SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Fiscal Year 2022 Member Project Request Guide

Member Request deadline is 6pm on April 16, 2021

All project requests must meet eligibility requirements for the specific program in which the request is made.

General Guidance on Submitting Requests

Requests must be submitted through the online database. All requests must be entered electronically into the House Appropriations Committee's electronic database at https://AppropriationsSubmissions.house.gov. For the online submission of requests, please follow these instructions: All requests – projects, programmatic, and bill/report language – must be entered into the online database. Request forms must match the signed Member letter. Each office is responsible only for their requests and one office cannot enter requests into the database for another office. This includes all multiple-Member requests. When filling out the Supplemental Questions, for any question that does not apply to the account for which you are requesting a project, please enter "NA". It is important to include accurate contact information for the prospective grantee when filling out the online request. This includes a point of contact and an address. **The grantee name entered into the online database must match the grantee name on the signed disclosure of financial interest certification letter. Certification of no financial interest applies to Members and immediate family.**

Signed letters must be submitted electronically. Each Member must provide a single signed letter including a list of all project requests, program requests, and report language requests. No requests will be considered unless they are documented in a letter signed by the Member and entered into the online Member Request database. This letter should be converted to a PDF and uploaded to the online database. **NO HARD COPIES PLEASE.**
The letter must include a **bill-wide** priority ranking of all requests. This ranking must be consistent with what is included in the online submission.

Please only include information in the letter necessary to identify the request. All other details should be included with the online submission.

No hard copies please. The Subcommittee does not require hard copies of the signed letter, the individual project certification letters, or the project request forms.

If a Member signs a multi-Member or delegation request letter, that request **must be entered into the online database and included in the Member's signed letter to be considered**. This requirement applies to project, program, and bill/report language requests.

Guidance Specific to Community Projects

Community Support. Community engagement and support is crucial in determining which projects are worthy of Federal funding. Only projects with demonstrated community support will be considered. This recommendation builds on past Committee reforms, and Members will be required to present to the Committee evidence of community support that were compelling factors in their decision to submit the request. Examples of these include:

- 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.
- Resolutions passed by city councils or boards.

These are intended to be some examples of the type of information that you may consider presenting to the Committee in conjunction with your project. It is not an exhaustive list.

Member Requirement to Post All Requests Online. For transparency, Members are required to post Community Project Funding requests on their house.gov websites at the time the request is made to the Committee. The information posted must include:

- The proposed recipient.

- The address of the recipient.

- The amount of the request.

- An explanation of the request, including purpose, and a justification for why it is an appropriate 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 database system. The Committee will use that link in its "one-stop" online database.

When is a financial disclosure required and Directions for Preparing Certifications?

A request for a project to a specific, named, non-governmental entity requires a disclosure. A request to fund a federal program or activity does not. Below are two examples to help you distinguish:

Example 1

A request for a specific land acquisition project, such as a parcel of land adjacent to a particular National Forest, requires a financial disclosure, which must be provided by every Member who signs on to any multiple-Member letter for this land acquisition. **This is a PROJECT request** because you are requesting funding for a specific project**.**

However, a request for overall support for land acquisition by the US Forest Service does not require a financial disclosure. Although an entry in the database is required for each cosponsor of multiple-Member letters for general support for US Forest Service land acquisition, they do not need to submit financial disclosures because **this is a PROGRAMMATIC request**. In this example, you are requesting funding for an activity or program with no specific recipient identified, and this does not count as a community-based project. However, please be aware that this type of request would not be considered a request to fund the acquisition of a particular property.

Example 2

- **Project Request (requires a disclosure):** Provide $500,000 to Utility District/Township for wastewater treatment infrastructure improvements in City, State
- **Programmatic Request (does not require a disclosure):** Provide $5,000,000,000 for the Clean Water State Revolving Fund.

Directions for Preparing Certifications.

Pursuant to House rule XXIII, clause 17, Members are required to send the Chair and Ranking Member a letter stating that the Member does not have a financial interest in certain proposed projects. To comply with the House rule and additional requirements established by the Chair of the Appropriations Committee, below please find suggested text for a certification to accompany a Community Project Funding request.

Dear Chair DeLauro and Ranking Member Granger:

I am requesting funding for _____ *[project] in fiscal year 2022. The entity to receive funding for this project is_____, located at __(address including street name, city, state and zip code). The funding would be used for_____. I certify that neither I nor my immediate family has any financial interest in this project.*

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Sincerely,

Member of Congress

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The certifications must be on letterhead and must be signed by the Member. In accordance with House rules, certifications for projects included in any measures will be available for the public to see.

Please prepare the certification on letterhead and scan a copy for attachment the PDF document with each request to be uploaded to the database. For questions about individual requests please email IN.MemberRequests@mail.house.gov. For questions regarding the certification process please contact Jason Gray with the Full Committee.

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Requirements for Community Project Certifications ("Certs")

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- Must be signed by Member and on Member letterhead.

- Must include:
  - The name of the Member of Congress requesting the Project.
  - Name and address of the intended recipient (if none, the location of the activity should be listed).
  - Purpose of the requested project – include a brief description of the intended use of funds.
  - Statement that the Member and immediate family has no financial interest in the requested project.
  - For the purposes of this certification the term ''immediate family'' means an individual who is related to the Member, Delegate, or Resident Commissioner, as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother- in-law.

General criteria used to evaluate Community Project Funding requests

- **Ban on For-Profit recipients.** The Committee is imposing a ban on directing Community Project Funding to for-profit entities.

- **Matching requirements.** Several Federal programs eligible for Community Project Funding requests require a State or local match for projects either by statute or according to longstanding policy. The Committee will not waive these matching

requirements for Community Project Funding requests, so it is important that Member offices discuss with their State and local officials the ability for localities to meet matching requirements prior to requesting a project. Note: This does not mean that matching funds must be in-hand prior to requesting a project, but that local officials must have a plan to meet such requirements in order for such a project to be viable.

- **One-year funding.** Each project request must be for fiscal year 2022 funds only and cannot include a request for multiyear funding.

- **State or local governmental entities as grantees.** Members are encouraged to consider public entities as primary grantees to oversee the completion of the project.

    o For infrastructure projects, many States have established lists or intended use plans with projects that have already been vetted by governmental officials (e.g. drinking water, wastewater and highways).

- **Non-profits as grantees.** If a Member requests that funding be directed to a non-profit organization, the Member will need to provide evidence that the recipient is a non-profit organization as described under section 501(c)(3) of the Internal Revenue Code of 1986. Further, many water projects often partner with non-profit entities to complete projects. Therefore, projects may also be directed to non-profits with an inherently governmental function.

What additional items should I be aware of related to Community Project Funding requests?

- **Lobbyists, donors and other affiliated parties.** While Members are required to certify to the Committee that neither they nor their immediate family have a financial interest in a 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.

- **"One-stop" webpage for the public.** The Appropriations Committee will maintain a website with links to all House Members' appropriations project requests to help the public easily view them.

- **Transparency / Early Public Disclosure.** Per House rules, each bill's Committee report will include a list identifying each community project that has been funded in the bill along with the name of the Member requesting it. Each Subcommittee will make such lists public at the time of their Subcommittee markup.

What is the definition of "Earmark?

- The Appropriations Committee uses the definition of "earmark" found in House rule XXI:

A "Congressional earmark" is defined as "a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula driven or competitive award process." (Clause 9 of House rule XXI)

DEPARTMENT OF THE INTERIOR

Land Acquisition Through the Land and Water Conservation Fund

Federal acquisition of lands and water and interests therein must be for the purpose of land and habitat conservation and the encouragement of outdoor recreation, as established by the Land and Water Conservation Fund (LWCF) Act of 1965. Land acquisition project requests funded from the LWCF should be requested through the agency that would manage the land being acquired. The four land management agencies are: within the Department of the Interior, (1) the Bureau of Land Management, (2) the Fish and Wildlife Service, (3) the National Park Service; and within the Department of Agriculture, (4) the Forest Service.

Third party organizations (i.e. The Nature Conservancy, Trust for Public Land, etc.) frequently participate in the federal acquisition process by coordinating the negotiation and purchase of tracts. If the project you are requesting involves a third-party organization, please be mindful that funding for a land acquisition project goes to the agency that will manage the land.

The Great American Outdoors Act of (Public Law 116-152) and the Consolidated Appropriations Act, 2021 (Public Law 116-260) mandates that the president submit, along with the upcoming fiscal year's budget request, proposed and supplemental project lists. The Committee will look favorably upon requests for projects that appear in either of these lists. When submitting your request, please indicate whether the project is on these lists.

ENVIRONMENTAL PROTECTION AGENCY

State and Tribal Assistance Grants (STAG)

The vast majority of requests made to the Interior Subcommittee are for STAG infrastructure grants. These grants fund local wastewater and drinking water infrastructure projects. This includes construction of and modifications to municipal sewage treatment plants and drinking water treatment plants. Similar to past practice, the Committee will be limiting STAG infrastructure grants only to projects that are publicly-owned or owned by a non-profit entity and that are otherwise eligible for the funding from that state's Clean Water or Drinking Water State Revolving Funds (SRF) loan programs. **Privately-owned projects are NOT eligible for infrastructure grants, even if they are otherwise eligible for assistance under a SRF program.** The Committee will look favorably upon requests for projects that are listed on a state's most recent Intended Use Plan.

There is a minimum 20% cost share requirement for any portion of a project funded through a STAG 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 20% cost share. **Ability to fund the 20% cost share is required before EPA can award a STAG grant**. Please note that only the non-federal portion of assistance provided by a SRF can be applied towards a project's matching requirement.

STAG projects have very specific eligibility requirements, and the Committee will not consider projects that do not meet those requirements. The following table lists some of the project types that are ineligible for STAG grant funding:

Projects that generally <u>ARE NOT</u> eligible for STAG Grants			
Clean Water / Waste Water		Drinking Water	
1.	**Land,** except for projects described in the subsequent table under eligibility #11	1.	**Dams or rehabilitation of dams**
2.	**Operations and maintenance costs**	2.	**Operations and maintenance costs**
3.	**Non-municipal point source control**	3.	**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
4.	**Acid rain drainage correction**	4.	**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
5.	**Ambient water quality monitoring**	5.	**Laboratory fees for monitoring**
6.	**Flood Control Projects**, unless the project is otherwise managing, reducing, treating, or recapturing stormwater	6.	**Projects needed mainly for fire protection**
7.	**Privately owned sewer pipes**	7.	Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance will ensure compliance
		8.	Projects for systems in significant noncompliance, unless funding will ensure compliance
		9.	Projects primarily intended to serve future growth

The following list provides some examples of the types of projects that are typically eligible for STAG grant funding and which are most frequently funded. This list is not intended to be exhaustive; for questions regarding project eligibility, please contact the subcommittee via email at IN.MemberRequests@mail.house.gov:

Projects That Generally <u>ARE</u> Eligible for STAG Grants			
Clean Water / Waste Water		**Drinking Water**	
1.	**Wastewater treatment plants, including sludge handling facilities** - new, upgraded (increase in treatment level) or expanded (increase in treatment capacity) facilities, including biological facilities, mechanical, a lagoon system, a land treatment system, or individual on-site systems.	1.	Facilitate compliance with national primary drinking water regulations or address serious risks to public health including non-regulated contaminants (i.e. PFAS).
2.	**Collector Sewers** - Small sewers that convey wastewater from residences, commercial establishments, and industrial sites to larger interceptor sewers.	2.	Rehabilitate or develop water sources (excluding reservoirs, dams, dam rehabilitation and water rights) to replace contaminated sources

3. **Interceptor Sewers** - Large sewers that convey wastewater from collector sewers directly to a wastewater treatment facility.	3.	Install or upgrade treatment facilities
4. **Sewer Pipes -** Rehabilitation is eligible only if pipes are publicly owned.	4.	Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system
5. **Outfall Sewer** - A sewer that conveys treated wastewater from a wastewater treatment facility to the receiving waters (i.e., a river, stream, lake, ocean, etc.).	5.	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
6. **Storm Water Management** – Measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water (i.e. storm sewers, green infrastructure, etc.).	6.	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 – are eligible for DWSRF assistance.
7. **Combined sewer overflow (CSO) control and sanitary sewer overflow (SSO) control** - Combined sewers are sewers that convey both wastewater and storm water and may overflow during periods of heavy rain. The costs to correct CSO and SSO overflow problems are eligible.	7.	Land is eligible only if it is integral to a project that is needed to meet or maintain compliance and further public health protection.
8. **Infiltration/Inflow Correction** - Construction activities that prevent surface water or groundwater from entering the sewer system	8.	Project planning, design and other related costs
9. **Water Security --** These projects include installation or upgrade of physical security infrastructure such as lighting, fencing, monitoring and access control. Also, cybersecurity measures, installation of safer treatment technologies, and more secure storage of on-site treatment.		
10. **Septic Tanks --** Remediation, rehabilitation, removal and replacement of failing tanks are eligible, as well as installation of new tanks where none had previously existed.		

11. **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 (e.g., land for effluent application or recharge basins), and a place to store equipment and material during POTW construction. Municipal purchase of land and/or conservation easements for source water protection are also eligible.		
12. **Water Reuse** - Projects involving the municipal reuse or recycling of wastewater, stormwater, or subsurface drainage water. This includes but is not limited to the purchase and installation of treatment equipment sufficient to meet reuse standards, distribution systems to support effluent reuse, recharge transmission lines, injection wells, and equipment to reuse effluent (e.g., gray water, condensate, and wastewater effluent reuse systems).		
13. **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.		

U.S. FOREST SERVICE

State and Private Forestry

The Forest Service is an agency within the Department of Agriculture. Requests that do not fit into the described categories below are unlikely to be eligible for funding under the Forest Service.

The State and Private Forestry account provides technical and financial assistance, usually through the network of State Foresters, to improve the management, protection, and utilization of the Nation's forests. Community projects are usually limited and include various specific urban and community forestry projects and specific forest disease or pest treatment areas. Members may also request specific State fire assistance projects or specific forestry

assistance projects in this account. The Committee will look favorably upon requests for projects that are listed on any federal or state ordinal list or are clearly demonstrated to meet the goals of a State Forest Action Plan(s).

Questions for Community Projects

For each community project funding request, Member offices will need to submit the following information:

- Amount requested
- Total project cost
- FY 2022 President's Budget Request (if applicable).
- FY 2021 enacted level (if applicable).
- Can the project obligate all of the appropriated funds within 12 months after enactment (yes/no)?
- Was this request submitted to another subcommittee this fiscal year, and if so, which one?
- Estimated start and completion dates for the project.

Additionally, depending on the type of community project funding request, Member offices should be prepared to answer the additional supplemental questions:

[Land and Water Conservation Fund project for BLM/FWS/NPS/USFS]

1. Is the requested project on either the president's proposed or supplemental LWCF project list submitted by the agency?

[Environmental Protection Agency, State and Tribal Assistance Grants, Clean Water/Drinking Water infrastructure projects]

1. Please indicate whether this is a Clean Water SRF project or a Drinking Water SRF project.
2. Does the project have (or expects to have within 12 months) its 20 percent matching fund requirement?
3. Is the project on your state's most recently finalized Clean Water/Drinking Water State Revolving Fund Intended Use Plan?
4. Has the project received federal funds previously? If so, please describe.

[Forest Service, State and Private Forestry]

1. Has the project received federal funds previously? If so, please describe.
2. Is the project ranked in a priority setting system/list? If so, please provide list name and rank.
3. (If landscape scale restoration) Does this project meet the eligibility requirements of the Landscape Scale Restoration program as listed in the instructions on the Forest Service website?
4. (If landscape scale restoration) How does this project meet the goals of the State Forest Action Plan(s)?
5. (If Forest Health Management) Is this project treating a specific insect, disease, or invasive plant infestation listed in the FY21 Forest Service Budget Justification?
6. (If Cooperative Fire Assistance) If a State project, how does this project meet the goals of the State Forest Action Plan? If a local project, how does this project support community mitigation efforts?
7. (If Forest Stewardship) How does this project meet the goals of the State Forest Action Plan?
8. (If Urban and Community Forestry) How does the project meet the goals outlined in the 2016-2026 Urban Forestry Action plan?
9. (If Urban and Community Forestry) Further, how does this project "Conserve working forest landscapes, protect forests from harm, and enhance benefits associated with trees and forests"?
10. (If Urban and Community Forestry) Does the project meet at least the 50-50 match requirement?