary
 - CDS requests funded in a final bill will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#).
 - Projects should provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems.
 - 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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- **Department of Justice; Community Oriented Policing Services (COPS); COPS Law Enforcement Technology and Equipment**
 - CDS requests will be accepted 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.
- **National Aeronautics and Space Administration; Safety, Security and Mission Support**
 - Projects should focus on science education, research, and technology development related to NASA's mission. Medical research projects and projects at NASA owned Visitor Centers or a State's designated Space Grant Consortium will not be funded. This account cannot fund construction but may be used for equipment, research funding, or education program

Subcommittee on Energy and Water Development

The Subcommittee will only consider CDS requests for items in the following accounts:

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- 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:
 - a. Renewable and Clean Energy
 - b. Electricity and Energy Resiliency
 - c. Cybersecurity and Energy Security
 - d. Nuclear Energy
 - e. 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.

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.
- Successful projects will be in line with current Department of Energy missions that focus on transformative science and technology research, development, and demonstration under the five topic areas listed above. The Subcommittee is more likely to grant requests that are not eligible for funding through tax credits or other federal incentives.
- Further, the Subcommittee will not fund the following projects:
 - Projects that do not follow statutory cost sharing requirements. Statutory cost sharing requirements may apply to these projects, as required by section 988 of the Energy Policy Act of 2005. A step-by-step document explaining the cost share rules according to the Department is included as an addendum to this guidance. In short, the amount of required cost sharing will depend on the scope and technological maturity of the project:
 - Research or development activities of a basic or fundamental nature: no minimum cost share.
 - Research or development activities of an applied nature: minimum 20 percent cost share.
 - Demonstration or commercial application: minimum 50 percent cost share.
 - Some projects may contain elements of more than one of the categories listed above. Therefore, some projects may have a blended cost share
 - Projects that require multiple years of funding.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- 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.

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:

- 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

Subcommittee on Financial Services and General Government

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

- **Small Business Administration, Administrative Provision**
 - Projects in support of small businesses, including but not limited to entrepreneur training, counseling, research, and construction or acquisition of facilities. Please note: SBA CDS funding cannot be used to provide seed capital for small businesses nor can it be used by the CDS recipient to make grants/loans.
- **National Archives and Records Administration, National Historical Publications and Records Commission**
 - Projects that help ensure online public discovery and use of historical records collections, encourage public engagement with historical records, strengthen the nation's archival network, or publish documentary editions of historical records. This includes initiatives like record digitization, programming, and online availability of records.
- **National Archives and Records Administration, Repairs and Restoration**
 - Projects that direct spending for presidential libraries or new archival facilities.
- **General Services Administration, Federal Buildings Fund, Construction and Acquisition or Repairs and Alterations Accounts**
 - Construction projects typically include federal courthouses, federal buildings, or land ports-of-entry. Repairs projects must be federally-owned properties in need of repair or alteration and are typically federal buildings or federal courthouses. Programmatic requests are limited to projects with line items in the GSA Federal Buildings Fund requested by the Administration in the FY24 GSA budget request. Please note: Eligible projects do not include state or county facilities, DOD facilities, VA facilities, or transportation infrastructure facilities. The recently-enacted Infrastructure legislation [IIJA] provided funding to complete all land ports-of-entry projects on GSA planning lists.
- **General Services Administration, Federal Buildings Fund, Repairs and Alterations** – please see above
- **Office of National Drug Control Policy, Administrative Provision (Prevention Grants)**
 - Preferred prevention programs would include community-based coalitions which, as part of their application, propose data-driven, evidence-based prevention interventions; have established measurable objectives; and proposed implementing a comprehensive mix of strategies. Also, DFC-funded coalitions recently trained by CDC to implement Adverse Childhood Experiences (ACEs) as part of their substance use prevention efforts are recommended. Please note: Programs should not be substance specific. Treatment programs are not eligible for CDS under this account.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

Subcommittee on Homeland Security

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

- **Federal Emergency Management Agency, Pre-Disaster Mitigation (PDM) Projects**

- Requested projects must meet the eligibility requirements of the PDM grant program, including the non-federal cost-share requirement, benefit-cost ratio, and environmental and historic preservation requirements. Full requirements can be found in the fiscal year 2022 [NOFO for the “Pre-Disaster Mitigation Grant Program”](#) (the NOFO for FY23 projects is expected to be issued in the coming weeks, but requirements are unlikely to change). For any projects designated for funding in the final fiscal year 2024 Homeland Security Appropriations Act, the state agency responsible for administering mitigation grants in the requestor’s state must submit an application to the Federal Emergency Management Agency, and that entity will serve as the administrative agent for the grant

- **Federal Emergency Management Agency, Emergency Operations Center Grant Program.**

- Requested projects must meet the eligibility requirements of the EOC grant program, including the non-federal cost-share requirement and environmental and historic preservation requirements. Full requirements can be found in the fiscal year 2022 [NOFO for the “Emergency Operations Center Grant Program”](#) (the NOFO for FY23 projects is expected to be issued in the coming weeks, but requirements are unlikely to change). For any projects designated for funding in the final fiscal year 2024 Homeland Security Appropriations Act, the state administrative agency (SAA) must submit an application to the Federal Emergency Management Agency, and that agency will serve as the administrative agent for the grant.

Subcommittee on the Interior, Environment, and Related Agencies

This guidance will use the following abbreviations:

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

The Subcommittee will accept CDS requests within the following programs:

- 1. CW: EPA, STAG, Clean Water SRF, Clean Water CDS**
- 2. DW: EPA, STAG, Drinking Water SRF, Drinking Water CDS**

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

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?

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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?

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.

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: NPS, Historic Preservation Fund Projects

The Historic Preservation Fund (HPF), established to help fund the programs engendered by the National Historic Preservation Act (Public Law 89-665; 54 USC 300301 et seq.), was designed to preserve historical and archaeological sites in the United States of America. The Subcommittee anticipates that most requests will be made within the HPF for the Save America's Treasures (SAT) program. All HPF grantees, including successful CDS recipients, must meet standards set by the Secretary of the Interior and comply with the audit requirements, and each successful CDS recipient funded in a final bill must complete an application through grants.gov. The Subcommittee will accept CDS requests for non-formula funded activities within HPF that meet the qualifications of HPF programs. Please note that acquisitions of collections or historic properties are not eligible under the HPF. For more information, please visit [here](#). The maximum project amount is \$500,000.

1. What type of entity is the recipient (e.g., non-profit organization, state or local government, educational institution, federally-recognized Indian Tribe, Alaska Natives, or Native Hawaiian organizations)? Please specify.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

2. Has the project received a previous federal grant in the past? For SAT, previous projects can be viewed here: NPS SatMap. Please answer one of the following: YES and note the year, the amount, and the federal program; or NO.
3. If the request is for SAT, does the recipient have in place, or a plan to provide, the one-to-one match with non-federal cash and/or in-kind contribution? Please answer YES, NO, or N/A.
4. Would the requested project fund an eligible activity under the HPF? For example, for SAT, please visit here. Please answer YES or NO

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

The State and Private Forestry account provides technical and financial assistance grants to non-federal forest landowners, including state, Tribal, and local governments. Activities within this account include forest health management, cooperative fire protection, wood innovation, and urban and community forestry. Project requests should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan.

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

6. Projects on Agency Lists

Funding for projects included in the fiscal year 2024 President's budget request should be submitted with the Member office's programmatic requests if the request is for funding at or below the President's budget request level. The Subcommittee will only consider CDS requests for projects that are not included in the President's budget request or for funding levels that are above the amounts provided in the President's budget request. The Subcommittee will have a strong preference for projects included on agency-submitted priority lists.

1. LWCF: Great American Outdoors Act, Land and Water Conservation Fund
 - BLM, Land Acquisition
 - FWS, Land Acquisition
 - NPS, Land Acquisition

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- USFS, Land Acquisition
- USFS, Forest Legacy
- 2. 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
- 3. 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

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

“Other” -- you must answer each of the 16 questions below for ALL requests in these accounts.

7. Land Management Agencies, Local Projects and Research

In order for requests to be considered within this category, they must be relevant to the specified mission area within the bureaus listed below and contribute to responsible stewardship of land, wildlife, and recreation resources or contribute to priority research areas that inform stewardship of those resources. Proposed projects should contribute to local, state, and federal efforts to benefit species, habitat, and/or enhanced stewardship of land and water resources. Project funding is not intended to primarily fund annual operations and maintenance of existing programs at the state, federal, or local level.

1. BLM, Management of Land and Resources, Land Management Priorities – project requests may be considered for activities related to wildlife and aquatic habitat management.
2. 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.
3. FWS, Resource Management, Stewardship Priorities – project requests may be considered for fish and aquatic conservation, habitat conservation, recovery, and restoration activities.
4. 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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

honor the commitment to invest in Tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective Tribal governance, and conserve natural resources.

- 9. EPA, Science and Technology, Research: National Priorities** -- Project requests may be considered for high priority lines of research related to environmental quality and/or human health.
- 10. EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants** -- Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

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

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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

The Subcommittee will accept requests for CDS in the accounts noted below. CDS requests should fund local projects that further the missions of LHHS agencies. In an effort to promote transparency and facilitate consideration of CDS requests, 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.

Eligible CDS Accounts

The Subcommittee will only accept CDS requests in the following accounts:

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

Required CDS Project Information

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

- **Agency or Account** – Projects will only be funded from the accounts listed above.
- **Recipient Name** – Name of the legal entity that would receive the CDS funding. If funded, this must match the name of the organization that eventually applies for funding from the relevant agency.
- **Project Name** – Unique name of the project to easily identify and distinguish the project.
- **Project Purpose** – Brief description of the project (no more than 1-2 sentences). More detailed information should be provided in the Project Detail field.
- **Project Detail** – A detailed summary of the project, which must include the total and major categories of spending for the CDS project accompanied by a short narrative for how each major category of spending supports the Project Purpose. While this must explain how specifically the funding will be spent (i.e. \$X for salaries; \$X for equipment; etc.), simply noting how much is for “salaries” is not sufficient – it must

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

include a description of how the funding supports the project's purpose and goals (e.g. what the people will be doing, what the equipment will be used for, etc.). The most common obstacle to determining if a project is eligible for funding is a lack of specific information on how the funding will be used. Finally, all necessary information must be included in this field and not rely on references to separately-provided supporting materials. More words are not always better, the focus should be concisely providing the necessary information.

- **Recipient Address, City, and State** – Address for the legal entity that will receive the CDS funding.
- **Recipient Point of Contact Name, Phone Number, and E-mail Address** – Information for at least one and preferably two contacts at the recipient organization. If a project is ultimately funded, these will be the individuals the agency reaches out to regarding the project. Under no circumstances should a registered federal or State lobbyist be listed as the point of contact. The points of contact must be individuals employed by or affiliated with the organization that would administer the federal funds.
- **Tax Identification #** – Tax Identification Number for the recipient.

Detailed Information on Eligible CDS Accounts: LHHS will accept CDS requests for the following activities:

DEPARTMENT OF LABOR

Employment and Training Administration (ETA)

CDS requests under ETA (through the Workforce Innovation and Opportunity Act (WIOA) demonstration authority) should clearly articulate a project purpose and be focused on meeting the employment and training needs of workers. Generally these projects should include direct services which could include career services, training services (including work-based training), supportive services, and other permissible services, as they are defined in WIOA¹. Typical activities include training unemployed individuals to increase their skills and obtain employment and enhancing the skills of incumbent workers to get higher-paying jobs.

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

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

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

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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration (HRSA)

CDS requests within HRSA should be submitted through the Program Management account and must fall under one of the following categories:

- **Health Facilities Construction and Equipment**—CDS requests for the cost of limited-scope construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research. Examples of eligible facilities include hospitals, health centers, and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories. In addition to construction and renovation, CDS funding can be used to acquire capital equipment, such as lab equipment, x-ray machines, or telehealth and information technology. The Committee will not consider a CDS request for federal funding within this account that exceeds \$15 million. Equipment-only CDS requests—that is, requests not involving construction—are permissible. Generally, any equipment having a useful life of more than one year and a unit cost of at least \$5,000 will be eligible as capital equipment. In addition, equipment with lower costs may also be eligible, provided that it is treated as an item of capital expense under the recipient institution’s pre-existing, written accounting policies. Equipment expenses for health information systems and electronic medical records systems are permitted expenditures. The costs of expendable supplies such as pharmaceuticals, lab chemicals, or office paper are not eligible.

HRSA Health Facilities funding cannot be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. Funding cannot be used to pay for work previously completed. CDS requests can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies or planning and design.

- **Rural Health**—CDS requests for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. CDS funds can be used for services only in areas that meet HRSA’s definition of rural. For lists of eligible rural areas and further information regarding that definition, see: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>. 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)

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

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

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

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

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

Administration for Children and Families (ACF)

CDS requests within ACF should be submitted through the Children and Families Services Programs account and must fall under one of the following categories:

- **Child Abuse Prevention**—projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance. Projects must serve or target abused and/or neglected children and their families.
- **Social Services Research and Demonstration**—projects to promote the ability of families to thrive through financial self-sufficiency in order to reduce poverty and to promote the healthy development and greater well-being of children and families. Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.

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

Administration for Community Living (ACL)

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

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

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

DEPARTMENT OF EDUCATION

Innovation and Improvement

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

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

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

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

Higher Education

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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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

CDS funding within FIPSE cannot be used for endowments, or for the construction or renovation of facilities, except in the case of minor remodeling or minor alterations in a previously completed building, for example as part of technology upgrades.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

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

Cost-Share requirements for CDS. All DOT CDS projects will have a non-Federal cost-share requirement, consistent with the authorized program. The cost share may vary by State and by type of project, and it is recommended that you consult with DOT for the cost-share requirements of any specific project. HUD CDS projects do not require a cost share.

CDS Eligible Accounts. THUD will accept CDS requests in the same seven accounts as FY 2023 as follows:

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

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

For all THUD CDS accounts, Members are required to provide the following information:

- **Project Name** – this should be a unique name of the project meant to easily identify and distinguish the project (e.g. “Electrification of Burlington Bus Route 40”, or “ABC Affordable Housing Development”).
- **Project Purpose** – this should include the project name and a very short explanation of what the project will do (e.g. “Electrification of Burlington Bus Route 40 to improve transit service along a corridor and reduce carbon emissions”, or “ABC Affordable Housing Development to construct senior housing for the ABC”).
- **Project Website** – this should be a link to the relevant planning document for the project: the airport master plan for AIP and F&E, the Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) for HIP and TIG, the State Rail Plan for CRISI, or the project website or relevant planning

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

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, the results and benefits it will provide, a breakdown of costs, 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).
- **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 IRS 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 the relevant agency for purposes of administering projects and will not be made public. This point of contact **cannot** be a lobbyist or 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 implementation delays for the CDS recipient.

TPR&D.

- Applicants can request CDS within the TPR&D account for transportation research projects eligible under title 23 or title 49 of the United States Code. Planning for specific local highway, transit, or rail projects that are eligible under HIP, TIG, or CRISI should NOT be included in this account.
- Applicants are 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>).
- NOTE: As AIP CDS follows the existing AIP statute, the Federal cost-share requirements still apply to CDS. For large and medium primary hub airports, CDS can cover 75 percent of eligible costs (or 80 percent for noise program implementation). For small primary, reliever, and general aviation airports, CDS can

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

cover a range of 90-95 percent of eligible costs, based on statutory requirements.

- Applicants 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.
- Applicants are required to provide a link to the airport master plan that includes the requested project.
- Applicants 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.

FAA Facilities and Equipment (F&E).

- Applicants can request CDS within the FAA F&E account but **only** for terminal air traffic control tower facility replacement projects eligible under part A of subtitle VII of title 49, United States Code.
- Applicants are required to provide the Project Name, Project Purpose, Project Website, Project Detail, Member's Request Amount, Total Project Cost, Location of the Activity, and Project Recipient Information.
- Applicants are required to provide a link to the airport master plan.
- Applicants are required to provide a statement of why the tower needs to be replaced.
- Applicants are required to provide the age of the tower, number of enplanements, operational line of sight issues, other related infrastructure work not covered by the cost of replacing the air traffic control tower (roads, utilities, etc.), and any other information to justify the project. In addition, the project detail is required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. Member requests should provide information on how the CDS funding will ensure completion of a project or segments of a project, including the total cost of the project, the CDS funding amount, and any other identified sources of funding.

Highways (HIP).

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

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- Applicants are required to provide a link to the STIP or TIP that includes the requested project.
 - Consistent with FY 2023, 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.
- Applicants are required to include the status of the planning and environmental work so the Subcommittee can assess the readiness of the project.
- Must provide the STIP or TIP ID number for the project as it appears in the STIP or TIP included
- Applicants should also provide a description of all other sources of funding contributing to the total cost of the project.

Transit (TIG).

- Applicants can request CDS within the TIG account for transit projects eligible under chapter 53 of title 49, United States Code.
- Applicants 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.
- Applicants are required to provide a link to the STIP or TIP that includes the requested project.
- Applicants are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project. In addition,
- Members should provide the STIP or TIP ID number for the project as it appears in the STIP or TIP
- Should also provide a description of all other sources of funding contributing to the total cost of the project.

Rail (CRISI).

- Applicants can request CDS within the CRISI account for rail capital projects eligible under section 22907(c) of title 49, United States Code.
- Applicants 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.
- Applicants are required to provide a link to the State Rail Plan that includes the requested project.
- Applicants are required to provide the status of the planning and environmental work so the Subcommittee can assess the readiness of the project.
- Applicants should also provide a description of all other sources of funding contributing to the total cost of the project.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

Economic Development Initiatives (EDIs).

- Applicants can request funding for EDIs within the “Community Development Fund” account for activities eligible under section 5305 of chapter 69 of title 42, United States Code, as well as for affordable housing construction.
- The Committee encourages Member offices to pursue projects that address affordable housing, community services, and economic development. Examples of eligible EDI projects include, but are not limited to:
 - Acquisition of real property (land, water rights, buildings);
 - Construction of new affordable housing;
 - Blight removal or remediation; and,
 - Construction, rehabilitation, and improvements of public facilities (except buildings for general conduct of government), such as neighborhood centers, parks, and shelter for persons having special needs such as survivors of domestic violence and the homeless.
- EDIs are expected to fall into one of three National Objectives: (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.
- EDIs are subject to other Federal requirements including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, the National Environmental Policy Act (NEPA), HUD’s NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, and all appropriate Federal environmental and historic preservation laws, regulations, and Executive Orders.
 - To review HUD’s current implementation of the EDI program and the applicable Federal requirements, please see HUD’s EDI landing page: https://www.hud.gov/program_offices/comm_planning/edi-grants
- Reimbursement of expenses incurred prior to the enactment of a final FY24 appropriations bill is not permitted.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies

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. Requests to adjust spending for programs operating within larger accounts are acceptable.
- **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 FY23 enacted 2 bill or exceeds the level included in either document (whichever is higher).

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.

Fiscal Year 2024 Appropriations Requests: Subcommittee Guidance

- **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.
- **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. CDS eligibility is further limited by the executability of funding. Eligible major military construction projects must be:
 - Authorized in the Fiscal Year 2024 or prior year National Defense Authorization Act;
 - At 35% design or higher with a DD 1391*; and
 - Prepared to award a contract in Fiscal Year 2024.

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