

# U.S. Senator Joe Manchin III

## 2024 Congressionally Directed Spending Guidebook

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All requests must be submitted through the **Congressionally Directed Spending link on our website at <https://manchin.senate.gov/appropriations>.**

**The Deadline for these requests is 11:59pm on March 12th, 2023.**

### GENERAL GUIDANCE FOR CONGRESSIONALLY DIRECTED SPENDING (CDS) REQUESTS

#### Submission —

In order to successfully submit a complete CDS request for FY24, you must submit the following through the Senate's Office Application Manager portal, which is active on the above link. Submission requires the following:

- **Funding:** Selection of ONE Bill and Account. Selecting funding through multiple bills (i.e. selecting an account within the Agriculture bill and another from the Interior bill) on one application is not allowed. Those applications that do request multiple funding streams will be considered incomplete.
  - Recipients must be able to meet any matching requirements, where required by the individual account you are applying through.
  - Each project request must be for FY24 funds only and cannot include multi-year funding. The Committee is generally looking for projects that are shovel-ready and can be completed within a year.
  - Please note that construction, administrative expenses, and operational expenses are often not allowable expenses for CDS. Please refer to each individual account's guidance below.
- **Community Support:** All requests must include at least TWO (2) letters of support from third parties within the community or communities that would benefit from the request. These letters must clearly communicate the benefits that the request would confer upon the community. Note that some accounts have specific requirements on what letters must be included.
  - Examples of these include, but are not limited to:
    - Letters of support from elected community leaders (e.g. mayors or other officials);
    - Press articles highlighting the need for the requested Community Project Funding;
    - Support from newspaper editorial boards;
    - Projects listed on State intended use plans, community development plans, or other publicly available planning documents; or
    - Resolutions passed by city councils or boards.
- **Prohibition on For-Profit Recipients:** Recipients must be state, local, or tribal entities or a non-profit organization, as described under section 501(c)(3) of the Internal Revenue Code of 1986.

#### General —

- The recipient name entered should be the legal name of the organization that will be received funds. Please note that the recipient point of contact must be an individual employed by or affiliated with the organization that would administer the Federal funds that is authorized to sign a grant agreement.
- You must include an explanation of the request, including an explanation of why this is a good use of taxpayer funds, and why federal funding is necessary for this project.
- More competitive applications will clearly describe the project and what the federal funding will do, as well as provide a breakdown of the budget for the project.
- Please indicate on the form whether you plan to submit this request to another office, and which Member(s).
- If you are unsure of which account to apply through, we recommend you reach out to the state office for the agency's program through which you are applying.
  - For example, if you don't know where to apply and think that USDA's Rural Development Community facilities grant program could be eligible, please reach out to one of the State offices in West Virginia, which can be found online: <https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/wv>
- Following enactment of the FY24 funding bill, successful CDS recipients will be required to apply for funding with their respective agency through the normal application process on a non-competitive basis.

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### ELIGIBLE ACCOUNTS

#### Agriculture, Rural Development, and Food and Drug Administration

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

#### Commerce, Justice, and Science

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

#### Energy and Water Development

- Corps of Engineers
  - Investigations
  - Construction
  - Operations & Maintenance
  - Mississippi Rivers & Tributaries
- Bureau of Reclamation
  - Water and Related Resources (note: these projects are generally not available East of the Mississippi)
- Department of Energy "Energy Projects" including:
  - Renewable and Clean Energy
  - Electricity and Energy Resiliency
  - Cybersecurity and Energy Security
  - Nuclear Energy
  - Fossil Energy or Carbon Management

#### Financial Services and General Government

- Small Business Administration (SBA), Administrative Provision
- General Services Administration (GSA), Federal Buildings Fund
  - Construction and Acquisition
  - Repairs and Alterations
- National Archives and Records Administration
  - National Historical Publications and Records Commission
  - Repair and Restoration
- Office of National Drug Control Policy – Prevention Grants

#### Homeland Security

- Federal Emergency Management Agency (FEMA)
  - Pre-Disaster Mitigation (PDM) Grants
- Federal Emergency Management Agency (FEMA)
  - Emergency Operations Center (EOC) Grants

#### Interior and Environment

- National Park Service (NPS)
  - Historic Preservation Fund (HPF)
  - Land & Water Conservation Fund (LWCF), Land Acquisition
  - Legacy Restoration Fund (LRF)
  - Construction, Line Item Construction & Maintenance
  - National Recreation & Preservation, Statutory & Contractual Aid
- U.S. Fish & Wildlife Service (FWS)
  - Construction Projects, Line Item Construction
  - Resource Management, Stewardship Priorities
  - LWCF, Land Acquisition
  - LRF
- U.S. Geological Survey (USGS)
  - Surveys Investigations & Research, Special Initiatives

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### ELIGIBLE ACCOUNTS

#### Interior and Environment (cont.)

- Environmental Protection Agency (EPA)
  - Clean Water (CW): STAG, Clean Water SRF
  - Drinking Water (DW): STAG, Drinking Water SRF
  - Science and Technology, Research: National Priorities
  - State & Tribal Assistance Grants, STAG Infrastructure Grants
- U.S. Forest Service (USFS)
  - State & Private Forestry (SPF), Forest Resource Information & Analysis
  - LWCF, Land Acquisition
  - LWCF, Forest Legacy
  - LRF
  - Capital Improvement & Maintenance, Facilities, Road & Trails
- Bureau of Land Management
  - LCWF, Land Acquisition
  - Construction
  - Management of Land & Resources, Land Management Priorities
  - LRF
- Indian Affairs
  - Operation of Indian Programs, Special Initiatives
  - Indian Health Service: Sanitation Facilities Construction
  - LRF

#### Labor, Health & Human Services, Education

- Department of Labor
  - Employment and Training Administration: Training & Employment Services
- Department of Education
  - Innovation & Improvement: Fund for the Improvement of Education (FIE)
  - Higher Education: Fund for the Improvement of Postsecondary Education (FIPSE)
- Department of Health & Human Services (HHS)
  - Health Resources Service Administration (HRSA): Program Management
  - Substance Abuse & Mental Health Services Administration (SAMHSA): Health Surveillance & Program Support
  - Administration for Children & Families (ACF): Children & Families Services Programs
  - Administration for Community Living (ACL): Aging & Disability Services Programs

#### Military Construction & Veterans Affairs

- Army
- Navy and Marine Corps
- Air Force
- Defense-Wide
- Army National Guard
- Air National Guard
- Army Reserve
- Navy Reserve
- Air Force Reserve

#### Transportation & Housing and Urban Development

- Dept. of Transportation; Transportation Planning, Research, and Development (TPR&D) for research projects
- Federal Aviation Administration (FAA); Grants-in-Aid for Airports (Airport Improvement Program)
- Federal Highway Administration (FHWA); Highway Infrastructure Programs (HIP)
- Fed. Transit Admin. (FTA); Transit Infrastructure Grants (TIG)
- Federal Railroad Administration (FRA); Consolidated Rail Infrastructure and Safety Improvement Program (CRISI)
- Economic Development Initiatives (EDI)
- Facilities and Equipment (F&E) Air Traffic Control

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*Detailed Guidance by Subcommittee*

### AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION

#### **USDA Rural Development**

For both USDA Community Facilities Grants and Distance Learning, Telemedicine, and Broadband Grants, acting state directors and local specialists are available to answer specific questions regarding eligibility of a proposed project. You can find their contact information at this link: <https://www.rd.usda.gov/about-rd/state-offices>.

#### *Community Facilities Grants*

The Community Facilities program provides affordable funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial or business undertakings. A Full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 3570](#). Rural areas including cities, villages, townships and towns including Federally Recognized Tribal Lands with no more than 20,000 residents according to the latest [U.S. Census Data](#) are eligible for this program. Funds can be used to purchase, construct, and / or improve essential community facilities, purchase equipment and pay related project expenses.

Examples of essential community facilities include:

- Health care facilities such as hospitals, medical clinics, dental clinics, nursing homes or assisted living facilities
- Public facilities such as town halls, courthouses, airport hangars or street improvements
- Community support services such as child care centers, community centers, fairgrounds or transitional housing
- Public safety services such as fire departments, police stations, prisons, police vehicles, fire trucks, public works vehicles or equipment
- Educational services such as museums, libraries or private schools
- Utility services such as telemedicine or distance learning equipment
- Local food systems such as community gardens, food pantries, community kitchens, food banks, food hubs or greenhouses

Examples of activities that are **ineligible** under this account include:

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

#### **CF Match Requirements**

- Up to 75% of total project costs for rural communities based on population:
  - **75%:** population < 5,000
  - **55%:** population < 12,000
  - **35%:** population < 20,000
- Towns with populations over 20,000 are not eligible for this program.
- Matching funds must come from a non-Federal source with two exceptions:
  - If Federal source states that it can be used as a match for Federal Grants
  - When a Federal source loses its Federal identity – such as CDBG or ARC funds that are distributed through the State.

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### AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION

All Community Facilities projects must environmental review requirements (i.e., NEPA). Additionally, 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.

CDS requests will be considered outside of the CF state allocations. The average CF CDS grant size funded in FY23 was \$1,000,000. When considering which CDS requests to submit to the Committee, this is a good baseline to use.

#### *Distance Learning, Telemedicine, and Broadband Program (DLT) Grants*

The Distance Learning and Telemedicine program helps rural communities use the unique capabilities of telecommunications to connect to each other and to the world, overcoming the effects of remoteness and low population density. For example, this program can link teachers and medical service providers in one area to students and patients in another. For-profit entities are *not eligible* for congressionally directed spending requests.

For FY 2024, the maximum grant size ceiling is \$1,000,000.

Examples of eligible projects include: telehealth services, broadband facilities (including libraries), audio and video equipment, computer hardware, network components, acquisition of instructional programming that is a capital asset, and acquisition of technical assistance and instruction for using eligible equipment. **Please note that broadband deployment is not an eligible use of funds for DLT.** A full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 1734 Subpart A and B](#)

#### **DLT Match Requirements**

- 15% match
- Matching funds cannot come from an other Federal source
- USDA will establish the maximum and minimum grant amounts, which can be found in:
  - RUS DLT Program Application Guide
  - Funding opportunity posted on [www.Grants.gov](http://www.Grants.gov).

#### **Agricultural Research Service (ARS), Buildings and Facilities**

Applications within this account may only include funding for repairs and maintenance to existing facilities.

#### **Animal and Plant Health Inspection Service (APHIS) (S&E)**

The Animal and Plant Health Inspection Service (APHIS) protects the health of U.S. agriculture and natural resources against invasive pests and diseases, regulates genetically engineered crops, administers the Animal Welfare Act, and helps people and wildlife coexist. APHIS also certifies the health of U.S. agricultural exports and resolves phytosanitary and sanitary issues to open, expand, and maintain markets for U.S plant and animal products. Examples of eligible projects include: Horse management, statewide pest surveys, feral swine management, and invasive species surveillance. All submissions must meet environmental review requirements, such as NEPA and ESA.

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

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### AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION

#### **APHIS Match Requirements**

The APHIS account has matching requirements under 3 programs:

- **Grasshopper/Mormon Cricket** (Field Crop & Rangeland Ecosystem Pests)
  - Conducts surveys, provides technical assistance, and conducts suppression activities.
  - When conducting suppression activities, the federal government pays the total cost of suppression on Federal land (inc. most tribal lands), 50% of the cost on state land, and 33% of cost on private land.
- **Brucellosis** (Cattle Health)
  - 40% match by the State.
- **Wildlife Services**
  - Reimbursable service agreements are 50/50 cost share and the State reimburses its portion.

#### **Watershed and Flood Prevention Operations (WFPO)**

The Watershed Protection and Flood Prevention Program helps units of federal, state, local and tribal of government (project sponsors) protect and restore watersheds up to 250,000 acres. This program provides for cooperation between the Federal government and the states and their political subdivisions to work together to prevent erosion; floodwater and sediment damage; to further the conservation development, use and disposal of water; and to further the conservation and proper use of land in authorized watersheds.

Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20% of the total benefits of the project.

Projects are required to complete a four-step process including:

- Preliminary feasibility study (PIFR)
  - If a project is a “new start” it is eligible only for PIFR funding at a level of \$55,000.
- Watershed Plan development
- Implementation of Watershed Plan
- Commencement of construction for authorized watershed conservation

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. For contacting the West Virginia State Office, please follow this link: <https://www.nrcs.usda.gov/contact/state-office-contacts/west-virginia-state-office>



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### COMMERCE, JUSTICE, AND SCIENCE

#### **National Institute of Standards and Technology (NIST)**

*Scientific and Technical Research Services (STRS); External Projects*

NIST-STRS projects should address standards-related research and technology development. **Construction projects will not be accepted.**

Examples of previously successful projects include: Soil Carbon Sequestration Research Project, Cyber Security Center, and Advanced Biomedical Instrumentation and Research Training.

*Construction of Research Facilities, Extramural Construction*

The Appropriations Committee will accept CDS for NIST Construction projects for non-Federal research facilities at research institutions and colleges and universities. Given the significant investments necessary for construction projects, only a very limited number of projects will be successful on an annual basis.

Examples of previously successful projects include: Library Renovation, Aviation Technology Center Facility Improvements, and Health and Life Science Center Upgrades.

#### **National Oceanic and Atmospheric Administration (NOAA)**

*Operations, Research, and Facilities (ORF); Special Projects*

NOAA-ORF projects should address fisheries, marine mammals, ocean, climate, weather, and atmospheric research and forecasting programs. **Construction projects will not be accepted.**

Examples of previously successful projects include: Climate Research, Sustainable Energy Research, and Improving Summer Flounder Fisheries Management in a Changing Ocean.

#### **Department of Justice**

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

Projects should provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. Awarded grants will be subject to the requirements of 2 CFR Part 200 and the [DOJ Grants Financial Guide](#). 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. **Funding cannot be used for land acquisition or construction.**

*Community Oriented Policing Services (COPS); COPS Law Enforcement Technology*

Projects are 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. Applicants must not specify brand names for equipment in their requests. Awarded grants will be subject to the requirements of 2 CFR Part 200 and [the DOJ Grants Financial Guide](#), and the applicable Award Owner's Manual.

#### **National Aeronautics and Space Administration**

*Safety, Security, and Mission Support (SSMS)*

NASA SSMS projects should focus on science education, research, and technology development related to NASA's mission. Medical research projects and projects at NASA-owned Visitor Centers or a State's designated Space Grant Consortium will not be funded. **This account does not fund construction, but can be used for equipment, research funding, or education programs.**

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### ENERGY & WATER DEVELOPMENT

#### Corps of Engineers and Bureau of Reclamation

For the Corps of Engineers and Bureau of Reclamation, **only authorized projects and programs will be considered** for funding. However, applicants may request location-specific requests or requests that exceed the level of funding recommended in the President’s FY24 budget request. 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.

#### Department of Energy

This year, the Appropriations Committee has combined the various Energy accounts into one central Department of Energy: “Energy Projects” account. Projects may include the following topic areas:

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

The following projects are ineligible for funding:

- Projects requiring multi-year funding
- Construction of buildings or new facilities (no brick and mortar)
- Electric vehicle charging projects, unless the project is connected to larger clean energy sources (like a battery) or has clean energy applications beyond the charging station.
- Electrical substation replacement or routine grid upgrades that could otherwise be funded under ratepayer contracts or through existing federal incentives
- Planning studies

#### DOE Match Requirements

- The amount of cost share will depend on the scope and technological maturity of the project:
  - **No minimum cost share:** Research or development (R&D) activities of a basic or fundamental nature
  - **No minimum cost share:** Outreach and education projects
  - **20%:** R&D activities of an applied nature:
  - **50%:** Demonstration or commercial application
- Some projects may contain elements of more than one of the categories shown above and may have a blended cost share.

Funding requested should reflect a funding amount that can complete the project. It is expected that very few requests within this account will be funded overall.

#### Bureau of Reclamation

Please note that these projects are generally not available East of the Mississippi.



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### FINANCIAL SERVICES AND GENERAL GOVERNMENT

#### **Small Business Administration (SBA)**

SBA funds projects in support of small businesses, including but not limited to entrepreneur training, counseling, research, and construction or acquisition of facilities. Projects can include: displaced worker initiatives, entrepreneurship hubs, small business tech commercialization centers, business development projects, and economic incubators, among other things. **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 (NARA)**

*NARA National Historical Publications and Records Commission (NHPRC)*

The NHPRC includes projects that will significantly improve online public discovery and use of historical records collections, encourage public engagement with historical records, strengthen the nation's archival network, and publish documentary editions of historical records. This includes initiatives like record digitization, programming, and online availability of records.

*NARA Repairs and Restoration*

NARA also funds projects that direct spending for presidential libraries or new archival facilities.

#### **General Services Administration**

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. **Eligible projects do not include state or county facilities, DOD facilities, VA facilities, or transportation infrastructure facilities.**

#### **Office of National Drug Control Policy (ONDCP) Prevention Grants**

Prevention programs can 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. Coalitions funded through the Drug Free Communities (DFC) program and recently trained by CDC to implement Adverse Childhood Experiences (ACEs) as part of their substance use prevention efforts are recommended. **Programs should not be substance specific, and treatment programs are not eligible for CDS under this account.**

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### HOMELAND SECURITY

#### **Federal Emergency Management Agency (FEMA)**

For any projects designated for funding in the final FY24 Homeland Security Appropriations Act, the state administrative agency (SAA) – whether that is the same agency that is responsible for administering mitigation requests in the applicant’s state or different entities – must submit an application to the Federal Emergency Management Agency (FEMA), 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.**

#### *Pre-Disaster Mitigation (PDM) Grants*

Requests within the PDM account 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. The Appropriations Committee is prioritizing requests that are important to states and local communities but which may not receive adequate attention under the larger Building Resilient Infrastructure and Communities (BRIC) program.

#### *Emergency Operations Center (EOC) Grants*

Requests within the EOC account must meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements.

#### **FEMA Match Requirements**

- **Pre-Disaster Mitigation (PDM):** 25% cost share
  - While match requirements are generally 25%, please refer to the full program requirements in the FY22 [Notice of Funding Opportunity](#) to confirm.
- **Emergency Operations Center (EOC):** 25% cost share
  - While match requirements are generally 25%, please refer to the full program requirements in the FY22 [Notice of Funding Opportunity](#) to confirm.

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### INTERIOR AND ENVIRONMENT

#### **Environmental Protection Agency (EPA)**

##### *Clean Water and Drinking Water Projects*

The Committee anticipates that the vast majority of requests made to the Interior Subcommittee will be for water infrastructure grants to fund local wastewater and drinking water infrastructure projects within the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. 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.**

Projects under these accounts must be 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, but are not on the state IUP list. Any project benefiting both a clean water and drinking water system must meet necessary qualifications and must be requested under the Clean Water CDS account. Examples of eligible projects include: wastewater treatment plants, collector sewers, interceptor sewers, waterline extensions, water management system upgrades, septic system installation, and water storage development.

#### **EPA Match Requirements**

- Minimum **20% cost share** for any state or local water infrastructure grant
- 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 cost share.
- Only the non-federal portion of assistance through the State Revolving Loan Fund can be applied towards the cost share.

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The following lists provide some examples of the types of projects that are eligible or ineligible for SRF funding. This list is not intended to be exhaustive.

<b>Eligible Projects</b>	
<b>Clean Water / Waste Water</b>	<b>Drinking Water</b>
Wastewater treatment plants, including sludge handling facilities	Facilitate compliance with national primary drinking water regulations or address serious risks to public health including non-regulated contaminants (i.e. PFAS)
Collector Sewers – Small sewers that convey wastewater from residences, commercial establishments, and industrial sites.	
Interceptor Sewers – Large sewers that convey wastewater from collector sewers directly to a wastewater treatment facility.	Rehabilitate or develop water sources (excluding reservoirs, dams, dam rehabilitation and water rights) to replace contaminated sources
Sewer Pipes – Rehabilitation is only eligible if the pipes are publicly owned.	
Outfall Sewer – A sewer that conveys treated wastewater from a wastewater treatment facility to the receiving waters.	Install or upgrade treatment facilities
Storm Water Management – Measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water (i.e. storm sewers, green infrastructure, etc.).	Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system
Combined sewer overflow (CSO) control and sanitary sewer overflow (SSO) control	Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels
Infiltration/Inflow Correction – Construction activities that prevent surface water or groundwater from entering the sewer system.	
Water Security – Installation or upgrade of physical security infrastructure such as lighting, fencing, monitoring and access control. Also, cybersecurity measures, installation of safer 8 treatment technologies, and more secure storage of on-site treatment.	Projects to consolidate water supplies – for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons
Septic Tanks – Remediation, rehabilitation, removal and replacement of failing tanks are eligible, as well as installation of new tanks.	Land is eligible only if it is integral to a project that is needed to meet or maintain compliance and further public health protection
Land – The leasing and fee-simple purchase of land, including surface and subsurface easements, needed to locate eligible municipal or Tribal projects, and land integral to the treatment process. Municipal purchase of land and/or conservation easements for source water protection are also eligible.	Project planning, design and other related costs
Water Reuse – Projects involving the municipal reuse or recycling of wastewater, stormwater, or subsurface drainage water.	
Capital Nonpoint Source Pollution Control Projects – e.g., river or streambank restoration, agricultural best management practices (i.e., buffer strips, manure containment structures), wetlands restoration, etc.	

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<b>Ineligible Projects</b>	
<b>Clean Water / Waste Water</b>	<b>Drinking Water</b>
Land, except for the leasing and fee-simple purchase of land, including surface and subsurface easements, needed to locate eligible municipal or Tribal projects, and land integral to the treatment process. Municipal purchase of land and/or conservation easements for source water protection are also eligible.	Dams or rehabilitation of dams
	Operations and maintenance costs
	Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy or if the water rights purchase is covered by EPA's DWSRF Class Deviation for Water Rights 2019
Operations and maintenance costs	Reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are located on the property where the treatment facility is located
Non-municipal point source control	
Acid drainage correction	
Ambient water quality monitoring	Laboratory fees for monitoring
Privately owned sewer pipes	Projects needed mainly for fire protection
Flood Control Projects, unless the project is otherwise managing, reducing, treating, or recapturing stormwater	Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance will ensure compliance
	Projects for systems in significant noncompliance, unless funding will ensure compliance
	Projects primarily intended to serve future growth

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### INTERIOR AND ENVIRONMENT

#### *Science and Technology, Research: National Priorities*

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

#### *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.

#### **National Park Service, Historic Preservation Fund**

The Historic Preservation Fund (HPF), which was established to help fund the programs created by the National Historic Preservation Act, was designed to preserve historical and archaeological sites in the U.S. All HPF grantees must meet standards set by the Secretary of the Interior and comply with the [audit requirements](#). **The maximum project amount is \$500,000.**

The Committee will accept CDS requests for nonformula funded activities within HPF that meet the qualifications of HPF programs. For example, requests made within the Save America's Treasures (SAT) program within HPF must meet the requirement that the property be listed as an historic place on the National Register of Historic Places at the national level (properties listed at the state or local significance are not eligible for SAT) or as a National Historic Landmark. Other HPF programs have varied eligibility requirements. Please note that acquisitions of collections or historic properties are not eligible under the HPF.

For more information, please visit [here](#). Additional information can be confirmed with the [State Historic Preservation Office](#).

#### **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.**

#### **Projects on Agency Lists (LWCF, LRF, LMCON)**

The Committee will consider CDS requests within this account on a case-by-case basis. Funding for projects included in the FY24 President's Budget should be submitted with the Member office's programmatic requests if the request is for funding at or below the President's request level. The Committee will only consider CDS requests for projects that are not included in the President's Budget or for funding levels that are above the amounts provided in the President's Budget.

#### *Land Water Conservation Fund (LWCF)*

Each year, prioritized project lists accompany the President's budget request in five LWCF accounts. This requirement is delivered in two separate lists:

- Projects proposed for funding in the President's Budget
- Supplemental list of projects that are ready but unfunded.

Any funding request for activities not included in the President's Budget must be submitted as CDS. There will be a high bar for considering any projects not present on the current year's lists. Note that while third party



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organizations may advocate for specific projects, the recipient of funds must be the federal agency that will eventually manage the land (BLM, FWS, NPS, or USFS), or, in the case of the Forest Legacy Program, it is the state.

#### *Legacy Restoration Fund (LRF)*

Prioritized project lists for deferred maintenance projects to be funded by the National Parks and Public Lands Legacy Restoration Fund accompany the President's budget request for BLM, FWS, NPS, USFS, and BIE. Note that the recipient must be the federal agency.

#### *Land Management Agency Construction (LMCON):*

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. Note that the recipient must be the federal agency.

#### **Land Management Agencies, Local Projects and Research**

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

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

#### **Native American Tribes and Alaska Native People**

West Virginia does not have any federally recognized tribes, and any requests within the following accounts will be deemed ineligible:

- Bureau of Indian Affairs
  - Operation of Indian Programs, Special Initiatives
  - Legacy Restoration Fund
- Indian Health Service
  - Sanitation Facilities Construction

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### LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION

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

#### **Department of Labor**

##### *Employee and Training Administration (ETA)*

CDS projects funded by ETA (through the Workforce Innovation and Opportunity Act (WIOA) demonstration authority) must be focused on meeting the employment and training needs of workers. Generally, these projects should include direct services which could include career services, training services (including work-based training), supportive services, and other permissible services, as they are defined in WIOA and can be found here: [20 CFR § 678.430](#), [20 CFR § 680.200](#), and [20 CFR § 680.900](#).

CDS projects will be required to report on performance outcomes for participants and should include a meaningful connection to the local workforce development system.

CDS funding may be used for the purchase of equipment and curriculum development, but generally only if they are an incidental part of the larger project. If a larger portion of the CDS funding is expected to be used for equipment or curriculum development, please provide a detailed justification for how such costs relate to meeting the employment and training needs of workers. CDS cannot be used for construction or renovation of facilities.

#### **Department of Health & Human Services**

##### *Health Resources & Services Administration (HRSA)*

Projects under HRSA may either apply through the Health Facilities Construction and Equipment account, or the Rural Health account:

##### **• Health Facilities Construction and Equipment**

- This includes projects that would fund 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, funding can be used to acquire capital equipment, such as lab equipment, x-ray machines, or telehealth and information technology. Equipment-only grants—that is, grants not involving construction—are also 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.
- CDS 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.
- 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

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### LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION

or other operating costs. Funding cannot be used to pay for work previously completed.

- **The Committee will not consider a CDS request for federal funding within this account that exceeds \$15 million.**

#### • Rural Health

- This includes funding for projects to improve health care in rural areas.
- Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services.
- Grant funds can be used for services only in areas that meet HRSA's definition of rural. For lists of eligible areas and further information regarding that definition, see: <https://www.hrsa.gov/rural-health/about-us/definition/index.html>.
- Please include the address or scope of the project's activities if they are different than the legal entity recipient address for purposes of determining project eligibility.

#### *Substance Abuse and Mental Health Services Administration (SAMHSA)*

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

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

Construction is not eligible under SAMSHA (other than a limited amount of renovation necessary to carry out a funded project). A General Provision prohibits the award of funding for projects which distribute sterile needles or syringes for I.V. drug injection. It also prohibits the award of funding for projects which promote the legalization of illegal drugs or substances.

#### *Administration for Children and Families (ACF)*

CDS cannot be used for construction or renovation of facilities under ACF. CDS within ACF 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.

#### *Administration for Community Living (ACL)*

CDS requests within ACL should be submitted through the Aging and Disability Services Programs account and

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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.

#### **Department of Education**

*Innovation and Improvement – Fund for the Improvement of Education (FIE)*

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

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

Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. Generally, CDS intended for individual schools is provided to the applicable school district and not directly to the individual school. **CDS cannot be used for construction or renovation of school buildings, except in the case of minor remodeling required as part of technology upgrades.** Daycare and childcare projects that do not include educational services are also not eligible under this account.

*Higher Education – Fund for the Improvement of Postsecondary Education (FIPSE)*

CDS projects funded through FIPSE should primarily be focused on improving access to, or the quality of, postsecondary education. This can include a range of activities as authorized and specified in [section 741\(a\) of the Higher Education Act](#) (i.e. the FIPSE authorization).

Grantees are usually colleges and universities, but may include other public and private nonprofit organizations.

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

CDS funding 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.

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### MILITARY CONSTRUCTION AND VETERANS AFFAIRS

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 which have been validated and vetted by the appropriate Service or Agency. **Please note that funding for the Department of Veterans Affairs and the Related Agencies is not eligible for CDS.**

#### Eligible Lists:

- *Future Years Defense Program (FYDP)*—Each military department, to include the Guard and Reserve, as well as Defense-Wide agencies, plans its major military construction program five years into the future. FYDPs identify these future planned projects, which are candidates for CDS requests. Some of the lists can be found on the website of the Under Secretary of Defense 4 (Comptroller). Additional inquiries on the FYDP or whether a specific project is included should be directed to the Senate Liaison Offices of each military department.
- *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. Questions about the UFR list or whether a specific project is included should be directed to the Senate Liaison Offices of each military department.
- *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. Once the full budget request is released, questions about these lists and whether specific projects are included should be directed to the Senate Liaison Offices of each military department.

The Committee will only provide funding that can be executed in the year of appropriation. Therefore, 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\*<sup>1</sup>; and
- Prepared to award a contract in Fiscal Year 2024.

\* A 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.

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Within THUD, requests for operational expenses or administrative salaries and benefits will not be funded. Further, requests must have a reasonable expectation of being obligated before the funds expire.

#### **Federal Aviation Administration**

All applicants for FAA CDS projects must provide a link to the airport master plan that includes the requested project.

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

AIP projects must be eligible under [chapter 471 of title 49, United States Code](#). AIP projects must also provide the status of the planning and environmental work that has been done to display the readiness of the project.

#### *FAA Facilities and Equipment (F&E)*

Applicants may only apply for terminal air traffic control tower facility replacement projects within this account. Projects must be eligible under part A of subtitle VII of title 49, United States Code. Applicants must provide detailed information as to why the tower needs replaced, 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. Additionally, applicants must provide the status of the planning and environmental work to display project readiness.

#### **FAA Match Requirements**

- **Large and medium primary hub airports:**
  - 75% of eligible costs
  - 80% for noise program implementation
- **Small primary, reliever, & general aviation airports**
  - 90-95% of eligible costs, based on statutory requirements.
- AIP CDS follows the existing AIP statute

#### **Federal Highways Administration (FHWA)**

#### *Highway Infrastructure Programs (HIP)*

HIP projects must be 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 the State Department of Transportation for completion. Any municipality or county-level government must coordinate with the State DOT to receive funding and ensure a non-Federal match is available. HIP projects must provide the status of the planning and environmental work to display project readiness.

Projects must be included in the STIP or TIP to be considered eligible. However, similar to FY23, a highway project not currently on the STIP or TIP can still be eligible if it has a State DOT letter confirming:

1. The project is eligible for Federal-aid highway funding under title 23, USC;
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.

#### **Federal Transit Administration (FTA)**

#### *Transit Infrastructure Grants (TIG)*

TIG projects must be eligible under chapter 53 of title 49, United States Code. Projects must



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### TRANSPORTATION AND HOUSING & URBAN DEVELOPMENT

be included in the STIP or TIP to be considered eligible. TIG projects must provide the status of the planning and environmental work to display project readiness.

Projects must be included in the STIP or TIP to be considered eligible. However, similar to FY23, a transit project not currently on the STIP or TIP can still be eligible if it has a transit agency letter confirming:

1. The project is eligible for transit funding under chapter 53 of title 49, United States Code;
2. The transit agency is willing to carry out the project if funding is enacted; and
3. The transit agency will include the project on the STIP or TIP once funding for the project is enacted.

#### **Federal Railroad Administration**

*Consolidated Rail Infrastructure & Safety Improvement Program (CRISI) Grants*

CRISI projects must be eligible under section 22907 of title 49, United States Code. Projects must be included in the State Rail Plan to be considered eligible. CRISI projects must provide the status of the planning and environmental work to display project readiness.

Projects must be included in the STIP or TIP to be considered eligible. However, similar to FY23, a rail project not currently on the State Rail Plan can still be eligible if it has a State rail agency or State DOT letter confirming:

1. The project is eligible for rail funding under section 22907 of title 49, United States Code;
2. The State rail agency, State DOT, or other relevant State agency is willing to carry out the project if funding is enacted; and
3. The State rail agency or State DOT will include the project on the State Rail Plan once funding for the project is enacted.

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

Transportation projects must be eligible under title 23 or title 49 of United States Code. Planning for specific local highway, transit, or rail projects that are eligible under HIP, TIG, or CRISI should not be included in this account. TPR&D projects should also have a project website that provides additional background behind the project.

#### **Department of Housing & Urban Development (HUDS) – Economic Development Initiatives (EDI)**

EDI projects must be eligible under section 5305 of chapter 69 of title 42, United States Code. Projects may address affordable housing, community services, and economic development. Reimbursement of expenses incurred prior to the enactment of a final FY24 appropriations bill is not permitted.

EDI Projects must comply with the eligible activities of the CDBG program, which can be found [here](#) and [here](#). Applicants must explain how their project they can meet **at least** one of three National Objectives of the CDBG program, which are:

- benefit low- and moderate-income (LMI) persons
  - The most common CDBG National Objective that WV applicants will meet is the benefit to LMI persons.
  - If you believe your project meets this objective, please review [LMI data](#) on HUD's website or use the "[Map Application](#)" tool to provide necessary data demonstrating the LMI benefit.
- prevention or elimination of slums or blight
- 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.

EDI projects 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

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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. Applicants must be able to demonstrate they can comply with these requirements. To review HUD's current implementation of the EDI program and the applicable Federal requirements, please see [HUD's EDI landing page](#).

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