

# **FY23 Congressionally Directed Spending Request Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee Guidance**

## **Office of Senator Jeanne Shaheen**

*The information below reflects the updated guidance received from the Senate Appropriations Committee for fiscal year (FY) 2023 with respect to congressionally directed spending (CDS) requests. Should you have any questions, please contact Senator Shaheen's office at [appropriations\\_shaheen@shaheen.senate.gov](mailto:appropriations_shaheen@shaheen.senate.gov) or call 202-224-2841.*

### **Agriculture, Rural Development, Food and Drug Administration, and Related Agencies**

The Agriculture Subcommittee will only accept CDS requests for the following accounts:

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

A recipient of CDS must apply for funding through the normal application process. The Agriculture Subcommittee will not fund CDS items if a recipient cannot meet all program requirements.

#### **Agricultural Research Service, Buildings and Facilities:**

- Requests for ARS B&F may only include funding for repairs and maintenance to existing facilities.
- Funding for construction of a building will not be considered.

#### **Animal and Plant Health Inspection Service (APHIS) Salaries and Expenses:**

- Must meet environmental review requirements (i.e. 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
- A few APHIS programs have matching requirements:
  - Grasshopper/Mormon Cricket (Field Crop & Rangeland Ecosystems Pests) – this program conducts surveys, provides technical assistance, and conducts suppression activities. When conducting suppression activities, the Plant Protection Act dictates the federal percentage of control costs and cost sharing for other parties. The federal government pays the total cost of suppression on Federal land (including most tribal trust lands), 50 percent of the cost on state land, and 33 percent of cost on private land.
  - Brucellosis (Cattle Health) – this program has **a 40 percent match** by the States
  - Wildlife Services – reimbursable service agreements are generally **50/50 cost share** and the States would reimburse for their portion.

Watershed and Flood Prevention Operations (WFPO):

- Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project.
- There are several financial and programmatic requirements in WFPO. An applicant must certify that a program sponsor has contacted their NRCS state office and the proposal meets all program requirements, including financial requirements.

Community Facilities Grants:

This program will fund **up to 75%** of total project costs, with match requirements based on area median income and 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; and the median household income of the proposed service area is below the higher of the poverty line or 60 percent of the State nonmetropolitan median household income.
- Maximum of 55 percent when the proposed project is located in a rural community having a population of 12,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 70 percent of the State nonmetropolitan median household income.
- Maximum of 35 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 80 percent of the State nonmetropolitan median household income.
- Maximum of 15 percent when the proposed project is located in a rural community having a population of 20,000 or fewer; and the median household income of the proposed service area is below the higher of the poverty line or 90 percent of the State nonmetropolitan median household income.

The match requirements are outlined in the CF regulation: 7 CFR 3570.63(b). Towns with populations over 20,000 are not eligible for this program.

In general, CF matching funds must come from a non-Federal source. However, there are two exceptions: (1) sometimes a Federal source will state that it can be used as a match for Federal Grants and (2) when a Federal source loses its Federal identity --- such as CDBG funds that are distributed through a Governor's office (not the CDBG entitlement funding) --- a CF project having these funds as a part of the capital stack can be a part of the applicant required contribution.

CDS requests will be considered outside of the CF state allocations. Therefore, the sole cap that will determine the maximum grant assistance is the match requirement as described above.

In order to best determine the eligibility of the request, please provide the following information in your application:

- Intended use of funds and how the completed construction/acquisition will be used. Please provide as much detail as possible. For example, "the funding will be used to build three new classrooms to teach English." A full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 3570](#)
- Both the requested CDS dollar amount and the total cost of the project
- Service area/beneficiaries – this includes all towns, cities, counties, etc. that will benefit from the services provided and can be more than just the town where the project is physically located. If a project will benefit multiple towns/communities, RD takes a weighted average of the populations and median incomes to determine eligibility and the required match. Without this information, RD will not be able to determine eligibility and the project will not be funded.

Funds may **not** be used for the following activities:

- 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

Applicants must meet environmental review requirements (i.e., NEPA). Due to the complexity of these grants, all applications should be vetted through your State RD office – the Subcommittee will not consider projects that are ineligible.

#### Distance Learning and Telemedicine (DLT) Grants

The following project and applicant eligibility criteria must be met prior to a congressionally directed spending request being approved:

- There is **a flat 15 percent match** (matching funds cannot come from another Federal source)
- Full list of eligible entities, uses, and limitations can be found here: [7 CFR Part 1734 Subpart A and B](#)
- Reminder, even though for-profit entities are eligible for this program, they are not eligible for congressionally directed spending requests.
- **Broadband deployment is not an eligible use of funds for DLT**

For both CF Grants and DLT Grants, 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>.