# FY 23 Community Project Funding Guidance and Accounts

**General Committee Rules:**

In reviewing member requests, the Senate Appropriations Committee will implement Rule XLIV of the Standing Rules of the Senate. The following rules will also apply:
- 1 percent cap on discretionary spending for community projects;
- No community projects to for-profit entities;
- Require Senators to post online their community project 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 requests and report its findings to Congress.

**Additional Guidance from Senators Cortez Masto and Rosen:**

*Nonprofits:*
Senators Cortez Masto and Rosen will not accept project requests in which a nonprofit is the applicant.

Nonprofits wishing to participate should partner with a public entity such as a local government as the project sponsor. The public entity should demonstrate substantial commitment to the project. Any project in which a nonprofit and a public entity are partnered should meet with the Senators' staffs to discuss before submitting.

*Submitting Projects:*

In general, we recommend that any projects be submitted in identical fashion to both offices. The Senators and staff review each request collaboratively.

**NOTE: Accounts are subject to change for Fiscal Year 2023; these accounts were eligible for project requests in Fiscal Year 2022.**

**Agriculture, Rural Development, FDA**

Animal Plant Health Inspection Service, S&E (APHIS)

Projects must meet environmental review requirements (i.e. NEPA and ESA). While the entire S&E account is open for CPF requests, below are the line items within the account that are most compatible with CPF:

- 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
- A few APHIS programs have matching requirements: Grasshopper/Mormon Cricket, Brucellosis, Wildlife Services

Natural Resources Conservation Service, Conservation Operations (NRCS)

NRCS's natural resources conservation programs help people reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters.

Watershed Flood Prevention Operations (WFPO)

Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project. There are several financial and programmatic requirements in WFPO that should be reviewed.

Rural Development, Community Facilities Grants

This program will fund up to 75% of total project costs, with match requirements based on area median income and population as follows:

- Maximum of 75 percent when the proposed project is located in a rural community having a population of 5,000 or fewer; and the median household income of the 4

proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.

- Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 70 percent of the State nonmetropolitan median household income.
- Maximum of 35 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 80 percent of the State nonmetropolitan median household income.
- Maximum of 15 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 90 percent of the State nonmetropolitan median household income.
- Maximum grant assistance cannot exceed the lower of: Qualifying percentage of eligible project cost determined above
- Either 50 percent of the annual State allocation or $50,000, whichever is greater

Must meet environmental review requirements (i.e., NEPA)  Full list of eligible entities, uses, and limitations can be found in 7 CFR Part 3570.

Rural Development, Distance Learning, Telemedicine, and Broadband

- 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 at 7 CFR Part 1734 Subpart A and B.
- USDA will establish the maximum and minimum amounts of a grant to be made available to an individual recipient for each fiscal year in the RUS DLT Program Application Guide and in the funding opportunity posted on www.Grants.gov on an annual basis.

**Commerce, Justice, Science**

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.

Construction projects for non-Federal research facilities 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 able to be supported on an annual basis.

Department of Commerce; National Oceanic and Atmospheric Administration (NOAA); Operations, Research, and Facilities (ORF); Special Project

Projects should address fisheries, marine mammals, ocean, climate, weather, and atmospheric research and programs. Construction projects will not be accepted.

Department of Justice; Office on Justice Programs; State and Local Law Enforcement Assistance; Byrne Discretionary

Projects for additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the DOJ Grants Financial Guide. Allowable costs are those costs consistent with the principles set out in the 2 CFR Part 200, Subpart E, and those permitted by the grant program's authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements. This funding cannot be used for land acquisition or construction.

Department of Justice; Community Oriented Policing Services (COPS); COPS Law Enforcement Technology

Projects for the development of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime. Recipients shall include State, local, Tribal, and territorial governments and their public agencies (for example, police and/or sheriff's departments). Allowable activities are limited to the statutorily allowable purpose areas under the COPS Office statute, including the procurement of equipment, technology, or support systems, and the development of new technologies to assist recipient entities in reorienting the emphasis of their activities from reacting to crime to preventing crime. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the DOJ Grants Financial Guide, and the applicable Award Owner's Manual.

<u>National Aeronautics and Space Administration; Safety, Security, and Mission Support</u>

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

**Energy & Water Development**

<u>Corps of Engineers: Investigations</u>

Only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start. Few new starts are expected to be funded.

<u>Corps of Engineers: Construction</u>

Only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start. Few new starts are expected to be funded.

<u>Corps of Engineers: Operations & Maintenance</u>

Only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start. Few new starts are expected to be funded.

<u>Corps of Engineers: Mississippi Rivers & Tributaries</u>

Only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start. Few new starts are expected to be funded.

<u>Bureau of Reclamation: Water and Related Resources</u>

Only authorized projects and programs will be considered for funding. An authorized project or program that has not received funding in prior years is considered a new start. Few new starts are expected to be funded.

<u>Energy Efficiency and Renewable Energy (EERE)</u>

Please review programs under this DOE office and ensure the project complies with program rules.

Office of Electricity (OE)

Please review programs under this DOE office and ensure the project complies with program rules.

Office of Cybersecurity, Energy Security, and Emergency Response (CESER)

Please review programs under this DOE office and ensure the project complies with program rules.

Office of Nuclear Energy (NE)

Please review programs under this DOE office and ensure the project complies with program rules.

Office of Fossil Energy (FE)

Please review programs under this DOE office and ensure the project complies with program rules.

**Financial Services and General Government**

Small Business Administration, Administrative Provision

Projects should demonstrate a connection to SBA Programs or, at minimum, a direct connection to small business needs.

National Archives and Records Administration, National Historical Publications and Records Commission

Projects should comply with the grant programs of the Commission, found [here.](here.)

National Archives and Records Administration, Repair and Restoration

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings.

General Services Administration, Federal Buildings Fund, Construction and Acquisition

GSA construction, leasing, and real property operations.

**Homeland Security**

FEMA - Pre-Disaster Mitigation (PDM) Grants

Requested projects must meet the eligibility requirements of the Building Resilient Infrastructure and Communities (BRIC) grant program, including the costshare requirement, benefit cost ratio, and environmental and historic preservation requirements. Requirements can be found in the most recent Notice of Funding Opportunity. For any projects designated for funding in the final fiscal year 2022 Homeland Security Appropriations Act, the state agency responsible for administering mitigation grants in the requestor's state must submit an application to the Federal Emergency Management Agency, and that entity will serve as the administrative agent for the grant. Therefore, all project proposals must be accompanied by a letter of support from the appropriate state agency affirming that it believes the project is eligible. In addition to the BRIC grant program requirements listed above, the Committee will principally seek to satisfy member requests for eligible projects that are important to states and local communities but which may not receive adequate attention under the larger BRIC program.

FEMA - Emergency Operations Center (EOC) Grants

Requested projects must meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements. Requirements can be found in the most recent Notice of Funding Opportunity. For any projects designated for funding in the final fiscal year 2022 Homeland Security Appropriations Act, the state administrative agency (SAA) must submit an application to the Federal Emergency Management Agency, and that agency will serve as the administrative agent for the grant. Therefore, all project proposals 4 must be accompanied by a letter of support from the appropriate SAA affirming that it believes the project is eligible.


**Interior, Environment, and Related Agencies**

EPA, State and Tribal Assistance Grants, Water and Wastewater Infrastructure

Water infrastructure grants to fund local wastewater and drinking water infrastructure projects. This includes construction of, and modifications to, municipal sewage treatment plants and drinking water treatment plants. The subcommittee will be limiting water infrastructure grants only to projects that are publicly-owned or owned by a non-profit entity. Privately-owned projects are NOT eligible for water infrastructure grants.

- *State and Local Projects:* The subcommittee will accept 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 committee may also consider projects that are eligible for funding under State Revolving Loan Fund (SRF) guidelines,

but are not on the state IUP list. There is a minimum 20% cost share requirement. For example, a $1 million project could receive a maximum of $800,000 from the Federal government, with the remaining $200,000 the responsibility of the grantee. In almost all cases, other federal funds cannot be used to meet this 20% cost share. Please note that only the non-federal portion of assistance provided by a State Revolving Loan Fund can be applied towards a project's matching requirement.

- *Tribal Projects:* For tribal projects, the subcommittee will accept requests for projects included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list. In exceptional circumstances, the committee may consider projects that are eligible for funding under the Criteria for the Sanitation Facilities Construction Program but are not on the SDS list.

## National Park Service, Historic Preservation Fund

All HPF grantees must meet standards set by the Secretary of the Interior and comply with the audit requirements, and each successful recipient must complete an application through grants.gov. The subcommittee will accept requests for nonformula funded activities within HPF that meet the qualifications of HPF programs, including eligible entities and activities. Please note that acquisitions of collections or historic properties are not eligible under the HPF. For more information, please visit [here](here).

## U.S. Forest Service, State and Private Forestry, Forest Resource Information and Analysis

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

## Land and Water Conservation Fund

Pursuant to the Great American Outdoors Act of 2020 (P.L. 116-152) and the Consolidated Appropriations Act, 2021 (P.L. 116-260), prioritized project lists will accompany the President's budget request. Projects on those lists will be funded programmatically, and there will be a high bar for considering requests for any projects not present on the current year's lists. While third party organizations may advocate for specific projects, note that the Grantee for federal acquisition is the federal agency that will eventually manage the land (either BLM, FWS, NPS, or USFS), or in the case of the Forest Legacy Program, it is the state.

Legacy Restoration Fund

Pursuant to the Great American Outdoors Act of 2020 (P.L. 116-152) and the Consolidated Appropriations Act, 2021 (P.L. 116- 260), prioritized project lists for deferred maintenance projects to be funded by the National Parks and Public Lands Legacy Restoration Fund will accompany the President's budget request for BLM, FWS, NPS, USFS, and BIE schools. Projects on those lists will be funded programmatically, and there will be a high bar for considering  requests for any projects not present on the current year's lists. Note that the Grantee is the federal agency.

Land Management Agencies

The four land management agencies (BLM, FWS, NPS, and USFS) receive annual appropriations for new construction and other capital improvement projects and typically include a short list of specific projects in the President's budget request. Projects on those lists will be funded programmatically, and there will be a high bar for considering requests for any projects not present on the current year's lists. Note that the Grantee is the federal agency.

Land Management Agencies, Local Projects and Research

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

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

<u>Bureau of Indian Affairs, Operation of Indian Programs, Special Initiatives</u>

BIA provides direct services and funding for compacts and contracts for tribes to provide programs for a wide range of activities. Within this account, requests may be considered that honor the commitment to invest in tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective tribal governance, and conserve natural resources.

<u>EPA, Science and Technology, Research: National Priorities</u>

Project requests may be considered for high priority lines of research related to environmental quality and human health.

<u>EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants</u>

Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

**Labor, HHS, Education**

<u>Employment and Training Administration</u>

These projects must meet all WIOA requirements, except that they are exempt from the requirement to compete. In addition, all projects must: 1) Include direct services to individuals to enhance employment opportunities; 2) Demonstrate evidence of a linkage with the State or local workforce investment system; and 3) Include an evaluation component. Equipment purchases may be included within congressionally directed funding only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals. Funds cannot be used for construction or renovation of facilities.

<u>Health Resources Service Administration</u>

HRSA projects may fall within three categories:

- *Health Facilities Construction and Equipment*—Projects for the cost of construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research. Examples of eligible facilities include hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories. In addition to construction and renovation, funding can be used to acquire capital equipment, such as lab equipment or x-

ray machines. Equipment-only grants—that is, grants not involving construction—are permissible. Generally, any equipment having a useful life of more than one year and a unit cost of at least $5,000 will be eligible as capital equipment. In addition, equipment with lower costs may also be eligible, provided that it is treated as an item of capital expense under the recipient institution's pre-existing, written accounting policies. Equipment expenses for health information systems and electronic medical records systems are permitted expenditures. The costs of expendable supplies such as pharmaceuticals, lab chemicals, or office paper are not eligible. HRSA Health Facilities funding cannot be used to acquire land or purchase existing buildings, or to pay salaries or other operating costs. Funding cannot be used to pay for work previously 5 completed. Funds can be used for architectural and engineering costs associated with an eligible construction project, but cannot be used for general feasibility studies.

- *Health Professions Education and Workforce Development*—Projects to improve education and training of health care professionals.

- *Rural Health* —Projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. Grant funds can be used for services only in areas that meet HRSA's definition of rural.

Substance Abuse and Mental Health Services Administration

Projects should fall under 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.

SAMSHA funds cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project), needle exchange, or promoting legalization of illegal drugs.

Administration for Children and Families

ACF projects 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, 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. Funds cannot be used for construction or renovation of facilities.

No construction permitted.

Administration for Community Living—Aging and Disability Services Programs

Projects to improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities. Generally, projects 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. Funds cannot be used for construction or renovation of facilities.

Fund for the Improvement of Education (FIE)

Projects to fund 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 projects should be providing early childhood or K-12 educational services. Projects to improve special education services at the elementary and secondary levels are also eligible under this heading. These projects may include early intervention services for infants and toddlers, transition services, and postsecondary education services. Eligible grantees are state education agencies, school districts, and colleges and universities. Cannot be used for construction or renovation of school buildings, except in the case of minor remodeling required as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible.

Rehabilitation Services—Demonstration and Training

Funds cover a wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, projects should focus on improving access to, or the quality of, such services for individuals with disabilities. Eligible grantees include State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies and organizations. No construction.

Higher Ed—Fund for the Improvement of Postsecondary Education (FIPSE)

Generally, requests should focus on improving access to, or the quality of, postsecondary education. Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.

Military Construction and Veterans Affairs

*All Accounts* - Requests may include major construction, unspecified minor military construction, and planning and design, however, only certain military construction projects within these accounts are eligible. Eligible projects can be found on three types of lists, outlined below, where are provided to Congress by the Department of Defense, and contain requirements which have been validated and vetted by the appropriate Service or Agency.

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

Eligible major military construction projects must also be:

- Authorized in the most recent National Defense Authorization Act;
- 35% design or higher with a DD 1391; and
- Prepared to award a construction contract in Fiscal Year 2023;

**Transportation, Housing, and Urban Development**

Transportation Planning, Research, and Development (TPR&D)

The TPR&D account for transportation research projects eligible under title 23 or title 49 of United States Code.

Grants-in-Aid for Airports (Airport Improvement Program or AIP)

AIP account for airport capital projects eligible under chapter 471 of title 49, United States Code

Highway Infrastructure Programs (HIP) for highway capital projects

HIP account for highway capital projects eligible under title 23, United States Code.

Transit Infrastructure Grants (TIG) for transit capital projects

Transit capital projects eligible under chapter 53 of title 49, United States Code.

Consolidated Rail Infrastructure and Safety Improvement Program (CRISI)

Rail capital projects eligible under section 22907 of title 49, United States Code.

Housing and Urban Development (HUD) Economic Development Initiatives (EDI)

Projects eligible under the Community Development Fund account eligible under chapter 69 of title 42, United States Code. Activities or projects must benefit primarily low- and moderate-income persons or communities to meet program requirements.