

## Congressionally Directed Spending Requests Guidance

On April 26, 2021, the Senate Appropriations Committee announced that Congress would restore – on a bipartisan basis – the authority to approve Congressionally-Directed Spending items for appropriations bills for the fiscal year with enhanced transparency and accountability

Congressionally Directed Spending (CDS) is generally defined as a spending provision in federal appropriations legislation included primarily at the request of a Member of Congress providing, authorizing, or recommending a specific amount of discretionary funding to a specific State, locality, or Congressional district for a specific purpose.

Under current rules, the entity submitting a CDS request must be a state or local unit of government, or a nonprofit organization. Each project request must meet statutory requirements for the federal program through which it is funded, along with additional Senate Appropriations Committee requirements outlined below.

Please consider this guide and the frequently asked questions as a starting point. We can provide specific assistance with your submission and help answer any questions you may have. For any questions about the CDS process not covered in this guide, please email [cdsrequests@king.senate.gov](mailto:cdsrequests@king.senate.gov)

**The deadline for submitting FY 2023 CDS requests to Senator King's office is 5pm, Friday, April 15, 2022.** This deadline may be extended pending the outcome of the FY22 appropriations process.

### Congressionally Directed Spending Requirements

In reviewing member requests for CDS items, the Senate Appropriations Committee will implement Rule XLIV of the Standing Rules of the Senate. Rule XLIV, requires rigorous procedures for accountability and transparency, such as:

- **No Member Financial Interest**: The rules forbid any member from pursuing a CDS item to further his or her financial interest, or that of his or her immediate family. Each member requesting a CDS item must certify in writing that there is no such interest and make that certification available to the public.
- **Request in Writing**: Any member requesting a CDS item must do so in writing, including the Member's name, the name and location of the intended recipient, and the purpose of the spending item.
- **Committee Consideration**: When reporting legislation containing CDS items, the Committee is required to make each item publicly available online in a searchable format as soon as practicable after the mark up (including the name of each Member requesting the item).
- **Disclosure Before Floor Consideration**: The rules prohibit a vote on a motion to proceed to a bill or a vote on adoption of a conference report, unless the chair of the committee, certifies that a complete list of CDS items has been publicly available for at least 48 hours.

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- Point of Order Against New Projects in Conference Reports: A point of order may be raised against a provision of the conference report if it includes a CDS item that was not included in either the Senate or House bills.

In addition to these important requirements, the Senate Appropriations Committee will enhance the existing Senate procedures for CDS items with reforms as follows:

- Institute a 1 percent cap on discretionary spending for CDS items;
- Ban CDS items to for-profit entities;
- Require Senators to post online their CDS item requests, as well as their financial certification disclosures attesting that they do not have any financial interest in any of the items requested; and
- The Committee will require the Government Accountability Office to audit a sample of enacted CDS items and report its findings to Congress.

### **Letters of Interest:**

Senator King's staff is available to provide feedback and to discuss proposals for FY23 CDS consideration before submission. A letter of interest, including a short description of the project and a general budget for the proposal *may be* submitted via email to [cdsrequests@king.senate.gov](mailto:cdsrequests@king.senate.gov), and a staff member will contact you to discuss your proposal.

### **Submitting a CDS Request**

#### **Determine project eligibility:**

- A limited number of federal funding streams (known as “accounts”) are eligible for CDS. This guide includes a list of eligible accounts that were supported in the FY22 process with brief descriptions and requirements for your review (see below).
- If you identify an account that may be a fit for your project, please reach out for more detailed information about eligibility via email [cdsrequests@king.senate.gov](mailto:cdsrequests@king.senate.gov).
- The list of eligible accounts is subject to change pending instructions from the Appropriations Committee for the FY23 appropriations process. Senator King's CDS website will be updated accordingly when the FY23 guidance is available.
- To the extent you submit an application for a CDS project in an account that is no longer eligible once the FY23 guidance has been released, a member of Senator King's staff will reach out to you.

#### **Gather necessary documentation:**

- The Senate Appropriations Committee requires a significant amount of information in order to properly vet CDS submissions. Quality, complete, and accurate responses are essential to advancing your request.
- Requirements will include:

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- Information about the requesting entity, including a tax id number and confirmation of government or non-profit status.
  - Full description of the project and a justification for use of federal funds.
  - Full description of the project's budget, including total project cost, amount requested, and use of any additional funding streams. A standard, detailed budget form for the project request is available [here](#). Plans to meet project matching requirements, if applicable.
  - Certification that no individual associated with the project has any pecuniary interest in the project
  - Demonstration of strong community support and engagement with the project.
    - Examples include but are not limited to: letters of support from elected officials; city or town council resolutions; press articles highlighting need for the project; support from newspaper editorial boards; and state or local planning documents referencing the project.
  - Additional information specific to the account eligibility (see account list below).
- Senator King will also be required to certify that neither he nor his immediate family have a financial interest in the project and that project requests are from eligible entities.

### Submit the request through our online form:

- The deadline for submitting CDS requests to our office is 5pm on **Friday, April 15, 2022**. This deadline may be extended pending the outcome of the FY22 appropriations process.
- You can access the submission form on our website at <https://www.king.senate.gov/cds>
- We encourage you to review the questions and prepare answers ahead of time; **the form will not save your answers if you close out before submitting.**

Please note that the CDS requests selected for submission by Senator King will be made public to ensure transparency and accountability. **Submission of any CDS request should not be construed as a guarantee that funding will be requested or awarded.**

### Disclaimer:

Please note that any CDS requests are for informational purposes only and are not an application for federal funding. Submission of such requests does not constitute a binding commitment on any party nor a guarantee that any organization will be awarded funding from any federal agency through this process. Furthermore, the submission, review, and approval of applications for federal funding will be carried out consistent with federal agency rules and regulations.

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## Frequently Asked Questions

### **I think this account may be a good fit for my project. What's next?**

Senator King's staff is available to discuss eligibility requirements, give examples of past successful requests, and provide feedback for FY23 CDS request consideration before submission. A letter of interest, including a short description of the project and a general budget for the proposal *may be* submitted via email to [cgsrequests@king.senate.gov](mailto:cdsrequests@king.senate.gov), and a staff member will contact you to discuss your proposal.

### **Can I request funding for "bricks and mortar"?**

It depends on the account. Limited exceptions include the Economic Development Initiative under the Department of Housing and Urban Development (HUD), Facilities Construction under the Health Resources and Services Administration (HRSA), and Rural Development Community Facilities Grants under the Department of Agriculture (USDA).

### **Do all accounts have matching requirements?**

No. It varies depending on the statutory requirements for each account, which all CDS requests will be expected to meet.

### **How important are examples of community engagement?**

Demonstrating community support for your project is critical to a successful submission.

### **How much funding should I request?**

Ultimately, this will vary by account. We can provide examples of past successful requests and help provide guidance on an appropriate range. Generally, you should not request more assistance than you need or can realistically be provided or spent in the upcoming fiscal year (FY23).

### **If my project is funded, will I receive the full amount I requested?**

It depends on the availability of funding and competitiveness of the project requests in each account. There are circumstances where you may receive a portion of the requested amount.

### **Should I submit my request to multiple members of the Maine delegation?**

We encourage you to submit project requests to each of the delegation offices and reach out to other members in the Congressional delegation for more information on their submission process. Please know that the entire delegation is committed to coordinating efforts to secure funding for Maine-based projects.

### **How will you choose which projects to submit to the Committee?**

We anticipate the CDS process to be very competitive. Our office will likely receive many more eligible and worthy requests for funding than we can ultimately support. Our process will

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prioritize requests that fulfill each requirement and provide strong justifications for the need for federal funding.

### **If you submit my request to the Committee, will it be approved? When will I know?**

We are expecting the overall the CDS process to be very competitive. Therefore, we can't be certain that submissions will be included in appropriations legislation ultimately signed into law. We encourage you to explore other funding sources in addition to your CDS request and are available to provide assistance. Our office is happy to discuss additional federal funding resources and opportunities.

The Senate is expected to begin consideration of FY23 appropriations bills later this year. Though FY23 federal government funding must be approved by October 1, final negotiations often stretch beyond that date. Please keep in mind that, even if your project is supported in the Senate and/or House-passed appropriations bill, the funding level is subject to change until the final conference report is signed into law.

### **What if I miss your request deadline?**

Given that we will have very limited time to consider requests before our final submissions to the Committee are due, we will likely not be able to accept requests after our **5pm, April 15, 2022** deadline. This deadline may be extended pending the outcome of the FY22 appropriations process and any new deadline will be posted on Senator King's CDS website.

### **Are Congressionally Directed Spending submissions publicly disclosed?**

Yes, there are significant transparency requirements for CDS submissions. Information about each of our submissions will be posted on our website, along with a certification that Senator King and her immediate family have no financial interest in the project. CDS amounts will also be listed prominently within the legislation and throughout the appropriations process.

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## **Congressionally Directed Spending Eligible Accounts**

NOTE: Accounts are subject to change for Fiscal Year 2023; the following accounts were eligible for CDS requests in Fiscal Year 2022.

### **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies:**

- **Animal Plant Health Inspection Service, Salaries and Expenses (APHIS)**
  - Must meet environmental review requirements
- **Natural Resources Conservation Service, Conservation Operations (NRCS)**
- **Watershed Flood Prevention Operations (WFPO)**
  - Program sponsors must contact NRCS state office and the proposal must meet all program requirements, including financial requirements
- **Rural Development, Community Facilities grants**
  - These funds (up to 75% of total project costs) help to purchase, construct, or improve essential community infrastructure like health care facilities, public

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facilities, public safety measures, or educational services. Matching required on graduated scale based on population and median income.

- **Rural Development, Distance Learning, Telemedicine, and Reconnect grants**
  - These funds facilitate broadband deployment in rural areas. Funding can be used for construction, improvement, or acquisition of facilities and equipment needed to provide broadband service to rural areas without sufficient broadband access. 25% matching requirement
  - Must meet eligible entity, use, and limitation requirements under [7 CFR Part 1734 Subpart A and B](#)
- Eligibility Question: If your project requires matching fund or other cost share requirements is the project sponsor able to meet those financial obligations?

### Commerce, Justice, Science, and Related Agencies:

- **Department of Commerce; National Institute of Standards and Technology (NIST); Scientific & Technical Research Services (STRS); External Projects**
  - standards-related research and technology development
- **Department of Commerce; NIST; Construction of Research Facilities.**
- **Department of Commerce; National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Projects**
  - Funds research, demonstration, or education projects performed by external partners and may be used to prioritize geographically specific projects. Eligible NOAA programs include Sea Grant, Research Labs, Ocean Exploration and Research, Ocean Acidification, and Global Ocean Monitoring and Observation
  - Includes fisheries, marine mammals, ocean, climate, weather, and atmospheric research and programs
- **Department of Justice; Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary**
  - These grants assist state, local, and tribal law enforcement to prevent crime, improve the criminal justice system, and provide support services. Support for personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems.
  - Subject to requirements under [2 CFR Part 200](#) and [DOJ Grants Financial Guide](#)
- **Department of Justice; Community Oriented Policing Services (COPS); COPS Law Enforcement Technology**
  - These grants help state, local, and tribal law enforcement develop and acquire technologies to prevent, investigate, and respond to crime.
  - Limited to allowable purpose areas under the [COPS Office statute](#)
- **National Aeronautics and Space Administration (NASA); Safety, Security, and Mission Support**

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- This funding helps manage NASA, assists with operation and maintenance of NASA Centers and facilities, and provides oversight for all NASA programs, including science education, research, and technology development related to NASA's mission

### **Energy and Water Development, and Related Energies:**

- **Army Corps of Engineers**
  - Investigations: Funds for authorized projects and programs, preconstruction engineering and design work
  - Construction: Funds construction, reconstruction, continuing authorities programs, environmental infrastructure assistance, major rehabilitation, dam safety assurance, dredge material disposal facilities, and deficiency correction of authorized projects and programs
  - Operations & Maintenance: Funds operation and maintenance of infrastructure and navigation improvements for authorized projects and programs managed by the U.S. Army Corps of Engineers.
  - Mississippi Rivers & Tributaries: Funds authorized projects and programs on the Mississippi River main stem and its tributaries.
- **Bureau of Reclamation: Water and Related Resources**
  - Funds construction and maintenance of authorized projects and programs for the majority of the large dams and water diversion structures in the 17 conterminous U.S. states west of the Mississippi River. authorized projects and programs
- **Energy Efficiency and Renewable Energy (EERE)**
- **Office of Electricity (OE)**
- **Office of Cybersecurity, Energy Security, and Emergency Response (CESER)**
- **Office of Nuclear Energy (NE)**
- **Office of Fossil Energy (FE)**

### **Financial Services and General Government:**

- **Small Business Administration (SBA), Administrative Provision:**
  - Funds support for small businesses, such as entrepreneur training, workforce development, counseling, research, and construction or acquisition of facilities. Eligible project recipients must be other units of government or nonprofit organizations.
- **National Archives and Records Administration, National Historical Publications and Records Commission**
- **National Archives and Records Administration, Repair and Restoration**
- **General Services Administration, Federal Buildings Fund, Construction and Acquisition**

### **Homeland Security:**

- **FEMA - Pre-Disaster Mitigation (PDM) Grants**
  - Funds support state and local governments, tribes, and territories through capacity

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and capacity-building to enable them to identify mitigation actions and implement projects that reduce risks posed by natural hazards and provide a significant opportunity to reduce future losses.

- Must meet the [eligibility requirements](#) of FEMA Notice of Funding Opportunity for Building Resilient Infrastructure and Communities (BRIC) grant program, including the cost share requirement, benefit cost ratio, and environmental and historic preservation requirements. All projects applications must be accompanied by a letter of support from the appropriate state agency affirming project eligibility
- **FEMA - Emergency Operations Center (EOC) Grants**
  - Funds emergency management improvement and preparedness capabilities.
  - Must meet the [eligibility requirements](#) of the FEMA Notice of Funding Opportunity for Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements
  - All project applications must be accompanied by a letter of support from appropriate state agency affirming project eligibility

### Interior, Environment, and Related Agencies:

- **Environmental Protection Agency (EPA), State and Tribal Assistance Grants, Water and Wastewater Infrastructure**
  - Funds wastewater and drinking water infrastructure projects on a state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan (IUP), including construction of and modifications to municipal sewage treatment plants and drinking water treatment plants. Requires minimum 20% cost share.
  - Eligibility Question: For Waste and Wastewater Infrastructure State and Local Projects, is the project on the state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan?
  - Eligibility Question: For Waste and Wastewater Infrastructure State and Local Projects, if the answer to the above question (Q1) is NO, is the project eligible under SFR guidelines?
  - Eligibility Question: For Waste and Wastewater Infrastructure Tribal Projects, is the project on the HIS Sanitation Deficiency System list?
  - Eligibility Question: For Waste and Wastewater Infrastructure Tribal Projects, if the answer to the above question (Q3) is NO, is the project eligible under the Criteria for the Sanitation Facilities Construction Program?
- **National Park Service, Historic Preservation Fund**
  - properties or collections must be otherwise eligible for HPF grants
  - Eligibility Question: For the Historic Preservation Fund, if the request is for a property, does the property meet the HPF program requirements of being listed, at



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the appropriate level, for the National Register of Historic Places or as a National Historic Landmark individually or as contributing to an historic district?

- **U.S. Forest Service, State and Private Forestry, Forest Resource Information and Analysis**
  - These funds provide technical and financial assistance to improve the management, protection, and utilization of America’s forests.
  - Requests must meet USFS eligibility requirements for the appropriate grant program
  - Requests should be part of the state’s Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan
  
  - Eligibility Question: For USFS State and Private Forestry (SPF), is this project part of or contribute to the state’s Forest Action Plan?
  
- **Land and Water Conservation Fund:** Funds the federal acquisition of lands and water for conservation and/or encouragement of outdoor recreation. Land acquisition project requests funded from the LWCF should be requested through the agency that would manage the land being acquired.
  - BLM, Land Acquisition
  - FWS, Land Acquisition
  - NPS, Land Acquisition
  - USFS, Land Acquisition
  - USFS, Forest Legacy
  
- **Legacy Restoration Fund**
  - BLM, Legacy Restoration Fund
  - FWS, Legacy Restoration Fund
  - NPS, Legacy Restoration Fund
  - BIE, Legacy Restoration Fund
  - USFS, Legacy Restoration Fund
  
- **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
  
- Eligibility Question: For Land and Water Conservation Fund (LWCF), Legacy Restoration Fund (LRF), or Land Management Agency Construction (LMCON), is the project on the relevant list provided by the administration?
  
- **Land Management Agencies, Local Projects and Research**
  - BLM, Management of Land and Resources, Habitat Management Priorities
    - Activities related to wildlife and aquatic habitat management
  - NPS, National Recreation and Preservation, Statutory and Contractual Aid
    - Activities relating to operating, managing, and preserving resources, including as authorized by law
  - FWS, Resource Management, Stewardship Priorities

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- Fish and aquatic conservation, habitat conservation, recovery, and restoration activities
- USGS, Surveys Investigations and Research, Status and Trends
  - High priority and core science research, and ecosystem and water resources related activities.
- **Bureau of Indian Affairs, Operation of Indian Programs, Special Initiatives**
  - Invest in tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective tribal governance, and conserve natural resources
- **EPA, Science and Technology, Research: National Priorities**
  - High priority lines of research related to environmental quality and human health
- **EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants**
  - Projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

### Labor, Health and Human Services, and Education, and Related Agencies:

- **Department of Labor (DOL) Employment and Training Administration**
  - This program funds projects related to the Workforce Innovation and Opportunity Act, including sector-specific job training programs, youth training, and workforce services for formerly incarcerated individuals.
  - Projects must meet all WIOA requirements and must: 1) Include direct services to individuals to enhance employment opportunities; 2) Demonstrate evidence of a linkage with the State or local workforce investment system; and 3) Include an evaluation component.
- **Health and Human Services (HHS) Health Resources and Service Administration (HRSA) Program:** Funds a wide range of health care infrastructure and delivery projects, including construction and renovation of facilities, capital equipment acquisition, education for health care professionals, expansion of rural health care access, and telemedicine. Eligible entities include non-profit hospitals; health centers and clinics; skilled nursing facilities; behavioral health providers; medical education providers; and medical research laboratories.
  - Health Facilities Construction and Equipment:
    - Construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research
  - Health Professions Education and Workforce Development:
    - Improve education and training of health care professionals
  - Rural Health:
    - 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
    - Used for services only in areas that meet [HRSA's definition of rural](#)
- **Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) Health Surveillance and Program Support:** Funds

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programs to improve prevention, treatment, and recovery services related to mental health and substance use.

- Mental Health:
  - Programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- Substance Abuse Treatment:
  - Programs to improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- Substance Abuse Prevention:
  - Programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use
- **Administration for Children and Families**
  - 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
  - Social Services Research and Demonstration
    - Projects to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families
- **Administration for Community Living – Aging and Disability Services Programs**
  - Improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities
- **Department of Education Innovation and Improvement – Fund for the Improvement of Education (FIE)**
  - Funds programs to provide early childhood or K-12 educational services including, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, special education services, arts education, social and emotional learning activities, full-service community schools, and early childhood education
  - Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities
- **Rehabilitation Services – Demonstration and Training**
  - Projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services.
- **Department of Education, Higher Education – Fund for the Improvement of Postsecondary Education (FIPSE)**
  - Funds programs to support improving access to, or the quality of, postsecondary education. May include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with

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- school districts, and establish research and training centers.
- Eligible grantees are colleges and universities and include other public and private nonprofit organizations.

### **Military Construction and Veterans Affairs, and Related Agencies:**

- 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
- Eligibility Questions:
  - Does this project appear on the Future Years Defense Program (FYDP) list?
  - Does this project appear on the Unfunded Requirements/Priorities List (UFR/UPL)?
  - Does this project appear on the Cost-to-Complete (CTC) list?
  - Does this project have a DD1391?
  - Has this project reached the 35% design milestone?
  - Is this project previously authorized or has it been submitted to the Senate Armed Services Committee for consideration?
  - If this project was funded last year, please have the funding amount available

### **Transportation, Housing and Urban Development (HUD), and Related Agencies:**

- **Department of Transportation Planning, Research, and Development (TPR&D) for transportation research projects**
  - Projects must be eligible under title 23 or title 49, United States Code
- **Department of Transportation (DOT) Airport Improvement Program (AIP)**
  - Funds for airport capital projects to improve airports, including enhancing safety, capacity, and mitigating environmental concerns. Eligible projects must meet the requirements of the Airport Improvement Program.
  - Projects must be eligible under chapter 471 of title 49, United States Code
- **Highway Infrastructure Programs (HIP) for highway capital projects**
  - Projects must be eligible under title 23, United States Code
- **Transit Infrastructure Grants (TIG) for transit capital projects**
  - Projects must be eligible under chapter 53 of title 49, United States Code
- **Consolidated Rail Infrastructure and Safety Improvement Program (CRISI) for rail capital projects**
  - Projects must be eligible under section 22907 of title 49, United States Code
- **Housing and Urban Development (HUD) Economic Development Initiatives (EDI) for economic development projects**

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- Funds for economic and community development activities, including land or site acquisition, demolition or rehabilitation of housing or facilities, construction, and capital improvements of public facilities. Units of government, not-for-profits, public housing agencies, tribes and tribally designated housing entities are eligible. While these specific projects do not have a matching requirement, other projects associated with a larger development effort may have one.
- Projects must be eligible under chapter 69 of title 42, United States Code.
- Requirements in this account (as relevant):
  - THUD Airport Code Required
  - THUD State Transit Agency Required
  - THUD Total Project Cost Required