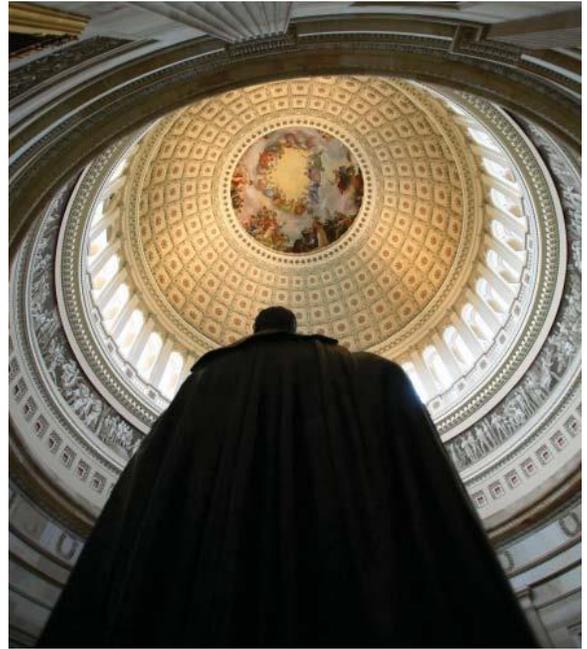


Appropriations Advocacy

Article I, Section 9 of the U.S. Constitution states: “No money shall be drawn from the treasury, but in consequence of appropriations made by law.” From that sentence has evolved a complex, multi-stage process that results in the allocation of some \$1.4 trillion each year. This Best Practices Guide provides an overview of the appropriations process, discusses the procedures whereby representatives and senators influence appropriations decisions, and concludes with some specific suggestions.

APPROPRIATIONS 101

- **President’s Budget Request.** Departments and independent agencies begin formal budget planning about 18 months before the October 1 start of the federal fiscal year. This planning culminates with transmittal of budget proposals to the White House Office of Management and Budget (OMB) in late summer or early fall. OMB formally responds to the draft budgets sometime around Thanksgiving. Afterwards, there is a short window for departments and agencies to “appeal” the OMB “passback” decisions. Final budget numbers get locked-in on or about January 1, and the President’s Budget Request is usually sent to Congress and made public on the first Monday in February.
- **Discretionary Spending.** The President’s Budget Request covers all federal receipts and expenditures. However, about two-thirds of all spending is mandatory, meaning that it is not subject to appropriations. Mandatory spending includes programs required by law to provide certain benefits, such as Social Security and Medicare, and even payments on the national debt. The appropriations process involves the allocation of discretionary spending for defense, homeland security, and other domestic and foreign programs.
- **Subcommittees, Cardinals, and Clerks.** Both House and Senate Appropriations Committees have 12 semi-autonomous subcommittees. Each subcommittee develops an annual appropriations bill for the departments and agencies under its jurisdiction and its part of any supplemental appropriations bill. Each of the 24 subcommittees is chaired by a representative or senator from the majority party who wield such authority over spending within their jurisdiction that they are reverently known as “Cardinals.” Each subcommittee has a chief staff member, or “Clerk,” who is



usually appointed by and is ultimately accountable to the chair of the full Appropriations Committee but works daily with the subcommittee chair to develop the relevant appropriations bill. Each clerk manages a small professional staff.

- **Congressional Budget Process.** The Congressional Budget Act of 1974 provides the framework under which the budget/appropriations process operates. Following receipt of the President’s Budget Request, the House and Senate have until April 15 to pass a concurrent budget resolution which is binding upon both chambers but does not require a presidential signature. The primary purpose of the Budget Resolution is to establish the overall discretionary spending limit for the appropriators. (This is the 302(a) allocation, named after that subsection of the Budget Act.) If the House and Senate have not passed a Budget Resolution by April 15, then the Budget Committee chairs file a 302(a) allocation and, by May 15, the House Appropriations Committee can begin to move its annual bills.
- **Appropriations Process.** The Budget Act requires Appropriations Committee chairs to provide sub-allocations to their subcommittees. Such 302(b) allocations set ceilings on how much money each subcommittee can spend. Once the 302(b) allocations are made, the House clerks and staff assemble draft “marks” of the 12 annual appropriations bills. These drafts are considered (marked-up) by the subcommittee, then the full committee, and debated by the House as a whole. Historically, after an appropriations bill is passed by the House, the Senate acts on it, following a similar process. Eventually, a joint House-Senate conference committee reconciles the two versions of the bill. Finally, the conference agreement is sent back to both chambers for final approval and then to

the President for his signature. Each stand-alone appropriations bill is supposed to be signed before October 1, but that seldom happens. Instead, Congress often passes a temporary stop-gap funding measure—known as a “Continuing Resolution”—to keep departments/agencies operating until the full-year appropriations bills are enacted.

- **Programs vs. Earmarks.** The term “earmark” has no official definition but is generally taken to mean spending for a local project not within the President’s Budget Request. Although earmarks have been banned since F.Y. 2010, it is important to understand the distinction between projects/earmarks and programs since questions often arise when representatives and senators are asked to support a programmatic appropriations request. Earmarks are spending requests that generally benefit a single entity, such as a university or hospital. Programs, on the other hand, benefit a larger group of entities although there may be eligibility requirements that limit the pool of applicants.

INFLUENCING APPROPRIATIONS DECISIONS

Contrary to popular perception, most appropriations recommendations—beginning with the 302(b) allocations—are made primarily by the professional staff of the appropriations committees. While some subcommittee chairs have an encyclopedic understanding of the programs and projects within their bills, others do not. Instead, they rely heavily upon recommendations made by the clerks and staff.

Staff do not, however, operate in a vacuum. In fact, they use a sophisticated online system to gather input from members within their chamber. Until a few years ago, individual representatives and senators were required to submit a single “request letter” to each subcommittee stating their funding requests and providing justification for each such “ask.” Now, in addition to the request letters, member offices must complete an electronic form for each and every item the member is requesting. The deadline for submission of forms usually falls between March 15 and April 1.

To influence appropriations decisions, organizations must convince individual senators and representatives to make formal written requests to the subcommittee and, most importantly, to submit the electronic forms.

In addition to the subcommittee’s deadlines and forms, most congressional offices now have their own internal procedures and deadlines for appropriations requests and many offices require their own form. Internal office deadlines fall anywhere from early January to mid-March.

APPROPRIATIONS ADVOCACY BEST PRACTICES

Our firm—which includes several former appropriations clerks and professional staffers—represents numerous trade and professional associations, coalitions, and other entities that make programmatic appropriations requests. Based upon the firm’s collective experience, we offer the following observations:

- **Limit Your Requests.** We know of one association that, for many years, was unable to prioritize its appropriations requests. It would bring literally several dozen requests to a particular subcommittee. The subcommittee clerk would tell them: “We don’t have enough money to fund all of your requests. What are your two or three top priorities?” The response from the association was: “we support everything on our list equally.” The association, as you might surmise, had a poor track record until it began to limit its priorities and communicate more effectively.
- **Mind the Deadlines.** The bad news is that the appropriations process is an annual cycle and requests absolutely must be framed and delivered to the Hill with sufficient time for your congressional champions to submit your requests to the appropriations subcommittees. The good news is that this is an annual cycle, so if you miss the deadline you’re never more than 364 days away from the next one.
- **Make it Credible. Make it Easy.** House and Senate offices are literally besieged with appropriations requests. If your organization is to rise above the background noise, then you must present cogent written arguments and make it as easy as possible for congressional staffers to find the information needed to fill-in the appropriations committee forms. And when it comes to length of your paper, remember: more than front and back of a single page is too much.
- **All Politics Is Local.** Former House Speaker Thomas P. (Tip) O’Neill, Jr. was fond of saying: “All politics is local.” This remains as true today as it did a generation ago. A senator or representative must be persuaded that your institution’s appropriations request is not only good public policy but will benefit his/her constituents. If you cannot conclusively demonstrate such benefits, then you may get a smile and an “I hear you” nod of the head but you will not get that Member of Congress to do the “heavy lifting” that’s required when it comes time to submit the forms to the committee.
- **Not All Members Are Created Equal.** Both the House and Senate Appropriations Committees are close-knit panels and although the normal tug-of-war exists between the political parties, when it comes to appropriations decisions, committee members have greater impact than non-members. Generally speaking, we’d rank order (from

highest to lowest) influence on any single appropriations bill as follows: (1) subcommittee chair; (2) full committee chair; (3) subcommittee ranking minority member; (4) full committee ranking minority member; (5) chamber leadership; (6) subcommittee members; (7) full committee members; (8) the other 300+ representatives and 50+ senators who are not in groups 1-7 (the “rank and file.”)

- **Follow-up is Critical.** Organizations with successful appropriations advocacy programs understand how and when to frame their requests. But, they also understand the importance of follow-up. Members of the House and Senate and their staff will take your meeting, accept your leave-behind paper, and then move on to the hundreds of other appropriations requests that they field each year. If you and your in-house and/or contract lobbyists do not make subsequent contact with these offices, your request may never get submitted to the appropriations committee.

CONCLUDING THOUGHTS

The First Amendment to the Constitution guarantees individuals, and the organizations that represent them, the right “to petition the Government for a redress of grievances,” what we call lobbying! This right includes decisions to appropriate federal funds for various and sundry purposes. However, the congressional appropriations process is *sui generis*, meaning that it is unique in its characteristics. Successful appropriations advocacy requires an insider’s knowledge and we hope we’ve given you a better understanding of the way appropriations decisions are actually made.