

# MEMBER CHECKLIST FOR SUBMISSIONS TO THE SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

## General Guidance

The general procedures for submitting Member requests are in the Dear Colleague letter from Chairman Bishop dated March 24, 2022. Please refer to that letter for general information regarding the fiscal year 2023 process, as well as the March 18<sup>th</sup> Dear Colleague and attachments from Chair DeLauro.

The online requests must be received by the Subcommittee no later than April 28 at 6PM.

The supplemental information and directions provided in this document are intended to simplify the online request process and help ensure requests are entered correctly. Please read this document carefully before entering your requests online. It is important to ensure the information is entered accurately, so that the requests may be properly considered for funding.

### **Distinguishing community project, program, and language requests:**

**Community Project Funding request:** a funding request for a specific governmental entity or non-profit organization to carry out a specific community project.

Example: *Provide \$500,000 for a specific entity in City, State.*

**Programmatic request:** a request to fund a specific program in the bill at a specified level.

Example: *Provide \$1,000,000,000 for the ReConnect program.*

**Language request:** a request to include specific bill or report language that does not direct funding to a particular entity but encourages, urges, or directs some type of action by an agency.

Example: *The Committee encourages USDA to study the impact of expanded broadband on rural communities' economic prosperity.*

If the programmatic or report language request is intended to be for a specific governmental entity or non-profit organization and not competitively awarded, or if it narrowly defines a competitive grant to the extent that only one entity or geographic area can apply, **this is a community project funding request and must be submitted as such.**

If your office has any doubt about whether a programmatic or report language request would instead be classified as a community-based project request, please contact the Subcommittee staff at [AG.MemberRequests@mail.house.gov](mailto:AG.MemberRequests@mail.house.gov).

### **Community Project Funding Requests:**

The Subcommittee will include a very limited number of community projects this year. Members will be able to submit up to 15 Community Project Funding proposals (CPFs) across all subcommittees for the fiscal year 2023 process.

Although programmatic or language requests may be made for any account, **only five accounts in the Agriculture appropriations bill will include CPFs.**

All Community Project Funding requests must meet all applicable eligibility requirements for the program in which the request is made, including all underlying statutory and regulatory requirements (e.g., cost share). Any recipients of CPFs that are funded in the bill will need to apply to USDA for the award. The application will be reviewed for compliance prior to official award, but will not be competitively scored against other applications.

For each Community Project Funding request, Members will be asked to respond to a series of questions intended to provide transparency and ensure the project is a valuable use of taxpayer funds.

Here are the specific pieces of information needed for the Agriculture bill:

1. The website address of the proposed recipient.
2. If there are additional costs necessary to complete the project, have those been secured?
3. For Rural Development projects, is the project for an eligible purpose and does it meet all eligibility requirements under current law?
4. Does the entity plan to make grants to other entities from the funds provided and if so, to whom?
5. Why is the project a priority for the district? Briefly explain the community benefits.
6. Has any funding for the project been included in any presidential budget and if so, how much, in which fiscal year, and in which agency or agencies and program(s)?
7. Has the project received federal funding before and if so, how much, when, and from which agency or agencies and program(s)?
8. For ARS B&F only, what is the estimated start date of the project? How soon could the feasibility/engineering design phase commence? [mm/yy]
9. For ARS B&F only, does the project have distinct and separable phases?
10. For ARS B&F only, what is the estimated completion date of the project? When does completion of construction occur? [mm/yy]
11. For ReConnect requests only, please provide relevant information, such as the number of households, businesses, or farms that would be served, what the performance of the service to be offered will be, and whether healthcare or educational facilities will be served.
12. For Conservation Operations, briefly describe how the project will reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, or other objectives that will help conserve, maintain, and improve natural resources.

In addition to information about the project, the Member requesting funding must complete a signed financial disclosure letter and upload it to the electronic submission system for each project submission. The signed certification letter must state that neither the Member nor their immediate family has a financial interest in the designated entity to receive funding.

It is imperative that the recipient identified in the financial disclosure letter match the recipient in the request letter. This letter will be posted online by the Committee if the request is included in the fiscal year 2023 bill. Language and programmatic requests do not require a disclosure letter.

To offer more opportunity for public scrutiny of Member requests, Members must post information on the requests they have submitted to the Appropriations Committee on their official House website. As

indicated above, all request submissions are due April 28<sup>th</sup> at 6pm. The Committee is asking that Members wait 15 calendar days after the Committee's submission deadline before posting the information online. Providing 15 days between the submission deadline and posting will allow Committee staff to review the requests and make sure they are properly categorized as a Community Project Funding request.

Online posting should occur in the time period between 15 and 20 days following the submission deadline. It should be noted this is not project eligibility screening; this is a process to make sure the request is properly categorized in the submission database.

The Appropriations Committee will only consider funding those requests that have been so posted. The website must contain the following information for each request submitted in fiscal year 2023:

- The proposed recipient, and address of the recipient,
- The amount of the request,
- An explanation of the request, including purpose, and why it is a valuable use of taxpayer funds.

Members will be asked to provide a link to the webpage containing this information when they enter the request into the Members' Request system.

For electronic signatures, the Committee will only accept signatures using the Quill system.

**Request letter:**

- Each request letter must contain: a prioritized list of community-based projects, dollar amount and specific account for each such project.
- The letter must be signed by the Member and printed on Member's official letterhead.

**Certification letter:**

- Each certification letter must follow the specific instructions in the database.
- The letter must be signed by the Member and on the Member's official letterhead.
- While Members are required to certify to the Committee that neither they nor their immediate family have a financial interest in proposed project, Members should also be fully aware of any other financial aspects or relationships associated with the proposed project that might raise ethical concerns. These include but are not limited to lobbyists, donors, or other affiliated parties that have an interest in the project.

**Other requirements:**

- Ensure community-based project titles submitted in the database, in the prioritized request letter and in the certification letter are all identical.
- Ensure all community-based project titles include the city (or county as applicable) and two letter state designation in which the project would be located.
- Ensure your community-based project prioritization list entered into the database is identical to the prioritization in your Member's request letter.
- Ensure that the name and location listed for each proposed community-based project in the database are also noted in certification letter.
- Please make every effort to indicate if one of your community-based projects is also being requested by another member.

**Additional guidance on Community Project Funding requests for eligible accounts:**

### ***Department of Agriculture Community Facilities Grants***

Grants to purchase, construct, or improve essential community facilities, to purchase equipment, and pay other related project expenses. Essential community facilities include, but are not limited to, healthcare facilities, public facilities, public safety measures, educational services, or other community support services. Examples of eligible projects include medical or dental clinics, towns halls, courthouses, childcare centers, police or fire departments, public works vehicles, or distance learning equipment. Any project must serve a rural area as specified in 7 CFR 3570.53 (rural areas including cities, villages, townships and Federally Recognized Tribal lands with no more than 20,000 residents), and the Member's request must demonstrate community support. Members should ensure that their request provides the fullest description of the project as possible. Submissions should include details on all proposed uses of funds, activities that will occur, timeline, and detailed information on the complete service territory, including median household income of the proposed project.

Please review all program regulations carefully, most notably:

- Cost share requirements. The Community Facilities program has a cost share calculated on a graduated scale. The applicant should be aware of any cost share as documented in 7 CFR 3570.63(b).
- Credit Elsewhere Test. Applicant shall certify they cannot finance the project from their own resources and credit is not otherwise available on reasonable terms from non-Federal sources.

Community Facilities grants generally cannot be used to pay initial operating expenses or annual recurring expenses, refinance existing debt, pay interest, build or repair facilities in non-rural areas, or pay for construction costs of facilities that will be used for commercial rental space.

The State Rural Development Office is a valuable resource to answer program questions, including eligibility.

For fiscal year 2022, the average CPF funding level was just over \$1 million. Please note that the Committee will consider higher project requests for fiscal year 2023. However, projects requesting significantly more than that average may be more difficult to fund and funding will depend on program demand and other variables. Any future potential project caps will be determined by the Chair after reviewing the full universe of requests.

### ***Department of Agriculture ReConnect Program***

ReConnect broadband pilot grants facilitate broadband deployment in rural areas. Grants funds can be used for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service to rural areas without sufficient broadband access.

The area must be rural and lack sufficient access to broadband service. A rural area is any area which is not located within a city, town, or incorporated area that has a population of greater than 20,000 inhabitants. Sufficient access to broadband is defined as greater than 90% of any rural area in which households have fixed, terrestrial broadband service delivering at least 25 Mbps downstream and 3 Mbps upstream. Mobile and satellite services will not be considered in making the determination of sufficient access to broadband.

Stand-alone middle-mile projects are not eligible under the ReConnect Program. However, middle-mile

facilities are eligible if they are needed to bring sufficient broadband service to all premises in the area.

Members are strongly encouraged to include information in their requests, such as the number of households, businesses, or farms will be served in the area, what the performance of the service to be offered will be, and whether healthcare or educational facilities will be served.

USDA's Rural Development is a valuable resource to answer program questions, including eligibility.

For fiscal year 2022, the average ReConnect CPF award was nearly \$2 million. Please note the subcommittee will consider higher project requests for fiscal year 2023. However, projects requesting significantly more than that average may be more difficult to fund and funding will depend on program demand and other variables. Any future potential project caps will be determined by the Chair after reviewing the full universe of requests.

Additionally, when submitting a request, Members are reminded that all policies and procedures apply, including environmental and related reviews **and the cost share requirement of 25%** of the overall project cost. Policies and procedures can be found at <https://go.usa.gov/xexPT>.

### ***Department of Agriculture Distance Learning and Telemedicine Grants***

The Distance Learning and Telemedicine program (DLT) helps rural residents better utilize the enormous potential of modern telecommunications and the internet for education and healthcare, two critical components of economic and community development. The DLT program helps rural communities acquire the technology and training necessary to connect educational and medical professionals with students, teachers, and patients in rural areas.

Grants may be used for audio and video equipment, broadband facilities that support distance learning or telemedicine (not actual broadband), computer hardware or network components/software, and acquisition of instructional programming.

All requests are subject to all the regulations governing the program which can be found at 7 CFR Part 1734. **The program requires a 15% match** that cannot come from another federal source.

The State Rural Development Office is a valuable resource to answer program questions, including eligibility.

Competitive awards typically range from \$50,000 to \$1,000,000 and the Committee will consider projects in this range. This a new account for the fiscal 2023 House process; in fiscal year 2022, the average Senate CPF in this account was \$359,000. Members are strongly encouraged to provide as much detail as possible on how the award will be utilized, what equipment of service will be acquired and any information on population(s) served. The program is intended to serve rural areas with populations of 20,000 or less.

### ***Department of Agriculture Agricultural Research Service, Buildings and Facilities***

The Agricultural Research Service (ARS) owns and operates laboratories and facilities across the United States. Many of these laboratories/facilities are decades old, have outlived their functional lifespan, and are badly in need of major repairs, renovation, or replacement. Facility requests must be for ARS-owned

facilities or for facilities that will enhance ongoing ARS work. Requests can assist in the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture.

Members are strongly encouraged to provide details on the research to be conducted, why the research is a high priority, as well as details on the modernization and why it is critical in carrying out the research.

Requests for ARS-owned facilities will be given priority for funding.

***Department of Agriculture Natural Resources Conservation Service, Conservation Operations***

The Natural Resources Conservation Service (NRCS) supports private landowners, conservation districts, and other organizations to conserve, maintain, and improve the Nation's natural resources. Conservation Operations has four major program components: Conservation Technical Assistance, Soil Survey, Snow Survey and Water Supply Forecasting, and Plant Materials Centers. Examples of specific objectives include reduce soil erosion, improve soil health, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damage caused by floods and other natural disasters. Due to the newness of the urban agriculture program, the subcommittee will not consider such proposals this year as part of CPFs in Conservation Operations.

Members are strongly encouraged to provide details on the work to be done, including if the project will conduct surveys, investigations, or research, and if there is a plan to publish the results of any such work. Members should also describe any preventive measures to be taken, such as engineering operations, methods of cultivation, or changes in use of land.

This is a new account for the fiscal year 2023 House process; in fiscal year 2022, the average Senate CPF in this account was \$1.1 million. The Committee will consider higher project requests for fiscal year 2023. However, projects requesting significantly more than that average may be more difficult to accommodate and will depend on program demand and other variables. Any future potential project caps will be determined by the Chair after reviewing the full universe of requests.