

# O'NEILL AND ASSOCIATES

## Member-Directed Funding is returning for FY2022 Federal Appropriations – A Primer

Since last fall, there have been discussions on both sides of the aisle about **Member-Directed Funding** also called “**earmarks**” returning for the 117th Congress. We expect an announcement to come as soon as next week when House Appropriations Committee Chairwoman Rosa DeLauro is expected to present details of the earmarks process for FY2022 to her caucus.

### **Member Directed Funding, Congressional allocations, Dedicated Funding, or Earmarks:**

According to the Office of Management and Budget, [earmarks](#) are “*funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.*”

In other words, an earmark is a provision inserted into a discretionary spending appropriations bill that directs funds to a specific recipient. Discretionary spending is set by the House and Senate Appropriations Committees and their various subcommittees through appropriation acts. Earmarks may appear in either the legislative text or report language (committee reports accompanying reported bills and joint explanatory statement accompanying a conference report).

Supporters of earmarks argue that Article I, Section 9, Clause 7 of the U.S. Constitution gives Congress the authority to determine how federal funding should be appropriated, and that it is an abdication of their constitutional responsibility to leave it to unelected federal agency officials to determine which projects deserve federal funding. Supporters also argue that earmarking might facilitate a better functioning annual appropriations process since it will afford every Member of Congress a stake in the passage of appropriations bills. For many years earmarks were a core aspect of legislative policymaking. In 2011, the Republicans majority adopted a House earmark ban. This contributed to legislative gridlock and increased the difficulty of funding projects that might not otherwise receive federal funding.

### **House and Senate Appropriations Committees**

Arguably two of the most powerful Congressional committees are the [Senate and House Committees on Appropriations](#). These committees manage bills that regulate federal expenditures Both Committees are chaired by New Englanders, Rep. Rosa DeLauro (D-CT-3) and Sen. Patrick Leahy (D-VT), and include several other Members of the New England delegation.

#### **Senate Committee on Appropriations    House Committee on Appropriations**

Chairman Patrick Leahy (D-VT)  
Senator Jack Reed (D-RI)  
Senator Jeanne Shaheen (D-NH)  
Senator Chris Murphy (D-CT)  
Senator Susan Collins (R-ME)

Chairwoman Rosa DeLauro (D-CT)  
Congresswoman Katherine Clark (D-MA)  
Congresswoman Chellie Pingree (D-ME)

## Who Can Expect to Benefit?

Earmarks can help get a project off the ground and attract private investment, state and local engagement, and other new funding sources. Proponents argue that by allowing the return of member-directed funding, lawmakers will gain a critical tool to help negotiate compromises.

Top Democrats pushing the return of the practice are promising that they will institute reforms to the process, including making sure that for-profit corporations are not eligible to receive funds and putting a cap on how much money can be directed. The return of member-directed funding will likely not allow for-profit corporations to benefit directly, other entities may soon have a new avenue to secure funding for critical projects.

### Entities and projects expected to benefit from the return of earmarks:

- State and local governments
- Counties, towns, and villages
- Universities, colleges, schools, and educational organizations
- Economic and community development groups and agencies
- Social service and housing agencies
- Land trusts; Charitable organizations
- Museums and historical preservation groups
- Road, bridge, and tunnel project upgrades and new starts
- Ports, airports, and broadband projects
- Infrastructure upgrades
- Economic development initiatives
- Research and development
- Historical and artistic preservation

## How Can O'Neill and Associates Help?

O'Neill and Associates will work with clients to identify the appropriate request to present to a congressional office, prepare briefing materials, help navigate clients through the process and integrate an array of relationships to ensure clients' voices are heard by their congressional delegations. Examples of our federal funding successes for clients can be found at [www.oneilandassoc.com](http://www.oneilandassoc.com).

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