Key ways to responsibly reinstate earmarks
Impact of a decade-long moratorium
ModCom Recommendation #85

Reduce dysfunction in the annual budgeting process through the establishment of a congressionally-directed program that calls for transparency and accountability, and that supports meaningful and transformative investments in local communities across the United States. The program will harness the authority of Congress under Article I of the Constitution to appropriate federal dollars.
Reduce dysfunction in the annual budgeting process through the establishment of a congressionally-directed program that calls for transparency and accountability, and that supports meaningful and transformative investments in local communities across the United States. The program will harness the authority of Congress under Article I of the Constitution to appropriate federal dollars. 

Reflects recommendations from civil society
## BPC Action Recommendation: Ensure Transparency

### Require Regular Order and Deliberation

Prohibit the inclusion of congressionally directed spending provisions in:

<table>
<thead>
<tr>
<th>Description</th>
<th>Implementation Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any supplemental documents not specifically being reported during the Appropriations Committee markups</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>Any appropriations bill on the House or Senate floor, in an appropriations conference report, or in omnibus appropriations legislation that did not previously include both the House or Senate sides</td>
<td>Partially Implemented</td>
</tr>
</tbody>
</table>
## BPC Action Recommendation: Ensure Transparency

### Increase Accountability

Continue to require that:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>All requests are posted both on individual lawmaker websites and on the relevant Appropriations Committee’s website prior to a full committee markup</td>
<td>Fully Implemented</td>
</tr>
<tr>
<td>A list of all congressionally directed projects in appropriate legislation be published on a publicly accessible website</td>
<td>Fully Implemented</td>
</tr>
<tr>
<td>Individual members send a letter indicating that they have no personal financial interest in the request</td>
<td>Fully Implemented</td>
</tr>
</tbody>
</table>
# BPC Action Recommendation: Increase Vetting

## Require Authorization before Appropriation

<table>
<thead>
<tr>
<th>Action</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow congressionally directed spending only in instances where an underlying program has been authorized</td>
<td>Ongoing Implementation</td>
</tr>
</tbody>
</table>

## Evaluate Spending

<table>
<thead>
<tr>
<th>Action</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instruct the GAO or another suitable, independent entity to randomly review and audit projects after funding has been allocated</td>
<td>Ongoing Implementation</td>
</tr>
</tbody>
</table>
## BPC Action Recommendation: Set Limits

### Prohibit For-Profit Projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit congressionally directed projects to publicly funded federal, state, local, tribal, or other similar not-for-profit entities</td>
<td>Fully Implemented</td>
</tr>
</tbody>
</table>

### Member and Spending Limits

<table>
<thead>
<tr>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keep overall congressionally directed spending at not more than one percent of total annual discretionary federal spending</td>
<td>Ongoing Implementation</td>
</tr>
<tr>
<td>Limit the total amount or number of congressionally directed spending requests that any member can receive</td>
<td>Partially Implemented</td>
</tr>
</tbody>
</table>
Earmarks, Implementation, and Capacity
Balancing Acts

- Potential real wins for the district
- Build or strengthen stakeholder relationships
- Solicit meaningful constituent engagement
- Message district priorities
- Negative press on ‘frivolous’ spending and projects
- Challenges with improperly vetted recipients
- Politically risky to deny deserving requests
- ENORMOUS staff workload
Earmarks in Six Steps

1. Understanding the rules
2. Education and Outreach
3. Intake Process
4. Vetting and Decision
5. Submission Process
6. Close Out Process
Balancing Acts

- Potential real wins for the district
- Build or strengthen stakeholder relationships
- Solicit meaningful constituent engagement
- Message district priorities

- Negative press on ‘frivolous’ spending and projects
- Challenges with improperly vetted recipients
- Politically risky to deny deserving requests
- ENORMOUS staff workload
In the context of...

- Potential real wins for the district
- Build or strengthen stakeholder relationships
- Solicit meaningful constituent engagement
- Message district priorities

Stagnant staff resources, high turnover

Global pandemic, skyrocketing casework

- Negative press on 'frivolous' spending and projects
- Challenges with improperly vetted recipients
- Politically risky to deny deserving requests
- ENORMOUS staff workload

Normal appropriations process

Partisan violence, threats, risk aversion
With that said...
Some offices nailed it.
Rep. Kim Schrier [D, WA]: early and thorough
Sen. Lindsey Graham [R, SC]: constituent-friendly

CONGRESSIONALLY DIRECTED SPENDING REQUESTS

Below are the Congressionally Directed Spending requests that Senator Graham submitted to the Senate Appropriations Committee for consideration. These projects are important for the continued growth of South Carolina. Additional funding requests will be publicly announced in the coming days and weeks.

Energy & Water

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Recipient Name</th>
<th>Funding Request</th>
<th>Project Purpose</th>
<th>Project Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Charleston, South Carolina</td>
<td>U.S. Army Corps of Engineers</td>
<td>$1,500,000</td>
<td>The funds will be used to conduct a feasibility study for tidal and inland-</td>
<td>City of Charleston</td>
</tr>
</tbody>
</table>
Sen. Chris Coons [D, DE]: constituent-friendly

Congressionally Directed Spending Requests

Applications for congressionally directed spending for Fiscal Year 2022 closed on June 1, 2021. The application for congressionally directed spending for Fiscal Year 2023 will open in January 2022.

The projects that Senator Coons submitted to the Senate Appropriations Committee for consideration for Fiscal Year 2022 can be found here.

Notes for future applicants:

- **All request forms for Fiscal Year 2022 were due by June 1, 2021.** The application for congressionally directed spending for Fiscal Year 2023 will open in January 2022.

- **Eligible organizations:** Nonprofit organizations and government entities are eligible to receive Congressionally Directed Spending. For-profit entities are not eligible. Please inquire if you are unsure of your project or organization’s eligibility.

- **Eligible appropriations bills and accounts:** Only certain appropriations bills and accounts are eligible for Congressionally Directed Spending. Please find more information here.

- No multi-year funding requests will be considered. When determining your submission, please note that only one-year funding requests will be considered.
Rep. Chris Pappas [D, NH]: public input

Released all requests → Solicited public comment → Convened Advisory Board to review → CAB weighed in final decision
Rep. Mike Simpson [R, ID]: context, priorities

FY 22: great explanation of budget process, clear rules
FY future: model for setting regional priorities
Going forward

**Committee/caucus level**
1. Clarify some open questions: e.g. T&I, account mismatch
2. Reconsider format and accessibility of training resources
3. Highlight best practices from offices from FY 22

**Member Office level**
1. Long-term outreach and education
2. Release clear values and process info early
3. Strategize collaboration (delegation, caucus, staff:staff) *and consider participatory input*
Staff resources

https://bpcaction.org/earmarks-guidance-for-the-117th-congress/
https://www.popvox.org/blog