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# EARMARKS 101

## THE WHAT, WHERE AND HOW TO APPLY FOR AN EARMARK GRANT

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### **What are Earmarks?**

Earmarks, in this context, are member directed (non-competitive) grants that are included within the discretionary appropriations bills and amount to a small percentage of the federal discretionary budget.

In calendar year 2010, both the House and the Senate placed moratoriums on the use and availability of earmarks. This year, House (and as of yesterday, Senate) Democrats are moving forward to reinstate the process for Fiscal Year 2022. At this time, we are not yet sure whether the House and Senate Republican caucuses will follow suite. But there is a good possibility that they will, so as not to give the Democrats a political advantage.

## What can Earmarks be used for?

Based on past experience, potential earmark program areas include:

- Vocational training
- Mental health
- Children and family services
- Community-based, long-term care services
- Senior transportation
- Health care construction/renovation and related equipment
- Education equipment, curriculum development, and professional training
- Disability services (learning and research)
- Museum systems and technology upgrades, exhibits, security, and archival programs
- Neighborhood redevelopment projects
- Construction for community centers

I have mapped out the specific Appropriations accounts where earmarks will likely return and will share those details as part of my notes.

**Note: Earmarks cannot underwrite existing programming – they must be de novo, and innovative in nature and have strong public policy justifications.**

## What is this year's Earmark opportunity?

While still a work in progress, the following are a number of details that have emerged from the House Democratic Caucus:

- The House Democrats plan to cap the total amount of money that can be spent on earmarks to 1 percent of total discretionary spending.
- Members will be able to submit up to 10 earmark requests per fiscal year, though members are not guaranteed to get those earmarks approved.
- Member requests will be subject to oversight and transparency requirements, meaning members or their families cannot have a financial interest in the requests and the requests will be posted online (on Member's Congressional websites and within Appropriations Committee publications).
- Justification for the requests will be carefully scrutinized as well.
- The Senate Democratic Plan has not been released, but I know they have been coordinating with their House counterparts and suspect it will be similar in scope.
- As for potential Republican participation, both the House and Senate Republican conferences would need to revise or eliminate bans on earmarks in their party rules before they could take part.

**Under these circumstances, it is advisable to reach out to all potential targets of this request, Democrats & Republicans in both the House and Senate to cover your bases; it is important**

**that they all know of your plans to apply should the opportunity arise.** And we will update the field as details become available.

## **What is the application process?**

Earmark requests are highly competitive. Members may receive dozens of requests to consider, which they will rank in order of priority when they submit them to the Appropriations Committee for approval. Depending on the amount of funding set aside for earmarks only about the top 3-5 earmarks per Member will get funded.

As such, well drafted requests that have strong public policy justification and the support among key community lay leaders, constituents, partner organizations, and state and local elected officials have a significant advantage. Also, requests that have the support of more than one Member can also be helpful.

## **Immediate next steps:**

- As soon as possible, contact each target Member of your Congressional Delegation.
- Let them know you are interested in applying for an earmark request.
- Ask if they have a form to complete and when their office deadlines are.
- Complete and return forms as soon as possible and before the deadlines.
- If they are still waiting on guidance about whether they will support earmarks this year, request that they can contact you once they decide, and plan to check back with them regularly on your own.
- With this you begin a year-long advocacy effort I support of the request. JFNA will provide updates on when such advocacy engagement should take place.

**Note: House Members will only support earmark requests that are located in or serve their districts.**

## **Who takes the lead?**

Typically, a state government affairs professional/JCRC director will lead the outreach and advocacy on behalf of the beneficiary agency. They will reach out to the target Members of Congress to express an interest in applying for the earmark and request the application and relevant instructions on behalf of the beneficiary agency. Whoever makes the outreach should be prepared to describe the request with enough detail for the office to know which spending bill the request would likely fall under, such as the Department of Health and Human Services, Department of Education, or the Department of Housing and Urban Development). After the award is made, the beneficiary agency will take over all aspects of the project.

**Note: Pass through requests are not permitted – the direct service provider must be the applicant.**

## **Completing the application**

Based on past practice, a Member will generate an internal application based on what the Appropriations Committee requires of them. Typical application questions include:

- Name and location of applicant, an agency point of contact, and a lobbyist point of contact (if applicable).
- The mission of the applicant, types of services, clients served.
- The Appropriation Subcommittee of jurisdiction.
- The appropriate Department/Agency/Program account.
- Requested legislative language.
- A name for the project request.
- A brief description of project.
- Amount to be requested.
- A brief budget outline that sets forth how the funding will be spent (and if there is a local match, the sources of the non-federal funding).
- Is this a one-time request and how does the applicant plan to sustain the program after the grant period is over.
- A strong public policy justification for the project (How will project serve the national interest, the state and/or district. **(More on this later)**)
- Number of jobs that would be created or saved.
- Is there local support for the request.
- Would there be opposition to the request.
- Are other Members of the delegation also supporting the project.
- A longer abstract of the project requested.
- They may also ask if the agency has received an earmark in the past (and if so, when, what, how much, and by whom).

## **Strong Public Policy Justification is critical**

Making a strong public policy justification is key to success, as the requests will be published and scrutinized publicly, Members will want to be proud and confident of the requests they will be sponsoring. The requests should pass muster as good policy, locally and nationally.

**Typically, the application submission deadline is very short, and organizations must be able to work quickly to develop their proposals. (Last week, I worked with one community on an application idea, and they submitted the request to a Senate and Congressional office yesterday.) Later, in the post award process, successful applicants will spend much more time**

**working with the administering Federal agency to fully develop and implement their project plans.**

### **Expectations:**

- The Earmark process is year-long.
- It requires advocacy engagement to elevate the request as a priority, involving influential lay leaders and community support.
- Results will be known after the spending bills are finalized.
- The grant period of performance is short, typically between 12- and 24-months.
- There is likely a local match that will need to be satisfied (figure 25% of the whole budget)
- There will be administrative oversight and involvement.
- The grant should be considered a one-time request.

### **How can JFNA's Public Policy team help?**

- JFNA will provide timely updates as the Earmark process unfolds.
- JFNA will be available to provide technical assistance on completing the application.
- JFNA will develop and disseminate helpful tools.

**JFNA will prioritize work with organizations that intend to quickly move forward in the next few weeks. And, will be available to assist any other organizations over the course of the year, who would prefer to focus on next year's (FY 2023) earmark opportunity.**