

**FY24 Congressionally Directed Spending Requests
Senator Kelly**

Public Safety and Law Enforcement Projects

Overview:

The Senate Appropriations Committee is accepting requests for Congressionally Directed Spending projects to support law enforcement agencies and criminal justice systems through the purchase of new equipment, supplies, training, or contractual support, which aids in deterring and responding to crime. Stakeholders should note that construction projects are often ineligible for funding, with the exception of jail and corrections facilities. Arizona stakeholders are invited to submit requests for projects that are eligible for the following accounts.

Please note that the information below reflects the latest guidance our office has received from the Senate Appropriations Committee and insights gained from prior CDS projects, but is intended for guidance purposes only. However, requestors are strongly encouraged to review this document to ensure this project is a good fit for Congressionally Directed Spending.

Department of Justice – Byrne Discretionary Grant:

Projects that provide additional personnel, equipment, supplies, training, or other support to law enforcement agencies or criminal justice facilities are eligible for Congressionally Directed Spending.

- **What can be funded?** The Byrne Discretionary Grant program provides funding for projects that provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems. Projects that are funded through this account must be consistent with the principles set out in the [2 CFR Part 200, Subpart E](#), and those permitted by the [grant program's authorizing legislation](#). Please note that this funding cannot be used for land acquisition or construction, except for the construction of detention facilities.

For the purposes of this funding, a criminal justice system includes: law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, crime victim and witness programs (other than compensation), mental health programs related to law enforcement or corrections, or implementation of State crisis intervention court proceedings, like mental health courts, drug courts, or veterans courts.

- **Restrictions:**
 - Funding within this program can't fund luxury items, real estate, vehicles that do not have a direct nexus to police business, and construction projects, except for correctional institutions.
- **Appropriations Subcommittee:** Subcommittee on Commerce, Justice, Science, and Related Agencies
- **Administering Agency:** Department of Justice
- **Cost Share:** Congressionally Directed Spending requests for Byrne Discretionary Grants can be used to cover 100% of a project's cost.
- **Requirements:**
 - **Project Readiness:** All eligible projects must provide details on the status of the planning and environmental work.
 - **Sources of funding:** All eligible projects must provide a detailed description of all other sources of funding contributing to the total cost of the project.
 - **Local support:** Successful CDS requests should have the support of local officials or communities.
- **Process for Successful Applications:** If a project is successfully funded in the enacted FY24 appropriations bill, the funding will be distributed to recipients by the Department of Justice's Office of Justice Programs. After the appropriations law is enacted, successful requestors must submit a grant application to the Department of Justice to confirm eligibility of the project based on agency rules and sign a funding agreement. This process typically takes about four months after the enactment of an appropriations law. Information of how the Department of Justice has handled prior year CDS requests can be found [here](#), and an FAQ on the CDS funding opportunity, provided by the Department of Justice, is [here](#).

Department of Justice – COPS Law Enforcement Technology and Equipment Grant:

Projects that provide law enforcement agencies with technologies and automated systems which aid in investigating, responding to, or preventing crime are eligible for Congressionally Directed Spending through the COPS Grant program.

- **What can be funded?** Funding can be requested 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,

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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.

CDS requests funded in a final bill will be subject to the requirements of [2 CFR Part 200](#) and the [DOJ Grants Financial Guide](#).

- **Restrictions:**
 - Funding within this program can't include real estate acquisition or construction projects.
 - Requestors are encouraged to review the [COPS Office statute](#) to confirm their project would be eligible for funding through this account.

- **Appropriations Subcommittee:** Subcommittee on Commerce, Justice, Science, and Related Agencies

- **Administering Agency:** Department of Justice

- **Cost Share:** By statute, projects which receive funding from this account must provide at least a 25 percent non-federal cost share.

- **Requirements:**
 - **Project Readiness:** All eligible projects must provide details on the status of the planning and environmental work.
 - **Sources of funding:** All eligible projects must provide a detailed description of all other sources of funding contributing to the total cost of the project. This must include details on how the local recipient will meet the cost-share.
 - **Local support:** Successful CDS requests should have the support of local officials or communities.

- **Process for Successful Applications:** If a project is successfully funded in the enacted FY24 appropriations bill, the funding will be distributed to recipients by the Department of Justice's Office of Justice Programs. After the appropriations law is enacted, successful requestors must submit a grant application to the Department of Justice to confirm eligibility of the project based on agency rules and sign a funding agreement. This process typically takes about four months after the enactment of an appropriations law. Information of how the Department of Justice has handled prior year CDS requests can be found [here](#), and an FAQ on the CDS funding opportunity, provided by the Department of Justice, is [here](#).

FEMA – Emergency Operations Center Grant Program: Projects to equip, upgrade, or construct Emergency Operations Centers (EOCs), which can include any facility from which direction and control is exercised in an emergency, are able to receive Congressionally Directed Spending.

- **What can be funded?** The Emergency Operations Center Grant Program is intended to support flexible, sustainable, secure, strategically located, and fully interoperable EOCs with a focus on addressing identified deficiencies and needs. Projects which would equip, upgrade, or construct EOCs are eligible for Congressionally Directed Spending.

Specific costs that can be funded include planning costs related to EOC construction or upgrading activities, the purchase of equipment from the [Authorized Equipment List](#), and costs related to the construction or upgrade of an EOC facility.

- **Restrictions:**
 - FEMA EOC Grant program funding is provided by FEMA to the applicable state administrative agency – in Arizona, this is the [Department of Emergency and Military Affairs](#). Local applicants must work closely with DEMA to determine a project's eligibility and apply for funding.
 - Only specific eligible activities, as detailed in the EOC Notice of Funding Opportunity, are eligible for Congressionally Directed Spending.
 - All proposed construction and upgrading activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, prior to undertaking any action related to the project.
- **Appropriations Subcommittee:** Subcommittee on Homeland Security
- **Administering Agency:** Federal Emergency Management Agency
- **Cost Share:** EOC Grant Program has a cost share requirement. All award recipients must provide a non-federal entity contribution supporting 25% of the total of all project costs.
- **Requirements:**
 - **DEMA Coordination:** Because DEMA is responsible for administering all funding received from FEMA under the EOC program, any local applicants interested in receiving funding must discuss the project with DEMA staff prior to requesting funding from Senator Kelly's office. Applicants are encouraged to email travis.schulte@azdema.gov with questions.

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- **Project Readiness:** All eligible projects must provide details on the status of the planning and environmental work. Applicants should pay particular attention to the federal [EHP requirements](#).
- **Sources of funding:** All eligible projects must provide a detailed description of all other sources of funding contributing to the total cost of the project. This must include details on how the local recipient will meet the cost-share.
- **Process for Successful Applications:** If a project is successfully funded in the enacted FY24 appropriations bill, the funding will be distributed to recipients by FEMA to the state administrative agencies (DEMA), which will then provide funding directly to local recipients. DEMA will be required to complete a Notice of Funding Opportunity to confirm all aspects of a project comply with federal funding requirements. An example of a [previous year's NOFO](#) can be found here. Assuming eligibility requirements can be confirmed easily, funding should be disbursed within 6 months of enactment.

USDA Rural Development – Community Facilities Grant:

Law enforcement projects, including construction projects, that meet the eligibility requirements of USDA Rural Development's Community Facilities Program may be funded through Congressionally Directed Spending.

- **What can be funded?** Any project that's eligible for USDA RD's Community Facilities (CF) grant program is eligible for Congressionally Directed Spending. More information about the eligible program activities can be found [HERE](#). In general, projects in communities (or districts with a service area) with a population of less than 20,000 people are eligible for CF funding. Construction, modernization, and acquisition of equipment related to law enforcement are often eligible for USDA funding, including constructing police stations, acquiring vehicles, and making capital equipment upgrades (like radio towers).
- **Restrictions:**
 - Towns with populations over 20,000 are not eligible for this program.
 - This program is subject to the Build America Buy America Act requirements which will apply to the total project cost, not just the federal cost-share portion.
 - Applicants must meet environmental review requirements (i.e., NEPA).
 - Funding within this program may not be used:
 - To reimburse funds for projects already constructed/acquired or projects that will be completed by the passage of the FY24 appropriations bill.

- To pay initial operating expenses or annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses.
 - To fund facilities to be used primarily for recreation purposes.
 - To fund facilities to be used primarily for business entrepreneur purposes.
- **Appropriations Subcommittee:** Agriculture, Rural Development, FDA, and Related Agencies
- **Administering Agency:** U.S. Department of Agriculture – Rural Development
- **Cost-Share:** The Community Facilities (CF) Grant program has a match requirement on a sliding scale based on community population size. CF Grants can cover up to 75 percent of the total project costs. **In order to determine whether a project is eligible, your office or the applicant is required to reach out to the Arizona State Rural Development Office. [Contact information is here.](#)**

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

- Maximum of 75 percent when the proposed project is located in a rural community having a population of 5,000 or fewer
 - Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer
 - Maximum of 35 percent when the proposed project is located in a rural community having a population of 20,000 or fewer
- **Requirements:**
 - **Project Readiness:** All eligible projects must provide details on the status of the planning and environmental work.
 - **Sources of funding:** All eligible projects must provide a detailed description of all other sources of funding contributing to the total cost of the project – and specific attention must be paid to ensuring the requestor can meet the cost-share requirements based on the community/service area’s size.
 - **Discuss with Arizona Rural Development Office:** All applicants considering applying for Rural Development funding are strongly encouraged to reach out to the [Arizona Rural Development office.](#)
 - **Community/Service Area Population:** Because of the specific requirements for Rural Development funding, applicants must provide the most up to date population data for the community/service area in their application. Failure to provide this information will prevent the project from being funded.

- **Process for Successful Applicants:** If a project is successfully funded in the enacted FY24 appropriations bill, the funding will be distributed as a grant agreement administered by the [Arizona Office of Rural Development](#). Successful requestors must provide documentation to confirm eligibility based on the requirements above. Once eligibility is confirmed, funding can be disbursed. This typically takes 3-4 months from the enactment of the appropriations law.