

Committee on Appropriations

Guidelines for the FY2023 Community Project Funding Member Request Process

What is required for requesting Community Project Funding?

- **Limit of 15 Community Project Funding requests.** Given the limited scope for which the Committee will consider Community Project Funding requests, Members may submit up to 15 requests (up from 10 requests last year), excluding programmatic and language requests, across all Subcommittees. Further, the request must be submitted to the Member database in order for it to be considered as a valid. Members will be required to prioritize their community project requests when they are submitted to the Member database. Similar to last year the prioritization of CPF requests is separate from programmatic and language requests.

- **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, 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.

These are intended to be 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. Please direct questions to the relevant Subcommittee.

Importantly, should Member #1 wish to sign onto a letter of Community Support that Member #2 intends to submit as part of a formal request, then the Appropriations Committee recommends that Member #1 also include with the Community Support letter a financial disclosure statement to ensure the highest ethical standards in the process.

- **Financial Disclosure Statement.** The Committee continues the requirement that Members certify that neither they nor their immediate family has a financial interest in the requested project. The Committee will not consider a requested project without this

certification, and the template is included on the Committee's website. This is a separate letter from any programmatic or language-based requests. A summary of the elements required in the disclosure statement is below:

- Any Member requesting funding for a community project is required to provide a written statement to the Chair and Ranking Member of the Committee on Appropriations that includes the requesting Member's name, the name and address of the intended recipient of the Community Project Funding (or, if there is no intended recipient, the intended location of the activity), the purpose, and a certification that the requesting Member does not have a financial interest in the project. An additional Committee requirement is to certify that no immediate family member has a financial interest.

This letter must accompany the submission in the Committee's electronic database system, and the Committee will post it online if the request is funded in a FY 2023 Appropriations Bill. Programmatic and language-based requests do not require a disclosure letter. All Community Project Funding requests and any language requests that name a specific recipient of Federal funds will require a disclosure letter.

For clarification on whether a disclosure letter is required, please contact Jason Gray with the Full Committee or the relevant Subcommittee.

- **15-day Committee review period.** The Committee will be applying a 15-day review period between the deadline for the submission and posting online. Providing 15 days between the submission deadline and posting it on a Member's website will allow subcommittee staff to review requests and make sure they are properly categorized as a Community Project Request. If the Subcommittee identifies a critical error with a particular submission, Committee staff will reach out to the point of contact listed with the Member submission to discuss ways to appropriately modify submission for consideration.
- **Member Requirement to Post All Requests and Certifications Online.** For transparency, Members are required to post Community Project Funding requests and associated certifications of no financial interest on their house.gov websites after the 15-day Committee review period ends and no later than 20 days of the submission deadline. This flexibility will allow Committee staff to review requests and ensure they are properly identified as Community Project Funding requests. 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, and
 - the Member's signed certification letter stating there is no financial interest in

the project.

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.

- **Online Table of Requests.** The Committee's website will also include a link to a consolidated table of accessible data, so that the public can directly view all Community Project Requests submitted to the Committee. This table will show the same information that is required to be posted on the Member's website, and it is an effort to display all of the requests in one place in a more accessible format for the public. The consolidated table will be available following the 15-day period for Committee staff to review requests to ensure they are properly identified as Community Project Funding requests.

What criteria will be used to evaluate Community Project Funding requests?

Specific instructions will be provided in Dear Colleagues and enclosures from each of the Subcommittee Chairs, including which accounts are eligible for such requests and the information Members must include for Subcommittees to properly evaluate such requests. It is important that Member offices read the Subcommittee-specific guidance to understand the requirements for that Subcommittee before making a submission to the database. More generally, Subcommittees will consider requests with the following in mind:

- **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 2023 funds only and cannot include a request for multiyear funding. However, the performance period for a project funded with amounts provided in fiscal year 2023 will depend on the appropriations account from which it is funded, and may be longer than one year.
- **State, local or Tribal governmental entities as grantees.** Members are encouraged to

consider public entities as primary grantees to oversee the completion of the project.

- 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 by either supplying the Employer Identification Number or an IRS determination letter. 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?

- **Cap on Overall Funding.** The Committee will limit Community Project Funding to no more than 1 percent of discretionary spending.
- **“Support” vs. “Request” for a project.** Only formal submissions to the Member database will qualify as a request from that Member office, and only those requesting Members will have their names listed in the Committee report if the project is funded. Anything short of a formal request to the database will not be considered for inclusion in a fiscal year 2023 appropriations bill.
- **Letters of Support.** For Committee purposes, signed letters of support for a project do not qualify as a formal “request” to the Committee to fund a project, and will not be handled as such. Further, please note that every time a Member signs on to a letter demonstrating support for a project the Member should append an accompanying disclosure certifying to the Chair and Ranking Member that there is no financial interest in the project. This is to ensure the highest ethical standards in the Community Project Funding process.
- **Member Signatures.** Electronic signatures affixed to documents submitted to the Committee are acceptable. This year, if Members choose to sign electronically, they must do so using the newly established Quill system.
- **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)