

Alert | Government Law & Policy



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Earmarks Return as ‘Community Project Funding’

Last week, the House Republican Conference voted 102-84 to lift their decade-old ban on the practice of earmarks by secret ballot, smoothing the way for a bipartisan resurrection of the practice.

The news follows the Feb. 26, 2021 announcement by House Appropriations Committee Chair Rosa DeLauro (D-Conn.) that House Members would be able to request funding for specific projects that would benefit their districts during the fiscal year (FY) 2022 appropriations process. Earmarks, now rebranded as “Community Project Funding” or “CPF,” allow Members of Congress to steer federal spending to benefit specific projects or entities, usually in their home states or districts.

The Senate is widely expected to craft its own process for including CPF in its appropriations process, but neither a timeline nor a formal agreement between the chamber’s leaders has been announced. However, both Senate Appropriations Committee Chairman Patrick Leahy (D-Vt.) and his Republican colleague, Vice Chairman Richard Shelby (R-Ala.), have signaled support for the return of reformed earmarks.

What does this mean? For the first time in over a decade, Members of Congress will be able to request CPF support through the annual appropriations process for eligible nonprofits and state and local government grantees to support specific projects. In the House, each Member will be limited to 10 total requests for FY 22, and the total funding for CPFs cannot be more than 1% of discretionary spending.

In an effort to improve transparency and reduce potential abuse, several guardrails have been set, including: requiring Members to certify that they and their families do not have a financial interest in any request made by the Member; creating a searchable online database of all CPF requests; banning for-

profit recipients; and requiring each Member to demonstrate community benefit and support for each request.

The return of earmarks presents a tremendous opportunity for nonprofits and state and local governments to finance critical projects, as it comes at a time when many of these entities are in need.

Eligible entities should move quickly to educate Members and their staff on the benefits of their potential projects. While the Senate has not announced its own process or deadlines, the House Appropriations Committee has set submission deadlines for mid-April, and will begin accepting requests beginning Monday, March 29.

Interested parties should act quickly so not to miss an opportunity to get their priorities included in a Member's requests. Moving forward, interested groups will want to develop and execute strategies to engage with Members and staff throughout the year to ensure their concerns receive federal support.

Authors

This GT Alert was prepared by:

- [Rodney Frelinghuysen](#) [~] | +1 202.331.3171 | frelinghuysenr@gtlaw.com
- [Robert C. Jones](#) | +1 202.331.3185 | jonesrc@gtlaw.com
- [Demetrius G. McDaniel](#) | +1 512.320.7203 | mcdanield@gtlaw.com
- [Monica P. Schulteis](#) [~] | +1 202.530.8556 | schulteism@gtlaw.com
- [Michael L. Rogers](#) [~] | +1 202.331.3177 | rogersmi@gtlaw.com
- [Diane J. Blagman](#) [~] | +1 202.331.3121 | blagmand@gtlaw.com

[~] Not admitted to the practice of law.

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