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EARMARKS

OVERVIEW OF THE APPROPRIATIONS PROCESS

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Dear Friends,

As many of you are newcomers to the process, and for the rest of us it has been more than a decade, I have outlined below what we might expect through the appropriations process. I look forward to keeping you updated on the FY 2022 process and should there be reason to take additional action beyond the below, I will disseminate updates and additional action steps.

As always, please let me know if you have any questions.

Best,

Rob Goldberg
Senior Director, Legislative Affairs
The Jewish Federations of North America

General Overview of the Stages of the Appropriations Process:

1. There are 12 separate appropriations bills and the House and the Senate each have 12 corresponding appropriations subcommittees responsible for them. For most of you, the Labor-Health and Human Services Appropriations bill and corresponding subcommittees will be applicable and possibly the Transportation-HUD bill and its corresponding subcommittees.
2. At the beginning, earmarks requests are submitted, and nonprofit applicants advocate on behalf of their project requests. Senators and Members of Congress then will review, prioritize, and submit the requests they decide to support to the Appropriations Committees. We can expect the Members to publish the requests they are supporting on their official websites.

- 3) Next, the subcommittees will spend approximately 2-3 months (typically May-July) drafting their respective appropriations bills. (It could take longer in the midst of the pandemic.)
- 4) Once the bills are drafted, the subcommittees, followed by the full appropriations committees, will consider (vote on) them. In this process the subcommittees make most of the determinations regarding the earmarks that will be included in the draft bills. We can expect that the full committees, when they take up the bill will not change the earmarks selected by the subcommittees.
- 5) Ahead of each vote, we can expect the earmark requests will be published on the websites of each respective subcommittee and full committee, so we will have a good idea about the status of the earmarks when the votes occur.
- 6) Once the bills are reported out of the full committee, the leadership in the House and the Senate will have to schedule floor time for the bills to be considered (voted on). Depending on the rules of each body, the bills will be opened to amendments.
- 7) Once a bill goes to the floor for consideration, the Chairman and Ranking Member of the applicable subcommittee manage the proceedings.
- 8) The number and types of amendments are typically established ahead of the votes. We might expect that there will be amendments offered to add, reduce, or abrogate the earmarks. Typically, amendments intended to undermine what the subcommittee has already approved are defeated.
- 9) Once a bill is passed in both chambers, a conference committee is established and members from each chamber (“conferees”) are selected to present their body’s will in negotiating a final compromise bill. Typically, members from the bill’s originating appropriations subcommittees are selected as conferees.

Once a conference committee finalizes a bill, it is sent back to each chamber for a final up or down vote. The chambers are not permitted to amend the bill, but if the bill fails, it can be sent back to the conference committee with instructions for further compromises to the bill. If it passes, it is sent to the President for their signature or veto.

- 10) Most often, the House completes its appropriations bills before the Senate does. The House rules give the majority party firm control over the process. However, because the rules in the Senate are based on the principle of “unanimous

consent,” this body is notorious for delays. All it takes is one dissenting vote to derail the process.

- 11) This year, I expect that delays in finishing the bills will occur (because they always do), and most likely bills will eventually be grouped together as packages (“omnibus” or “minibus” packages) to speed up end of year proceedings.

In the event of an omnibus appropriations bill, the subcommittees of jurisdiction retain responsibility for their respective subsections. Omnibus bills are also subject to the conference committee process.

- 13) Over the years, JFNA has experienced almost every variable that Congress utilizes in the appropriations process – from the regular order to complex solutions and delays. Between FY 2002 and FY 2010, the earmark process only derailed twice, and more often than not, the earmarks that made it into one or the other of the subcommittees’ draft spending bills survived the process.
- 14) Members submit a lot of earmark requests to the subcommittees for consideration. Typically, they rank the requests in order of priority. Depending on the amount of funding the House and Senate set aside for earmarks – typically less than one percent of the total discretionary appropriations budget – only the top priority earmarks get funded. The top 3-5 requests in the House and the top 5-10 requests in the Senate. This means that most of the earmarks that are submitted do not get funded.
- 15) Given the competitive nature of the process, we urge applicants to submit their requests early; to provide strong justification for the requests on the merits; to secure key lay leader support; to garner important partnerships and the support of strong community constituencies; to submit strong letters of support from state and local elected officials and state agencies; and to maintain good and regular contact with their congressional staff contacts. This is all about positioning their requests within the prioritization.
- 16) After the submission has been made, it is still important to continue advocating for the request -- the Member/s should feel compelled to fight for it at every stage of the process. Therefore, it is important to follow through with thank you notes; secure and submit letters of support from state and local elected officials, state agencies, community partnerships, and constituent supporters. And it is critical that lay leaders (“friends of the Member/s”) be in touch (both early and late in the process) with the congressional sponsor/s to emphasize that the project request is a top priority of theirs and the community.