

FACT SHEET:

Congressionally Directed Spending The Return of Earmarks to the Senate



WHAT YOU NEED TO KNOW

There is \$1.4 trillion of federal money on the table that community-based nonprofits and schools can access these dollars. This resource tells you all that you need to know about the new earmarks in the Senate and how you can work with your Senators in order to access these funds to bolster and expand your important work of preventing and ending youth homelessness.

What are Senate Earmarks? Earmarks are a way that senators can request funding. Senators don't face a cap on the number of project requests they can make, unlike House counterparts.

What can congressionally directed spending (formerly known as earmarks) fund? The U.S. Senate released their rules which have specific lists of allowable projects broken down by subcommittee, federal agency, and program- you can find all of the [links here](#).

Example of Congressional Directed Spending Request: a funding request for a specific non-profit entity to carry out a specific project. Example: Provide \$500,000 for a substance abuse treatment program in the City, State.

Every subcommittee has a different deadline, but all Senators must have their request submitted sometime between June 15 and July 9, 2021. The specific guidance from the appropriations committee is not that detailed, so we highly encourage you to reach out to your U.S. Senators now to start the conversation and learn if your project will meet the requirements.

Why and when did earmarks go away? Congress banned earmarks in 2011 amid bipartisan concerns about wasteful "pork" spending on questionable projects as well as bribery scandals involving earmarks and the rise of the conservative "Tea Party" movement. However, overall federal spending did not go down after earmarks went away- which was about 1% of the overall federal budget. Some analysts would argue that this policy decision pushed all of federal discretionary spending to the executive branch. Earmarks' champions argue that the tool added an incentive for members to collaborate and vote for major legislation.

SENATE EARMARK RULES

All persons interested in pursuing this source of funding should be aware of the Senate Appropriations Committee Rules, which requires transparency and accountability:

- **No Member Financial Interest:** The rules forbid any member from pursuing a congressionally directed spending item to further his or her financial interest, or that of his or her immediate family. Each member requesting a congressionally directed spending item must certify in writing that there is no such interest and make that certification available to the public.
- **Request in Writing:** Any member requesting a congressionally directed spending item must do so in writing, including the Member's name, the name and location of the intended recipient, and the purpose of the spending item.
- **Committee Consideration:** When reporting legislation containing congressionally directed spending items, the Committee is required to make each item publicly available online in a searchable format as soon as practicable after the mark up (including the name of each Member requesting the item).
- **Disclosure Before Floor Consideration:** The rules prohibit a vote on a motion to proceed to a bill or a vote on adoption of a conference report, unless the chair of the committee certifies that a complete list of congressionally directed spending items has been publicly available for at least 48 hours

- **1 percent cap** on discretionary spending for congressionally directed spending items, which is about \$1.4 trillion in total spending available.
- **For-profit ban:** congressionally directed spending can not go to for-profit entities.
- **GAO oversight:** The Committee has required the Government Accountability Office (GAO) to audit a sample of enacted congressionally directed spending items and report its findings to Congress.

ALLOWABLE FUNDING REQUESTS FOR THE SUBCOMMITTEE ON LABOR, HEALTH & HUMAN SERVICES (LHHS) DEADLINE IS JULY 8, 2021

[Click here](#) for detailed guidance.

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration - Training and Employment Services

The Workforce Innovation and Opportunity Act (WIOA), is the only Department of Labor program that supports CDS. Project requests must meet all WIOA requirements, except that they are exempt from the requirement to compete for funding. In addition, all projects must:

- Include direct services to individuals to enhance employment opportunities.
- Demonstrate evidence of a linkage with the State or local workforce investment system.
- Include an evaluation component.

Equipment purchases may be included within congressionally directed funding only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals.

CDS cannot be used for the construction or renovation of facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration for Children and Families - Children and Families Services Programs

CDS within ACF should be submitted through the Children and Families Services Programs account and must fall under one of the following categories:

- **Child Abuse Prevention:** CDS for projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance. Projects must serve or target abused and/or neglected children and their families.
- **Social Services Research and Demonstration:** CDS for projects to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families. Projects can serve a diverse population, including low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.

CDS cannot be used for construction or renovation of facilities.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

Health Surveillance and Program Support

CDS within SAMHSA should be submitted through the Health Surveillance and Program Support account and must fall under one of the following categories:

- **Mental Health:** funding to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.

- **Substance Abuse Treatment:** funding to support programs that improve access, reduce barriers, and promote high quality, effective treatment, and recovery services.
- **Substance Abuse Prevention:** funding to support programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.

CDS within SAMSHA cannot be used for construction (other than a limited amount of renovation necessary to carry out a funded project).

Needle Exchange: A General Provision prohibits the award of funding for projects which distribute sterile needles or syringes for I.V. drug injection.

Use of Illegal Substances: A General Provision prohibits funding for projects that promote the legalization of illegal drugs or substances.

DEPARTMENT OF EDUCATION (ED)

Innovation and Improvement- Fund for the Improvement of Education

Elementary and secondary education CDS can be designated under this heading for a wide variety of elementary and secondary education projects, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools, and early childhood education. In general, the focus of elementary and secondary education CDS should be providing early childhood or K-12 educational services. Requests must specify the purpose of the CDS.



In addition, CDS to provide and improve special education services at the elementary and secondary levels are also eligible under this heading. These CDS may include early intervention services for infants and toddlers, transition services, and postsecondary education services.

Eligible grantees are state education agencies, school districts, colleges and universities, and other public and private nonprofit entities. Generally, CDS are provided to the applicable school district and not directly to the individual school.

CDS cannot be used for the construction or renovation of school buildings, except minor remodeling required as part of technology upgrades. Daycare and childcare projects that do not include educational services are also not eligible.

Rehabilitation Services - Demonstration and Training

CDS can be designated under this heading for a wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, CDS should focus on improving access to, or the quality of, such services for individuals with disabilities. Eligible grantees include State vocational rehabilitation agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies and organizations.

CDS cannot be used for construction or renovation of facilities.

Higher Education - Fund for the Improvement of Postsecondary Education

Fund for the Improvement of Postsecondary Education (FIPSE)—CDS can be designated under this heading for a wide variety of higher education projects. Generally, requests should focus on improving access to, or the quality of, postsecondary education.

Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.

Grantees are usually colleges and universities but may include other public and private nonprofit organizations.

CDS cannot be used for the construction or renovation of academic buildings, except minor remodeling required as part of technology upgrades.

ALLOWABLE FUNDING REQUESTS FOR THE SUBCOMMITTEE ON HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES (THUD) DEADLINE IS JUNE 23, 2021

[Click here for detailed guidance.](#)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) *Economic Development Initiative (EDI) within the Community Development Fund*

CDS requests can be for EDIs within the Community Development Fund account eligible under [chapter 69 of title 42, United States Code](#). In addition to all of the basic information that must be provided:

- **Justification:** a description of all other sources of funding contributing to the total cost of the project, and the status of the planning and environmental review work. In addition, include relevant data on how activities or projects benefit primarily low- and moderate-income.
- **Provide a link to the project website** if available or a link to the HUD five year Consolidated Plan or Annual Action Plan if the project is included or complements planned or current projects within these required plans.

OUR RECOMMENDATIONS FOR PREPARING STRONG PROJECTS

The latest incarnation of earmarks will favor projects from state and local governments and nonprofits. US Senators exploring earmarking will be eager to back projects with strong local support and well-documented potential benefits that are as close to “ready to start” as possible. The perfect project, however, is an illusion. Requesters must take a hard look at their proposed projects for both strengths and weaknesses:

Practicalities: What is the project’s timeline? Is the project ready to begin, and if not what further steps are needed? What are the documented public safety, health, or educational benefits of the project? Are there any trade-offs in investing in this project versus others in the region?

Economics: How many and what kinds of jobs does the project create, and for how long? What is the regional economic benefit of the project? What is the estimated impact on the local tax base? Is the project located in a disadvantaged or underserved area, or will it support an underserved population?

Politics: How much are non-federal entities (such as the state and local governments, private donors, or other funders) contributing to the project? Do regional local governments, businesses, and residents support

the project? Do other members of Congress support the project?

Identify and develop champions: Beyond preparing a strong proposal, applicants will boost their bids for an earmark by securing bipartisan and bicameral congressional champions willing to put their name to these proposals. For larger regional projects, your pool of potential champions only grows.

Prepare for the long haul: The earmark and appropriations process is a year-long cycle, requiring months of advocating and pushing to maximize your chances for success. Having a strong local group of supporters of your project willing to advocate will help. You can keep pushing through grassroots advocacy, committee-level outreach, and appealing to leadership.