

FEDERAL GRANTS: HOW CURRENT POLITICS AND ADMINISTRATIVE ISSUES ARE
IMPACTING THE FEDERAL GRANTMAKING PROCESS, FROM AN APPLICANT
PERSPECTIVE

by
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Abstract

Pursuing competitive funding through the federal grantmaking system is a complex process that is often burdensome and difficult to navigate. Given that the federal government awards billions of dollars per year in federal funding, it is to be expected that many prospective applicants will have difficulty understanding the complexities of how the government distributes funding. After decades of academic research, there is a greater understanding of the forces that impact the distribution of federal dollars, but the dynamic nature of the political landscape in Washington requires that new developments and issues be continuously evaluated so we have an accurate understanding of what influences the distribution of federal funding. This analysis provides a greater understanding of how the current realities of the federal grantmaking process may affect the distribution of federal funding by evaluating three different issues impacting the federal grantmaking system today, using the perspective of a prospective applicant, the primary user of the federal grantmaking system, as a way to understand which issues are important to examine and understand. The first chapter examines the return of congressionally directed spending in Congress, the second chapter examines issues in the process of identifying federal funding opportunities, and the third chapter examines the complexities of federal funding application processes. The issues explored in each chapter of the portfolio contribute to a more nuanced understanding of the complex tasks facing entities seeking competitive federal funding. The analysis finds that the federal government must do more to improve and streamline the federal grantmaking process to ensure federal funds are provided in the most efficient and effective manner.

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Abbreviations

Assistance to Firefighters Grant	AFG
Benefit Cost Analysis	BCA
Catalog of Federal Domestic Assistance	CFDA
Clean Water State Revolving Loan Fund	CWSRF
Community Development Block Grant	CDBG
Community Project Funding	CPF
Congressional Research Service	CRS
Drinking Water State Revolving Loan Fund	DWSRF
Economic Development Initiative	EDI
Edward Byrne Memorial Justice Assistance Grant Program	JAG
Federal Emergency Management Agency	FEMA
Fiscal Year	FY
Geographic Information System	GIS
Grants Management Quality Service Management Office	QSMO
House Appropriations Committee	HAC
Notice of Funding Opportunity	NOFO
Senate Appropriations Committee	SAC
State and Tribal Assistance Grants	STAG
U.S. Advisory Commission on Intergovernmental Relations	ACIR
U.S. Department of Health and Human Services	HHS
U.S. Department of Housing and Urban Development	HUD
U.S. Department of Justice	DOJ

U.S. Department of Transportation	DOT
U.S. Environmental Protection Agency	EPA
Water Infrastructure Finance and Innovation Act	WIFIA
White House Office of Management and Budget	OMB

Introduction

Anyone who has pursued competitive federal funding can tell you that the federal funding process is complex, often burdensome, and difficult to navigate. Given that the federal government awards billions of dollars per year in federal funding, it comes as no surprise that it is difficult for many prospective applicants to understand the complexities of how the government distributes funding. Even academics that study the distribution of federal funds are still trying to understand who and what affects the distributions of federal resources and why. After decades of academic research, we have a greater understanding of the forces that impact the distribution of federal dollars, but the dynamic nature of the political landscape in Washington requires that new developments and issues be continuously evaluated so we have a more accurate understanding of what influences the distribution of federal funding. The analysis that follows aims to provide a greater understanding of how the current realities of the federal grantmaking process affect the distribution of federal funding to not only further the study of distributive politics but also to help applicants and awardees navigate the complicated realities of the federal funding process.

Each chapter of the portfolio will explore a different issue impacting the federal grantmaking system today, using the perspective of a prospective applicant as the basis for determining which issues are the most important to examine and understand. At a basic level, prospective federal funding applicants must first identify viable federal funding programs. Then, they must decide to apply for those funds. However, these two actions are anything but simple. Both identifying and applying for competitive federal funding are complex tasks that are only further complicated by other political conditions

that may impact how the federal government distributes grant funding. Following this outline, the first chapter will examine a current and important political condition impacting the federal grantmaking system, the second chapter will examine issues in the process of identifying federal funding opportunities, and the third chapter will examine the complexities of federal funding application processes.

Chapter 1 begins the analysis by addressing the recent revival of congressionally directed spending, or earmarking, after a decade-long moratorium. The return of earmarks marks an important shift in the current political environment. Earmarking has been at the center of fierce political debate, especially in the last two decades, as the practice came under intense scrutiny in Congress, the media, and academia. Yet, despite the intense scrutiny, Congress decided to resurrect the practice of earmarking in both appropriations and authorizing legislation in 2021. Chapter 1 aims to understand why Congress brought back earmarking, theorizing that the earmark moratorium effectively prevented Congress from providing certain legislative and spending directives to executive branch agencies, which required Congress to delegate some of its decision-making authority to executive agency staff and officials. Frustrated by the inability to provide certain legislative and spending directives to the executive branch, Congress restored earmarks to reclaim some legislative and spending power it had previously delegated to executive branch agencies.

To better understand how the earmark moratorium impacted Congress's relationship with, and ability to provide direction to, executive branch agencies, the analysis reviews documents, discussions, and actions that have recently occurred in Congress regarding the restoration of earmarks in 2021, focusing on language used by

congressional committees and members of Congress to justify the restoration of earmarks. This evaluation finds that statements made by key members of Congress, activities conducted by relevant congressional committees, and actions taken by the 116th and 117th Congresses indicate that Congress aimed to reclaim some legislative and spending power it had previously delegated to executive branch agencies by restoring congressionally directed spending. On a bipartisan basis, members expressed frustration with being unable to direct federal spending to their communities. Perhaps more importantly, members were displeased that unelected executive branch officials and staff were deciding where federal funds were being spent, and sometimes members were required to advocate to the executive branch for projects in their own states or districts. Members repeatedly referenced the growing imbalance between the legislative branch and executive branch, which was only made more acute by the earmark prohibition. Members aimed to “restore” and “regain” control of Congress’s constitutional duties by more directly managing federal spending. With members of Congress once again exercising more control over certain funding accounts, entities seeking federal funding will need to adapt to these new conditions as they strategize on how to secure funding.

Chapter 2 explores an issue that has been overlooked in the current academic literature on distributive politics, which is that it is difficult for prospective federal funding applicants to identify federal funding programs. The analysis aims to determine if incomplete information about discretionary federal funding programs on Grants.gov and other federal websites makes it difficult for prospective federal funding applicants to identify federal resources. Using the U.S. Environmental Protection Agency (EPA) as a case study, the analysis evaluates how EPA publishes information on funding

opportunities available through the agency using the most recent “Discretionary Programs Competitive Status List” that catalogs EPA’s active discretionary grant programs.

After reviewing if the 52 active competitive discretionary grant programs managed by EPA are listed on the Grants.gov platform in accordance with the White House Office of Management and Budget (OMB) Uniform Guidance and EPA’s own competition policy, it was found that all 52 programs were indeed listed properly on Grants.gov. However, several observations were made in the process of collecting and analyzing this information that are relevant to how these results should be interpreted.

First, certain major federal funding categories are not required to be published on Grants.gov, including programs that provide loan and loan guarantees. There are loan programs managed by EPA that are competitive programs, but according to federal guidance, solicitation information for these programs is not required to be published on Grants.gov, which is supposed to be the main federal repository for prospective federal funding applicants to search and apply for discretionary financial assistance. Second, because federal guidance only requires that certain types of federal funding be advertised on Grants.gov, prospective applicants must use other federal resources to determine their eligibility under federal funding programs. Third, there are limitations with the search functionalities of the Grants.gov website that may make it difficult for potential applicants to research federal funding opportunities. For example, there is currently no search filter that allows a potential applicant to filter opportunities that are only available in rural areas. Given the complex nature of researching federal funding opportunities through multiple federal resources, it can be reasonably concluded that such

circumstances make it difficult for prospective federal funding applicants to identify, and consequently apply for, federal funding.

Conventional wisdom assumes Congress and the administration are the primary drivers behind how federal funding is ultimately allocated. More limited academic literature recognizes that the decision of applicants to apply for federal funds, and how much to request, may also affect how federal funding is distributed. As the analysis in Chapter 2 illustrates, it may also be the case that entities do not apply for funding because they are unaware that certain funding opportunities exist, which may impact on how federal funds are being distributed.

Chapter 3 builds on the previous chapter by exploring the next step in the federal funding process for a prospective applicant: applying for funding. Once a prospective applicant is able to identify a funding source (which, as the previous chapter illustrates, is a challenging process in itself), they must then choose to pursue the funding. Existing research shows that various factors may influence a prospective applicant's decision whether to pursue funding, including internal capacities to pursue the funding, implement the project(s) the funding will support, and navigate complicated program conditions. While academic literature acknowledges that there are costs associated with applying for and receiving federal funds, the literature largely overlooks that the type of federal funding source, *and* who most controls the ultimate allocation of that funding source, may also affect an entity's ability to access federal funding because certain types of federal assistance are more burdensome to pursue and implement than others. Chapter 3 aims to understand why some competitive federal funding applications are more complex

and burdensome than others and what impacts those complexities may have on applicants, and consequently, the ultimate allocation of federal dollars.

The analysis begins by classifying different types of federal grant funding assistance based on how the funds are allocated and who primarily controls the allocation of the funds (the legislative branch or the executive branch). This classification focuses on types of federal grant funds that are most often available and of interest to non-federal entities—not including individuals or businesses—on a formula or project basis, including entities such as nonprofit organizations, government organizations, public housing organizations, and education organizations. Given the recent revival of congressional earmarks, earmarks are added as a separate category in the classification. Even though congressional earmarks may use the underlying authorities of formula or project grant programs, congressional earmarks are allocated in a manner that is uniquely different from typical formula and project grants. As a result, congressional earmarks are considered as a separate category from formula grants and project grants for this analysis. The analysis then assesses whether the classification system accurately reflects the applicant level of effort required to apply for and receive federal grant assistance by examining the application requirements of two well-known and established federal grant programs in each category of assistance.

The results of the analysis show that the applicant level of effort is highest for project grants, the allocation of which is controlled more by the executive branch than Congress (though there is a certain level of shared discretion because Congress authorizes the program and therefore sets priorities and criteria). The applicant level of effort is lowest for formula grants, which are controlled more by Congress than the executive

branch. The applicant level of effort to pursue congressional earmarks falls somewhere in between project grants and formula grants. Applying for a congressional earmark is relatively simple. However, securing the funds may be more challenging, as it may require the applicant to engage with their member of Congress to gain their support before the request is made and advocate for the request as it moves through the legislative process. Still, the congressional earmark process allows a member of Congress to champion projects in their districts, which may give communities with more limited personnel and resources an opportunity to pursue federal funds with the assistance of their member and the member's staff.

In general, federal grant funds primarily controlled by the executive branch have more complex application processes than grant funds primarily controlled by the legislative branch. Congress does not have the capacity to manage the allocation of federal funds in the same way as the executive branch. As a result, Congress delegates much of these grant management responsibilities to the executive branch. However, members of Congress still have an incentive to claim credit for grant funds being directed to their states and districts, and they support program structures that allow them to claim credit for benefiting their constituents. These credit-claiming programs will consequently be structured so the executive branch has less influence over the funds than the legislative branch, and therefore there will be less of a management responsibility on the part of Congress. The application processes will be easier, and intriguingly, we see this happen in the case of both large, distributive programs and project-specific programs, which represent two very different mechanisms for allocating funds.

The issues explored in each chapter of the portfolio contribute to a more nuanced understanding of the complex tasks facing entities seeking competitive federal funding. Not only do prospective applicants need to understand the dynamics in Washington that may impact their strategy to pursue funding, but they also need to understand the obstacles they face in actually identifying and applying for funding, and be able to overcome them. It is well established in academic literature that the actions of Congress and the executive branch affect the distribution of federal funding. It is also well established that entities seeking federal funding can impact the distribution of federal funding. Continuing to analyze current conditions and issues that may impact the distribution of federal funding is essential to the ongoing academic discussion regarding distributive politics.

Chapter 1

The Revival of Congressionally Directed Spending:

Congress Reclaims Previously Delegated Authority

Introduction

Delegation versus nondelegation has been a longstanding debate in American politics. Some scholars argue for a revival of the nondelegation doctrine while others argue delegation is a necessity and reality of modern democratic government.¹ Some scholars argue the modern administrative bureaucracy conflicts with the Constitution while others argue the bureaucracy, though maybe not an entity wholly envisioned by the Founders, can still have a place in America's constitutional system of government.² However, what is not argued is Congress's consistent trend towards delegation and the courts' inclination to uphold it.

Even though "Congress...has opted in favor of delegation,"³ Congress has also actively battled for control over executive branch agencies.⁴ Congress's recent revival of congressionally directed spending, more commonly known as earmarking, represents Congress's most recent action to reclaim legislative power it had previously delegated to executive branch agencies. The following examination will aim to understand how the ten-year-long prohibition on earmarking between 2011 and 2021 impacted Congress's

¹ Mathew D. McCubbins, "Abdication or Delegation - Congress, the Bureaucracy, and the Delegation Dilemma," *Regulation* 22, no. 2 (1999): 31.

² Mathew D. McCubbins, "Abdication or Delegation - Congress, the Bureaucracy, and the Delegation Dilemma," 30-37; and Francis E. Rourke, "Whose Bureaucracy Is This, Anyway? Congress, the President and Public Administration," *PS: Political Science and Politics* 26, no. 4 (December 1993): 687-692.

³ Mathew D. McCubbins, "Abdication or Delegation - Congress, the Bureaucracy, and the Delegation Dilemma," 32.

⁴ Mathew D. McCubbins, "Abdication or Delegation - Congress, the Bureaucracy, and the Delegation Dilemma," 32-39; and Francis E. Rourke, "Whose Bureaucracy Is This, Anyway? Congress, the President and Public Administration," 687-692.

ability to provide direction to the executive branch and what impact the recent restoration of earmarking has on Congress's relationship with executive branch agencies, as well as entities seeking federal funding assistance.

In the 112th Congress, Congress began observing what is commonly referred to as an earmark moratorium or earmark ban.⁵ The earmark moratorium was not set by chamber rules. Rather, it was established by Republican Conference rules and therefore is only "enforced by chamber and committee leadership through their agenda-setting power."⁶ The language that has been observed in Republican Conference rules from 2011-2020 states that party members shall not request a congressional earmark, which is generally defined as "congressionally directed spending, tax benefit, or tariff benefit [that] ... would benefit a specific entity or state, locality, or congressional district other than through a statutory or administrative formula or competitive award process."⁷ The moratorium was the culmination of years of concerns and debates relating earmarks to government waste, corruption, and lack of transparency.

However, not long after the earmark moratorium began, members of Congress expressed concern that they had delegated too much of their "power of the purse" to the executive branch, a primary responsibility and power provided to the legislative branch in Article I of the Constitution. Eventually, in 2019, the new Select Committee on the Modernization of Congress began investigating ways "to make Congress more effective, efficient, and transparent on behalf of the American people."⁸ One of the issues

⁵ U.S. Library of Congress, Congressional Research Service, *Lifting the Earmark Moratorium: Frequently Asked Questions*, by Megan S. Lynch, R45429 (2020), 1.

⁶ Ibid.

⁷ Ibid.

⁸ U.S. Congress, House, Select Committee on the Modernization of Congress, "History," <https://modernizecongress.house.gov/about/history> (accessed April 23, 2021).

investigated by the Committee was the potential resurrection of congressionally directed spending. The Committee’s work culminated in a final report providing 97 recommendations on how Congress can “work better for the American people.”⁹ In the report, the Committee recommended that Congress “reclaim [its] Article One Powers,” in part by establishing a “congressionally-directed program” in the annual appropriations process “that calls for transparency and accountability, and that supports meaningful and transformative investments in local communities across the United States.”¹⁰ This recommendation from the bipartisan Select Committee on the Modernization of Congress was the first major move Congress made toward resurrecting the practice of earmarking since the moratorium began in 2011. In 2021, the Modernization Committee’s recommendation became realized when House Appropriation Committee Chair Rosa DeLauro (D-CT) announced that the House Appropriations Committee would be accepting congressionally directed spending requests for the first time since 2011.¹¹

The earmark moratorium effectively prevented Congress from providing certain legislative and spending directives to executive branch agencies. As a result, Congress was required to delegate some of its decision-making authority to executive agency staff and officials. The recent decision made by Congress to restore the practice of earmarking represents Congress’s willingness to reclaim previously delegated authority, while still upholding delegation to executive branch agencies more generally, as is characteristic of

⁹ Ibid.

¹⁰ U.S. Congress, House, Select Committee on the Modernization of Congress, *Final Report*, 116th Cong., 2d sess., 2020, H. Rep. 116-562, 215-216.

¹¹ U.S. Congress, House, Committee on Appropriations, “DeLauro Announces Community Project Funding in Fiscal Year 2022,” News release, February 26, 2021, <https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022> (accessed April 21, 2021).

the “modern administrative state.”¹² To better understand how the earmark moratorium impacted Congress’s relationship with, and ability to provide direction to, executive branch agencies, the following analysis will review documents, discussions, and actions that have recently occurred in Congress regarding the restoration of earmarks in 2021, focusing on language used by congressional committees and members of Congress to justify the restoration of earmarks.

The analysis will begin with a literature review on the main schools of thought regarding earmarking. The next section will examine primary source documents, discussions, and actions in Congress regarding the restoration of earmarks, followed by a discussion of the results and closing remarks.

Literature Review

Pork barrel politics is an extensively studied topic in academic literature. For decades, scholars and researchers have analyzed the impact and use of “pork barrel spending” in the distribution of federal funds. However, the practice of earmarking has only recently become of great interest to academia. As political scientists Jeffrey Lazarus and Amy Steigerwalt explain, “Although the practice of earmarking has a long history, it has played a prominent role in the appropriations process only recently. Thus, while the literature on pork-barrel spending is extensive, few studies specifically address earmarks.”¹³ Numerous studies, like the one conducted by Lazarus and Steigerwalt, aim to understand the role earmarks play in distributive politics. These types of studies are often void of any clear support or criticism of earmarks and instead focus on

¹² Antonin Scalia, “Judicial Deference to Administrative Interpretations of Law,” *Duke Law Journal* 1989, no. 3 (June 1989): 516-517.

¹³ Jeffrey Lazarus and Amy Steigerwalt, “Different Houses: The Distribution of Earmarks in the U.S. House and Senate,” *Legislative Studies Quarterly* 34, no. 3 (August 2009): 348.

understanding the role and impact of earmarks in politics and in the distribution of federal funds. However, a more limited segment of the literature is either openly critical or supportive of earmarks. In accordance with this understanding of the academic literature on earmarks, the literature in this analysis is divided into three categories: (1) Literature that focuses on understanding the role and impact of earmarks; (2) literature that is critical of earmarks; and (3) literature that is supportive of earmarks.

Understanding Earmarks

Most academic literature aims to understand the role and impact of earmarks in politics and the distribution of federal funds. Many scholars focus on earmarks in relation to electoral structures and incentives. David Mayhew was a pioneer in understanding the electoral incentives of members of Congress. Even though Mayhew did not specifically discuss earmarks, he wrote of how “particularized benefits” that are “given out to a specific individual, group, or geographical constituency” allow members to claim credit for the benefit, hence why members support such narrow distributional mechanisms.¹⁴ Scholarship that followed Mayhew aimed to further understand this “electoral connection.” For example, Francis Lee finds that the different constituencies of House members and senators impact their preferences for certain types of federal funding mechanisms. He explains that House members need to use more project-specific funding mechanisms like earmarks to “claim credit for providing particularized benefits” to their constituents whereas “Senators...are able to claim credit for the large formula grants that distribute the bulk of intergovernmental grant money.”¹⁵ In a different study, Lee

¹⁴ David R. Mayhew, *Congress: The Electoral Connection*, 2nd ed. (New Haven: Yale University Press, 1974), 54.

¹⁵ Frances E. Lee, “Bicameralism and Geographic Politics: Allocating Funds in the House and Senate,” *Legislative Studies Quarterly* 29, no. 2 (May 2004): 185.

explains that politics plays a larger role in earmarking than other types of distributive funding mechanisms, particularly in the House, due to the ability for House members to claim district-specific successes for electoral purposes.¹⁶ Lazarus and Steigerwalt similarly find that interchamber differences between the House and Senate impact how earmarks are allocated, in part due to electoral differences. They find “electoral influences on earmark provision[s] operate different in the Senate than in the House. In the House, vulnerable members receive more earmarks than safe members, but the same was not true in the Senate. Rather, senators facing an imminent reelection received more earmarks than other senators.”¹⁷ In a separate study focusing on the House, Lazarus finds that House members “are led by the reelection incentive to use earmark to produce spending that their constituents can reasonably make use of,” concluding that local characteristics of congressional districts can influence earmark spending decisions.¹⁸ Whether earmarks in fact help members of Congress win reelection remains subject to differing conclusions in academia.¹⁹

Many researchers have also studied how a member’s status affects earmark distribution. Lee finds connections between seniority, majority party status, committee positions, and electoral vulnerability and the amount of earmark funding secured for transportation projects.²⁰ Lazarus and Steigerwalt find seniority and institutional position

¹⁶ Frances E. Lee, “Geographic Politics in the US House of Representatives: Coalition Building and Distribution of Benefits,” *American Journal of Political Science* 47, no. 4 (October 2003): 714.

¹⁷ Jeffrey Lazarus and Amy Steigerwalt, “Different Houses: The Distribution of Earmarks in the U.S. House and Senate,” 347.

¹⁸ Jeffrey Lazarus, “Giving the People What They Want? The Distribution of Earmarks in the U.S. House of Representatives,” *American Journal of Political Science* 54, no. 2 (April 2010): 338.

¹⁹ Michael H. Crespin and Charles J. Finocchiaro, “Elections and the Politics of Pork in the US Senate,” *Social Science Quarterly* 94, no. 2 (June 2013): 506–510, 525-527.

²⁰ Frances E. Lee, “Geographic Politics in the US House of Representatives: Coalition Building and Distribution of Benefits,” 726.

impact earmark allocation, although seniority has more influence in the Senate whereas institutional position has more influence in the House.²¹ They find majority party status has a notable influence in both chambers.²² Coalition building is also an area addressed in academic research. Diana Evans finds that earmarks were used by House leadership “to gain the support of rank-and-file members on issues of importance to the leaders.”²³ Lee also finds that “the small amount of funds distributed as earmarks were more useful as a coalition-building tool in the House than the large amount distributed to states.”²⁴

Criticism of Earmarks

Earmarking has been at the center of fierce political debate, especially in recent years, as the practice came under intense scrutiny in Congress, the media, and academia. Well-known government “watchdog” groups and think tanks like Citizens Against Government Waste, Taxpayers for Common Sense, and the Heritage Foundation have also been openly critical of earmarks.²⁵ Altogether, the wide array of people and entities critical of earmarks has been significant. In academia, some scholars have contributed to the debate by suggesting there are significant flaws in the earmarking process.

Most of the critical academic literature about earmarks find fault in how earmarks are pursued and selected. For example, James Savage criticizes the use of earmarks for academic research, concluding that, “In addition to politicizing research, earmarking

²¹ Jeffrey Lazarus and Amy Steigerwalt, “Different Houses: The Distribution of Earmarks in the U.S. House and Senate,” 366-367.

²² *Ibid.*, 367.

²³ Diana Evans, “Policy and Pork: The Use of Pork Barrel Projects to Build Policy Coalitions in the US House of Representatives,” *American Journal of Political Science* 38, no. 4 (November 1994): 912.

²⁴ Frances E. Lee, “Geographic Politics in the US House of Representatives: Coalition Building and Distribution of Benefits,” 726.

²⁵ Marcia Clemmitt, “Pork Barrel Politics: Do Earmarks Lead to Waste and Corruption?” *CQ Researcher* 16, no. 23 (June 2006): 529–552.

contributes to cynical, self-serving behavior within the academy.”²⁶ He also suggests that the process of seeking earmarks disrupts the peer review process, which he says is the “most important barrier to...political intervention.”²⁷ He says the “peer review process is sidestepped by an increasing number of universities and colleges, which hire lobbyists to encourage members of Congress to violate the principle of merit review in the distribution of research funds.”²⁸ Stuart Kasdin similarly finds fault in earmarks and the earmarking process. Kasdin refers to earmarks as “the most notorious and insidious of the pork problems,” in part because of a project selection process that prioritizes the desires of “long-tenured legislators” over “program worth.”²⁹ However, it is important to note that although Kasdin disapproves of earmarking as it currently functions, he recognizes Congress has the constitutional authority to direct federal spending for such specific purposes. He recommends that a new process be established “that does not reallocate constitutional authority, yet establishes an external incentive for Congress that is sufficient to ensure compliance with earmarks reform goals.”³⁰ He suggests that a new “constitutional” presidential line-item veto/reprogramming process would reduce “wasteful spending and opportunities for corruption.”³¹

Other literature is critical of the growth of earmarks, particularly in the 1990s and 2000s. Irene Rubin, for example, said that between 1998 and 2006, “The number of earmarks grew beyond the ability of legislators to evaluate and prioritize,” leading to

²⁶ James D. Savage, “Where's the Pork?” *Issues in Science and Technology* 9, no. 3 (Spring 1993): 21.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Stuart Kasdin, “Recipes for Pork and Other Delicious Offerings for the New Administration,” *Public Administration Review* 70, no. 3 (May, June 2010): 401-402.

³⁰ *Ibid.*, 404.

³¹ *Ibid.*, 401.

concerns about how efficiently and effectively taxpayer funds were being spent.³²

Scholars at the Brookings Institution agree, stating in 2007 that earmarks “did get out of hand,” but suggested earmark reforms to make the process more transparent and less costly were “promising.”³³ Others like Richard Doyle and Nancy Roberts point out that the growth of earmarks also made it more difficult and time-consuming for staff on Capitol Hill to review all the earmark requests, taking their attention away from other policy matters.³⁴ Doyle and Roberts also suggest that even though earmarks are only a minor component of federal spending, they are “wasteful insofar as the time and attention they receive within the congressional budget process and the associate media cycle,” which “deflects attention from more serious budget matters.”³⁵

Support for Earmarks

As the aforementioned literature suggests, earmarks may provide members of Congress with numerous benefits, from electoral advantages to the ability to develop coalitions. However, earmarks are not without their flaws. Scholars that more explicitly support earmarks do not deny that earmarks and the earmarking process are imperfect. Nevertheless, on the whole, they see the advantages of earmarks as greater than the disadvantages.

Scott Frisch and Sean Kelly are two of the most prominent supporters of earmarks in academia. Frisch and Kelly take “a strong position in favor of earmarks” in their joint

³² Irene Rubin, “The Great Unraveling: Federal Budgeting, 1998-2006,” *Public Administration Review* 67, no. 4 (July 2007): 608.

³³ Thomas Mann, Sarah Binder, and Norman Ornstein, “Is the Broken Branch on the Mend? A Congressional Report Card and Fall Preview,” panel, September 4, 2007, The Brookings Institution, <https://www.brookings.edu/wp-content/uploads/2012/04/20070904.pdf> (accessed April 23, 2021).

³⁴ Richard Doyle and Nancy Roberts, “Real Reform or Change for Chumps: Earmark Policy Developments, 2006-2010,” *Public Administration Review* 71, no. 1 (January, February 2011): 38.

³⁵ *Ibid.*, 42.

works, including *Cheese Factories on the Moon: Why Earmarks Are Good for American Democracy*.³⁶ In *Cheese Factories on the Moon*, Frisch and Kelly recognize earmarks are not all “wise uses of government dollars” or “completely free of corruption.”³⁷ However, they argue that “earmarks are *good* for American democracy”³⁸ because they “[play] a useful role in the American system of government and [are] typically more open to public scrutiny than alternative methods of spending taxpayer dollars.”³⁹ Most importantly, Frisch and Kelly argue that earmarks are a critical tool used by Congress to maintain the balance of power between the legislative branch and the executive branch. They argue “that stripping Congress of the power to earmark, thereby undermining its power of the purse, would represent an immense shift in the balance of power between Congress and the executive that would allow for dramatically increased executive power, which is precisely what the founders sought to avoid.”⁴⁰ This argument is particularly important to consider as they also contend that “Congress has delegated most spending decisions to others but has retained the ability to earmark spending in a limited number of program areas.”⁴¹ Even though the power of the purse remains in the hands of the legislative branch, the executive branch is more involved in the federal budget process than ever, and earmarks remain “an example of Congress flexing its muscles” in the budget process.⁴² “The only beneficiary of the earmark moratorium is the executive branch,”

³⁶ Scott A. Frisch and Sean Q. Kelly, *Cheese Factories on the Moon: Why Earmarks Are Good for American Democracy* (Milton Park, Abingdon, Oxon: Routledge, 2011), 16.

³⁷ *Ibid.*

³⁸ *Ibid.*, 26.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, 30.

⁴¹ *Ibid.*, 36.

⁴² *Ibid.*, 37.

they told *Roll Call* readers in 2013.⁴³ John Samples, political scientist and Vice President of the Cato Institute, agrees with Frisch and Kelly that “Specific earmarked spending often seemed foolish, but a general ban on them merely transferred power over some spending to the executive.”⁴⁴ Similarly, Mickey Edwards, Harvard and Princeton professor, former eight-term member of Congress, and founding trustee of the Heritage Foundation (among other roles), said Congress only further reduced its power when it prohibited earmarks. “As a result, members of Congress were not only deprived of an important tool for negotiating with their colleagues, but power over spending decisions—a fundamental congressional responsibility—was ceded to executive branch bureaucrats whose decisions about which government projects would be funded lacked any public transparency.”⁴⁵

Dozens of researchers from academic institutions and think tanks signed a statement in early 2021 expressing support for the restoration of earmarks. Several aforementioned researchers signed the statement, including Scott Frisch, Michael Crespin, Diana Evans, and Jeffrey Lazarus. They say the earmark moratorium ultimately did not address the several criticisms that led to the prohibition and ultimately left Congress without an important legislative tool. The ban “has shifted Congress’s constitutional spending authority to anonymous bureaucrats in executive branch agencies,

⁴³ Scott A. Frisch and Sean Q. Kelly, “Frisch and Kelly: Lack of Earmarks Makes Congress Harder to Lead,” *Roll Call*, January 16, 2013, <https://www.rollcall.com/2013/01/16/frisch-and-kelly-lack-of-earmarks-makes-congress-harder-to-lead/> (accessed April 2, 2021).

⁴⁴ John Samples, “First Among Equals: Reconsidering Congressional Power in James Burnham’s Congress and the American Tradition,” *Law and Liberty*, May 21, 2012, <https://old.lawliberty.org/liberty-forum/first-among-equals-reconsidering-congressional-power-in-james-burnhams-congress-and-the-american-tradition/> (accessed February 8, 2021).

⁴⁵ Mickey Edwards, “We No Longer Have Three Branches of Government,” *Politico Magazine*, February 27, 2017, <https://www.politico.com/magazine/story/2017/02/three-branches-government-separation-powers-executive-legislative-judicial-214812> (accessed April 2, 2021).

who are not directly accountable to the public,” they say, and “has not reduced federal spending.”⁴⁶ They also argue the ban “deprived members of the opportunity to provide input on how appropriations bills funded projects in their communities,” which “weak[en] Congress’s capacity to coalesce majorities to enact legislation, a constitutional duty of both the House and Senate.”⁴⁷ They say more transparency and accountability are critical to the successful restoration of earmarks and are encouraged by the recent reforms discussed in Congress. “For certain, this is not magic pixie dust that will fix everything,” they conclude. “Nonetheless, it is an important first step to achieving a more functional first branch of government and helping lawmakers better serve their constituents and fulfill their constitutional duties.”⁴⁸

Methodology

To better understand how the earmark moratorium impacted Congress’s relationship with, and ability to provide direction to, executive branch agencies, the following analysis will review primary documents, discussions, and actions that have recently occurred in Congress regarding the restoration of earmarks in 2021. The review will focus on language used by congressional committees and members of Congress to explain and justify the restoration of earmarks as a means to understanding why Congress restored earmarking after the ten-year long prohibition between 2011 and 2021.

⁴⁶ Lee Drutman and Kevin R. Kosar, “Statement Supporting Re-Empowering Legislators’ Authority to Direct Spending,” Letter, February 25, 2021, <https://www.newamerica.org/political-reform/statements/statement-supporting-re-empowering-legislators-authority-to-direct-spending/> (April 21, 2021).

⁴⁷ Ibid.

⁴⁸ Ibid.

Analysis

In October 2020, the bipartisan Select Committee on the Modernization of Congress released its Final Report (H. Rept. 116-562) providing 97 recommendations on how to strengthen the legislative branch. At the time of publication of the Final Report, membership of the Select Committee, which consists of six Democrats and six Republicans, included Chair Derek Kilmer (D-WA), Vice Chair Tom Graves (R-GA), and Representatives Emanuel Cleaver (D-MO), Suzan DelBene (D-WA), Mary Gay Scanlon (D-PA), Mark Pocan (D-WI), Zoe Lofgren (D-CA), Susan Brooks (R-IN), Rodney Davis (R-IL), Dan Newhouse (R-WA), William Timmons (R-SC), Rob Woodall (R-GA). The Final Report provided recommendations on several topics, from staffing solutions to technology modernization to congressional schedule improvements. However, the recommendations that gained the most attention from the media, scholars, and members of Congress themselves were the Committee's recommendations to "Reclaim Congress' Article One Responsibilities."⁴⁹ Thirteen specific recommendations are provided in this section of the report, the most notable being the recommendation to restore congressionally directed spending.⁵⁰ This recommendation from the bipartisan Select Committee on the Modernization of Congress was the first major move members of Congress made toward resurrecting the practice of earmarking since the moratorium began in 2011.

The Committee justified its recommendation to restore congressionally directed spending by explaining that Congress's position in relation to the executive branch has

⁴⁹ U.S. Congress, House, Select Committee on the Modernization of Congress, *Final Report*, 215-250.

⁵⁰ *Ibid.*, 216.

weakened while the executive branch has “expanded in size and scope of power,”⁵¹ recognizing that “over time, [Congress] ceded the responsibilities and powers the framers entrusted to Congress to the executive branch.”⁵² The Committee specifically expressed its concerns with this imbalance between the executive and legislative branches as it relates to the power of the purse. As the report states, “The executive branch has taken control of the purse strings, allocating funding for state and local projects and programs without congressional appropriations or approval.”⁵³ In addition, the report explained that “By limiting Members’ ability to advocate for specific funding for community grants in yearly appropriations bills, the responsibility of discretionary grant spending is handed to the executive branch.”⁵⁴

The Committee further explained how the earmark ban affected Congress’s ability to direct discretionary spending and fulfill its constitutional power of the purse and responsibility to legislate. The report states,

While Congress continues to negotiate funding levels for federal agencies and programs, the decision-making on who receives competitive discretionary grants is being done by unelected executive branch officials....This shift in decision-making from Members of Congress to the executive branch has serious implications for the American people. It is not only a breach of the expectations outlined in the Constitution, but perhaps more importantly, when decision-making is removed from Congress, there is substantially less accountability for how taxpayer dollars are spent. Members, not unelected officials, should be advocating for and making the decisions about the projects needed to improve the community that they call home.⁵⁵

The Committee argued that the restoration of earmarks in the form of a “Community-Focused Grant Program” would “reinstate Congress’ power of the purse, and put the

⁵¹ Ibid., 217.

⁵² Ibid., 242.

⁵³ Ibid., 217.

⁵⁴ Ibid., 239.

⁵⁵ Ibid., 234

decision making for local projects in the hands of those who know their community best: the communities and the Members elected to represent their interests in Congress.”⁵⁶ The Committee also noted that the prohibition on earmarks negatively affected the institution’s ability to build coalitions and pass legislation, and Congress has increasingly used inefficient and opaque legislative vehicles like continuing resolutions and omnibus measures as a consequence.⁵⁷ Further, the Committee emphasized throughout the report that any restoration of earmarks would be accompanied by strong transparency and accountability guardrails, a direct response to the criticisms targeted at the earmarking process prior to the moratorium.

Both the Final Report and the original recommendation by the Committee to establish a process to restore congressionally directed spending (approved by the Committee on September 24, 2020) were bipartisan, unanimous votes by all 12 members of the Committee. At the conclusion of the chapter in the report regarding Article One Powers, the members of the Committee expressed that they “shared the broad goal of restoring Congress to its rightful place as a co-equal branch of government and focused on recommendations to help Congress uphold the responsibilities given by the Founding Fathers.”⁵⁸ This statement is a strong indication that Congress aimed to reclaim some legislative power it had previously delegated to the executive branch by restoring congressionally directed spending.

In 2021, the Committee’s recommendation became realized when House Appropriation Committee Chair Rosa DeLauro announced on February 26 that the House

⁵⁶ Ibid., 235.

⁵⁷ Ibid., 237.

⁵⁸ Ibid., 250.

Appropriations Committee would be accepting congressionally directed spending requests for the first time since 2011 in the form of Community Project Funding (CPF) requests, inspired by the Modernization Committee’s Community-Focused Grant Program. In her statement announcing the decision, Chairwoman DeLauro said CPF will help restore balance between the legislative branch and executive branch and will help Congress “regain control of federal spending by the Executive Branch.”⁵⁹

On March 17, 2021, the House Republican Conference voted 102-84 to change conference rules to allow House Republican members to submit CPF requests, referring to earmarks as “Article I Funding Requests.”⁶⁰ The Conference rules also state the Conference is allowing members to submit such requests “In order to responsibly execute Congress’ Article I authority to control the power of the purse.”⁶¹

On April 26, 2021, the Senate Appropriations Committee announced that it too would accept congressionally directed spending requests in the Fiscal Year (FY) 2022 appropriations process. Senator Patrick Leahy (D-VT), Chairman of the Senate Appropriations Committee, said in a statement that the ability to use congressionally directed spending is one of Congress’ constitutional powers, citing that Congress has been using this tool since the 18th century.⁶² He also discussed his view that the legislative branch has surrendered some of its spending power to the executive branch

⁵⁹ U.S. Congress, House, Committee on Appropriations, “DeLauro Announces Community Project Funding in Fiscal Year 2022.”

⁶⁰ U.S. Congress, House, Republican Conference, *Conference Rules of the 117th Congress*, <https://www.gop.gov/conference-rules-of-the-117th-congress/> (April 2, 2021).

⁶¹ *Ibid.*

⁶² U.S. Congress, Senate, Committee on Appropriations, “Leahy Announces Restoration of the Power of the Purse: Reforms for a Return to Congressionally Directed Spending in Fiscal Year 2022,” News release, April 26, 2021, <https://www.appropriations.senate.gov/news/majority/-leahy-announces-restoration-of-the-power-of-the-purse-reforms-for-a-return-to-congressionally-directed-spending-in-fiscal-year-2022> (accessed April 28, 2021).

and how the restoration of congressionally direct spending will help restore the legislative branch's balance of power with the executive. He said, "In recent years, Congress has ceded too much of its Constitutional authority over spending to the Executive Branch to make decisions about how and where to invest Federal taxpayer dollars. A rebalanced process will allow Members to better utilize their knowledge and experience to thoughtfully direct federal funds, and do so with transparency and accountability."⁶³

The same day, Chairman Leahy spoke on the Senate floor to explain his decision to begin accepting congressionally directed spending requests in the Senate Appropriations Committee. He explained,

I have a deep understanding of Vermont's communities, Vermonters, and their needs. But for the past decade, I have had to fight for them here in Washington with my hands tied behind my back. Every member of this chamber has their hands tied, because we ceded the power of the purse to unelected bureaucrats here in Washington when we instituted a ban on congressionally directed spending. As a result, instead of being able to direct even a fraction of the tax dollars we collect from our hard working constituents back into their communities, we turned these decisions over to the executive branch.... Senators of this chamber were forced to push for these worthwhile efforts by advocating to unelected officials to support projects in towns these officials have never visited run by passionate community leaders they have never met.⁶⁴

On April 21, 2021, the Senate Republican Conference voted to keep in place its conference prohibition on earmarks. However, the conference rules are non-binding, and consequently over a dozen Senate Republicans submitted earmarks to the Senate Appropriations Committee this year for consideration in the FY 2022 appropriations process. Senate Appropriations Vice Chairman Richard Shelby (R-AL) has been

⁶³ Ibid.

⁶⁴ *Cong. Rec.*, 117th Cong., 1st sess., 2021, 167, no. 71: S2189-S2190.

supportive of restoring earmark; however, he also supports each senator's personal decision to submit earmark requests or not.⁶⁵

In addition, separate from the annual appropriations process, the House Transportation and Infrastructure Committee announced on March 3, 2021, that it would accept project-specific requests from members for consideration in the 2021 surface transportation reauthorization process.⁶⁶ Committee Chairman Peter DeFazio (D-OR) said the Committee has the power and responsibility to direct federal spending on major transportation infrastructure projects. In a statement, he said, "The discretion to fund projects should not be reserved for State or Federal bureaucrats. Elected representatives know the infrastructure needs of their district and should be allowed to identify projects and advocate on behalf of their constituents in legislation."⁶⁷

Conclusion

The recent statements made by key members of Congress, activities conducted by relevant congressional committees, and actions taken by the 116th and 117th Congresses indicate that Congress aimed to reclaim some legislative and spending power it had previously delegated to executive branch agencies by restoring congressionally directed spending. On a bipartisan basis, members expressed frustration with being unable to direct federal spending to their communities. Perhaps more importantly, members were displeased that unelected executive branch officials and staff were deciding where federal

⁶⁵ Ibid.

⁶⁶ U.S. Congress, House, Committee on Transportation and Infrastructure, "Ahead of Introduction of Surface Transportation Legislation, Chairs DeFazio and Norton Announce New Process for Members of Congress to Submit Their Project Priorities," News release, March 3, 2021, <https://transportation.house.gov/news/press-releases/ahead-of-introduction-of-surface-transportation-legislation-chairs-defazio-and-norton-announce-new-process-for-members-of-congress-to-submit-their-project-priorities-> (accessed April 21, 2021).

⁶⁷ Ibid.

funds were being spent, and sometimes members were required to advocate to the executive branch for projects in their own states or districts. Members repeatedly referenced the growing imbalance between the legislative branch and executive branch, which was only made more acute by the earmark prohibition. Members aimed to “restore” and “regain” control of Congress’s constitutional duties by more directly managing federal spending.

These actions collectively illustrate Congress’s willingness to reclaim previously delegated authority. However, in the context of the larger delegation versus nondelegation debate and academic discussion regarding the rise of the administrative state, the legislative branch still largely operates in favor of delegation. Earmarked funds represent less than one percent of federal discretionary spending. The majority of federal funds are still managed and allocated by the executive branch. If Congress aims to take more direct control over federal spending, the institution will need to do more than restore earmarks. Nonetheless, even though Congress still largely favors delegation, Congress still has its limits.

With members of Congress once again exercising more control over certain funding accounts, entities seeking federal funding will need to adapt to these new conditions as they strategize on how to secure funding. From the perspective of a prospective applicant, the return of earmarks is not necessarily a harmful development because the earmarking process provides another opportunity secure federal grant funding. Though some earmarked funds are also available through annual competition via executive branch solicitations, other earmarked funds are only available through the earmarking process. Applying for a congressional earmark is also relatively simple, as the

analysis in Chapter 2 will show, though securing the funds may be more challenging since it requires the applicant to engage with their member of Congress to gain their support before the request is made and advocate for the request as it moves through the legislative process. Still, the congressional earmark process allows a member of Congress to champion projects in their districts, which may give communities with more limited personnel and resources an opportunity to pursue federal funds with the assistance of their member and the member's staff.

Chapter 2

Identifying Federal Funding Sources:

An Understudied Factor in Distributive Politics

Introduction

The federal government awards billions of dollars per year in federal funding to non-federal interests such as nonprofits, state and local governments, special districts, and institutions of higher education. Distributive politics literature largely focuses on the influence of Congress and the administration on the distribution of federal funding, with comparatively little attention paid to the non-federal interests applying for and receiving funding.

To better understand all possible factors that affect the distribution of federal funding, this analysis will address an issue that has been overlooked in the current literature, which is that it is difficult for prospective federal funding applicants to identify, and therefore apply for, federal funding. Federal funding remains difficult to identify and apply for because Grants.gov and other federal websites do not provide adequate information on the funding opportunities available through the federal government. This not only presents issues for prospective applicants themselves but may also have implications for the study of Congress and the administration in distributive politics, both of which try to influence how these monies are ultimately allocated. Research that has been conducted on the impact of non-federal interests in distributive politics often assumes those interests are affecting the process purposefully and voluntarily, such as by choosing to apply for a funding opportunity or requesting assistance from their member of Congress. Research does not address whether non-

federal interests affect distributive politics due to their inability to navigate the federal grantmaking system. This dynamic could have important implications for the study of distributive politics, adding to the complexity of who and what affects the distribution of federal resources, and possibly even why.

Analyzing data from the EPA, this analysis shows that EPA is properly following federal guidance regarding which competitive discretionary federal funding programs it is required to publish on Grants.gov. However, because federal guidance only requires that certain types of federal funding be advertised on Grants.gov, and because of the limited search functions available on Grants.gov, prospective applicants must use other federal resources to understand from which federal funding programs it is eligible to receive assistance. Such circumstances make it difficult for prospective federal funding applicants to identify, and consequently apply for, federal funding.

The following analysis will begin with a brief review of distributive politics literature, which shows a clear focus on studying the influence of Congress and the administration on the distribution of federal funds, not non-federal interests. The next section will provide background information on how the federal government currently publishes information on federal funding opportunities, followed by the analysis and concluding discussion.

Literature Review

Academic literature on distributive politics in the United States is expansive and diverse. It is difficult to present the full scope of distributive politics literature given the intensive and varied study it has received over the course of many decades. However, for the purposes of summarizing the literature for this analysis, the literature can be separate

into three overarching categories: (1) Congress; (2) the executive branch; and (3) non-federal interests. The large majority of distributive politics literature focuses on the influence of Congress on the distribution of federal funding. A growing but still limited literature focuses on the influence of the President and the administration. An even more limited literature focuses on how non-federal interests affect distributive politics. The varied results of these analyses show that much is still not known about the complexities of distributive politics.

Congressional Influence in Distributive Politics

Distributive politics literature on the influence of Congress is robust. The literature covers topics such as the influence of congressional committees, majority party status, political parties, seniority, and other institutional rules and structures, among others. The varied results of these analyses suggest much is still not known about how Congress influences the distribution of federal funding or how much influence Congress has over the process. Given that Congress holds the constitutional “power of the purse,” it is not surprising that the majority of literature on distributive politics focuses on Congress.

David Mayhew’s *Congress: The Electoral Connection* is a key piece of early literature on distributive politics. Mayhew applies rational choice theory to argue that members of Congress are single-minded seekers of reelection,⁶⁸ a reality that impacts the how Congress functions as an institution and how members of Congress behave in their roles. He says members aim to deliver resources to their districts so they can claim credit for their actions in the hopes the delivery of such resources translates into votes.⁶⁹ Certain

⁶⁸ David R. Mayhew, *Congress: The Electoral Connection*, 17.

⁶⁹ *Ibid.*, 52-61.

committee assignments that deal in “particularized benefits,” or distributive benefits, may benefit a member’s ability to secure credit-claiming wins for their district.⁷⁰

Research conducted by Scott Adler and John Lapinski further Mayhew’s point on members seeking committee assignments to benefit their constituencies. Adler and Lapinski find evidence that committees are composed of members whose constituencies have high demand needs under that committee’s jurisdiction.⁷¹ Christopher Deering and Steven Smith too find evidence that members seek specific committee assignments to further constituent interests. Even though Deering and Smith find that the specific reason(s) for why a member may pursue a committee assignment may differ from member to member, the most frequent reasons cited for committee assignment preferences are “constituency-oriented motivations,” which are most often tied to reelection aspirations.⁷²

Building on this research, others have explored the level of influence and success congressional committees have on the distribution of federal funding, but with differing results. Michael Alvarez and Jason Savings, Valerie Heitshusen, Frances Lee, and Brian Knight all find evidence that congressional committee members indeed influence the allocation of federal spending to their districts, but some committees are more effective than others at obtaining certain funds.⁷³ The varying effectiveness of committees securing

⁷⁰ Ibid., 85-91.

⁷¹ Scott E. Adler and John S. Lapinski, “Demand-Side Theory and Congressional Committee Composition: A Constituency Characteristics Approach,” *American Journal of Political Science* 41, no. 3 (July 1997): 913-914.

⁷² Christopher J. Deering and Steven S. Smith, *Committees in Congress*, 3rd ed. (Washington, DC: CQ Press, 1997), 62.

⁷³ Michael Alvarez and Jason L. Savings, “Congressional Committees and the Political Economy of Federal Outlays,” *Public Choice* 92, no. 1-2 (July 1997): 63-68; Valerie Heitshusen, “The Allocation of Federal Money to House Committee Members: Distributive Theory and Policy Jurisdictions,” *American Politics Research* 29, no. 1 (January 2001): 90-93; Frances E. Lee, “Geographic Politics in the US House of

additional funds differ for various suspected reasons in these studies, such as committee jurisdictional differences.⁷⁴ It is difficult to obtain conclusive answers about the influence of committees in distributive politics given the varying results of such studies. Part of the issue is that these studies analyze different committees and different types of funding (e.g., earmarks) in different years. Therefore, it is hard to generalize the findings of the research. In addition, many of these studies rely on earmark data to test their theories on distributive influence. Congress operated under an earmark moratorium for a decade beginning in 2011, which changed the landscape of the federal grantmaking process, perhaps with lasting repercussions. It is possible that findings of studies conducted before the earmark moratorium and studies conducted during the earmark moratorium may provide differing results. Further research on the current conditions in Congress may be needed to understand how relevant previous research on the influence of committees is to present circumstances.

Some scholars focus on the influence of majority party status on the distribution of federal funds. Steven Balla et al., for example, again using earmark data, find that both minority and majority members benefited from earmarks, but majority members benefited more. The authors point out that their research, which focuses on higher education earmarks, is consistent with the findings of other research related to transportation, defense, and grants spending, but acknowledged that more research needs to be done in other policy areas to determine if their observations universally apply.⁷⁵

Representatives: Coalition Building and Distribution of Benefits,” 726; and Brian Knight, “Estimating the Value of Proposal Power,” *American Economic Review* 95, no. 5 (December 2005): 1648, 1650-1651.

⁷⁴ Valerie Heitshusen, “The Allocation of Federal Money to House Committee Members: Distributive Theory and Policy Jurisdictions,” 90-93.

⁷⁵ Steven J. Balla et al., “Partisanship, Blame Avoidance, and the Distribution of Legislative Pork,” *American Journal of Political Science* 46, no. 3 (July 2002): 524.

Discussion of earmarks is also often closely tied to distributive politics literature on universalism in Congress. Kenneth Shepsle and Barry Weingast, for example, argue that the insurance universalism provides can in some respects explain why members support “pork barrel projects,” even when those projects are economically inefficient.⁷⁶ However, studies show there is doubt that universalism is actually an effective strategy. Robert Stein and Kenneth Bickers conducted one of the first “serious attempts to operationalize the notion of universalism so that it may be empirically tested.”⁷⁷ Their study concludes there is little evidence to prove that benefits are universalized through distributive policy. The authors point to several assumptions made in previous literature about universalism that may need to be questioned, one of them being that legislators are able to affect how benefits are distributed to their constituencies. The authors argue,

Members with key committee appointments or in leadership posts are better positioned to influence the flow of benefits to their district. Even well-positioned members may not be able to exercise influence over the distribution of benefits in many types of programs. For example, competitively awarded project grants afford members some opportunity to lobby administrative agencies on behalf of their districts. Formula and entitlement programs offer no such opportunity, except when the program is being considered for reauthorization. The extent to which programs are manipulable may also depend on the extent to which agencies have been able to develop technical expertise and political credibility (cf., Ferejohn 1974).⁷⁸

Similar to the study of majority party influence, the role of political parties in the distribution of federal funding has also been analyzed. Steven Levitt and James Snyder, for example, find that political parties play a major role in affecting the geographic

⁷⁶ Kenneth A. Shepsle and Barry R. Weingast, “Political Preferences for the Pork Barrel: A Generalization,” *American Journal of Political Science* 25, no. 1 (February 1981): 107-108.

⁷⁷ Barry R. Weingast, “Reflections on Distributive Politics and Universalism,” *Political Research Quarterly* 47, no. 2 (June 1994), 319.

⁷⁸ Robert M. Stein and Kenneth N. Bickers, “Universalism and the Electoral Connection: A Test and Some Doubts,” *Political Research Quarterly* 47, no. 2 (June 1994), 311-312.

distribution of federal funding.⁷⁹ They also find that districts with higher concentrations of Democratic voters receive more funding, though it must be noted that the study analyzed a time period in which Democrats controlled the House.⁸⁰ The authors, however, are clear to point out the limitations of political party influence: “Parties appear unable to precisely target large amounts of federal funds to particular districts, nor can they substantially alter the flow of federal dollars to districts over short time periods in response to changes in district circumstances.”⁸¹

Several reports published by the Congressional Research Service (CRS) support conclusions in many of the aforementioned studies that in some respects Congress is limited in its ability to influence the distribution of federal funding. In a 2020 CRS report titled *Block Grants: Perspectives and Controversies*, the authors state that certain categories of federal grant assistance are subject to greater discretion by agency administrators than by Congress. For example, the report states that “Federal administrators have a high degree of control over who receives project categorical grants” whereas they “have a low degree of discretion over who receives block grants.”⁸² Congress plays a critical role in structuring federal block grants through the authorization process by setting formulas for suballocation, delineating eligible uses and recipients, and setting other statutory parameters, leaving the administration with a more limited ability to manipulate the funds. Congress has less control over funds like categorical grants, which agency administrators have greater control over when suballocating the funds,

⁷⁹ Steven D. Levitt and James M. Snyder Jr, “Political Parties and the Distribution of Federal Outlays,” *American Journal of Political Science* 39, no. 4 (November 1995): 959.

⁸⁰ *Ibid.*, 973.

⁸¹ *Ibid.*, 973-974.

⁸² U.S. Library of Congress, Congressional Research Service, *Block Grants: Perspectives and Controversies*, by Joseph V. Jaroscak, Julie M. Lawhorn, and Robert Jay Dilger, RL40486 (2020), 3.

though Congress still sets program parameters during the authorization process. The 2011 earmark ban gave Congress even less discretion over grant funds. This is exemplified in a 2018 CRS report titled, *Transportation Spending Under an Earmark Ban*. The report discusses how the 2011 earmark ban impacted the distribution of federal transportation spending and aimed to provide information to members and staff to help them understand how they “might influence the distribution with a ban in place.”⁸³ Members still had the opportunity to influence the allocation of federal transportation funding by changing program structures during the authorization process; through the use of soft earmarks; and by expressing support to the U.S. Department of Transportation (DOT) for specific projects,⁸⁴ which together represent a limited scope of influence. The report illustrates the limited capacities Congress had to influence the distribution of certain federal funds, especially individual members, during the earmark moratorium and points out the strengths and limitations the administration has in the distribution of certain federal funding.

Executive Branch Influence in Distributive Politics

Even though studies on the influence of Congress in distributive politics remain supreme, a growing literature focuses on the influence of the President and the administration. Again, the varied results of these analyses suggest the President and the administration also have limitations in their ability to influence the distribution of federal funding even though they indeed have an ability to influence certain federal funds.

⁸³ U.S. Library of Congress, Congressional Research Service, *Transportation Spending Under an Earmark Ban*, by Robert S. Kirk, William J. Mallett, and David Randall Peterman, R41554 (2018), front matter.

⁸⁴ *Ibid.*

An early work on Presidential influence in distributive politics is Louis Fisher's book, *Presidential Spending Power* (originally published in 1975). Fisher does not make a major distinction between the President and the administration like later research often does, but Fisher does build on previous work detailing the growing spending power of the executive branch. Fisher says, "We fix upon the appropriations process, watching with great fascination as Congress goes about its business of making funds available to agencies. What happens later—the actual spending of money—rarely commands our attention....In many cases the decisive commitment to spend funds is made not by Congress but by executive officials. In this entire area of budget execution our knowledge is sketchy and primitive."⁸⁵ Later research builds on early research from scholars like Fisher to gain a more detailed understanding of how and who in the executive branch influences the distribution of federal funds.

Some scholars focus on the influence of administration staff and officials in the distribution of federal funds. Anthony Bertelli and Christian Grose, for example, find that the ideological preferences of administration leadership substantially influences the allocation of grants.⁸⁶ As a result, the authors find that administration leadership will direct more funding to lawmakers with similar ideological preferences.⁸⁷ Fisher himself ultimately focuses more on influence at the agency level rather than the White House.⁸⁸

⁸⁵ Louis Fisher, *Presidential Spending Power* (Princeton: Princeton University Press, 2015), 3, <https://muse.jhu.edu/book/39184>.

⁸⁶ Anthony M. Bertelli and Christian R. Grose, "Secretaries of Pork? A New Theory of Distributive Public Policy," *Journal of Politics* 71, no. 3 (July 2009): 941-942.

⁸⁷ *Ibid.*

⁸⁸ Louis Fisher, *Presidential Spending Power*, 4.

The aforementioned CRS reports also indicate that administration officials have a great level of discretion over certain types of federal funds.⁸⁹

Other scholars focus on the influence of the President directly. Some of this research focuses on specific aspects of Presidential power, such as the executive veto, on the distribution of federal funds. Roderick Kiewiet and Matthew McCubbins Nolan McCarty find that the executive veto is an effective tool a President can use to impact spending, but the tool has its limitations. Kiewiet and McCubbins, for example, find that veto power can be an effective tool for reducing appropriations but not increasing appropriations to a federal agency.⁹⁰ Nolan finds “In equilibrium, stronger veto power leads to a lower level of distributive spending, but the effects are mitigated to the extent that the president prefers spending in some districts over others.”⁹¹

Other scholars provide a more comprehensive view of Presidential influence in distributive politics. John Hudak argues that Presidents are systematically engaged in “pork barrel politics” just as much if not more than senators or members of Congress.⁹² Presidents use the executive branch’s influence in distributing discretionary spending, particularly competitive discretionary funds, for their own electoral benefit.⁹³ He argues that the influence the President exerts in this manner is widely overlooked, as more literature focuses on how congressional lawmakers influence the distribution of funding.

⁸⁹ U.S. Library of Congress, Congressional Research Service, *Transportation Spending Under an Earmark Ban*, front matter; and U.S. Library of Congress, Congressional Research Service, *Block Grants: Perspectives and Controversies*, 3.

⁹⁰ Roderick Kiewiet and Matthew McCubbins, "Presidential Influence on Congressional Appropriations Decisions," *American Journal of Political Science* 32, no. 3 (August 1988): 713.

⁹¹ Nolan M. McCarty, "Presidential Pork: Executive Veto Power and Distributive Politics," *American Political Science Review* 94, no. 1 (March 2000): 117.

⁹² John Hudak, *Presidential Pork: White House Influence over the Distribution of Federal Grants* (Washington, DC: Brookings Institution Press, 2014), 3-4, muse.jhu.edu/book/28870.

⁹³ *Ibid.*, 3.

“Presidents and their appointees are broadly effective at using their spending authority and power over bureaucratic processes to engage in pork barrel politics,” he says.⁹⁴

Hudak also argues that “A unique contribution of this research is that it illustrates the power of the executive branch and specifically presidential preferences in an area widely believed to be the purview of Congress.”⁹⁵ He recognizes, however, a President’s limitations. Regarding Congress, he says,

Congress is [not] powerless to influence funds but that in the context of discretionary grants, legislative power is severely limited. Presidents and appointees enjoy and capitalize on discretionary spending authority. However, the president realizes that *Congress giveth and Congress taketh away*. Presidents know that their ability to engage in pork barrel politics largely depends on the delegation of power, and to preserve that power, presidents ensure that the congressional actors most directly charged with determining discretion benefit from pork.⁹⁶

Christopher Berry, Barry Burden, and William Howell similarly argue that Presidents play a comprehensive role in distributive politics. The authors hypothesize that Presidents have both *ex ante* and *ex post* opportunities to influence the distribution of federal funding and use this influence to benefit members of their own party in Congress for potentially a variety of political reasons, such as to help a vulnerable Member of their party win reelection. The authors conclude that “the president appears to predominate” in distributive politics.⁹⁷ Results from the study show that members of the President’s party received more federal funding than members from the opposing party, and competitive districts received more funds.⁹⁸ The authors recognize, however, that they do not

⁹⁴ Ibid., 191.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Christopher R. Berry, Barry C. Burden, and William G. Howell, “The President and the Distribution of Federal Spending,” *American Political Science Review* 104, no. 4 (November 2010): 798.

⁹⁸ Ibid., 797.

provide specific details on exactly how the President influences the process. Like Hudak, Berry, Burden, and Howell, John Hamman and Valentino Larcinese, Leonzio Rizzo, and Cecilia Testa find evidence that Presidents use their broad influence on the distribution of federal funds to favor them electorally.⁹⁹

Non-Federal Interests

A more limited literature focuses on how non-federal interests affect distributive politics. Some scholars, like Paul Martin, examine potential links between political participation and the distribution of federal funds. Martin finds evidence that counties with higher voting rates receive more federal funding, and thus concludes that political participation affects the geographic distribution of federal funding because members of Congress try to direct federal resources in a manner that will result in votes.¹⁰⁰ Separate but related is research on the influence of organized interests. Robert Lowry and Matthew Potoski, for example, find that organized interests (like tax-exempt organizations and municipal governments) also have the ability to influence the allocation of discretionary grant funding, which they argue is important because it shows that lawmakers and the administration act on the requests of organized interests and individuals by way of organized interests.¹⁰¹ Michael Rich finds that federal funding recipients can have a considerable impact on the ultimate distribution of federal funds, a reality he says is often overlooked in the study of distributive politics. Rich argues that “By examining the role

⁹⁹ John A. Hamman, “Bureaucratic Accommodation of Congress and the President: Elections and the Distribution of Federal Assistance,” *Political Research Quarterly* 46, no. 4 (December 1993): 876-878; and Valentino Larcinese, Leonzio Rizzo, and Cecilia Testa, “Allocating the U.S. Federal Budget to the States: The Impact of the President,” *Journal of Politics* 68, no. 2 (May 2006): 454.

¹⁰⁰ Paul S. Martin, “Voting’s Rewards: Voter Turnout, Attentive Publics, and Congressional Allocation of Federal Money,” *American Journal of Political Science* 47, no. 1 (January 2003): 122-123.

¹⁰¹ Robert C. Lowry and Matthew Potoski, “Organized Interests and the Politics of Discretionary Grants,” *Journal of Politics* 66, no. 2 (May 2004): 529-530.

of residents, legislators, and bureaucrats, scholars have ignored participants who have become key actors in the distribution of federal expenditures—the recipient jurisdictions.”¹⁰² Rich argues that recipient jurisdictions are “key decision makers in the federal grants allocation process” because “In many instances the decision to apply and the amount of funding requested may be the most critical decisions affecting the distribution of federal funds.”¹⁰³

Rich, however, makes a notable assumption that recipient jurisdictions are aware that certain funding opportunities are available to them and consciously choose to apply for funding or not. It may also be true that entities do not apply for funding because they are unaware that certain funding opportunities exist. The analysis that follows will evaluate the latter point, which seems to have been overlooked in distributive politics literature.

Background

The analysis that follows will evaluate if prospective federal funding applicants have difficulty identifying, and therefore applying for, federal funding to determine if such conditions have an impact on distributive politics. Before analyzing this theory, this section will provide a brief summary on how the federal government currently publishes information on federal funding opportunities. This is important contextual information to understand prior to presenting the analysis because federal guidance specifies what information about federal funding programs agencies are required to publish on

¹⁰² Michael J. Rich, "Distributive Politics and the Allocation of Federal Grants," *American Political Science Review* 83, no. 1 (March 1989), 193.

¹⁰³ *Ibid.*, 208.

Grants.gov, the primary web-based platform where 26 federal agencies post solicitations for over 1000 discretionary competitive funding opportunities.

OMB is responsible for coordinating federal grant management policy. OMB's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) is the main collection of rules and requirements regarding the federal grantmaking process. The Uniform Guidance requires federal agencies to provide solicitation information for certain competitive discretionary federal funding opportunities in accordance with a specific set of guidelines. The Uniform Guidance states that federal agencies must provide information on "competitive grants and cooperative agreements" on the "OMB-designated governmentwide Web site for finding and applying for Federal financial assistance."¹⁰⁴ Although the Uniform Guidance does not state that the "OMB-designated" website referenced is Grants.gov, the accompanying Frequently Asked Questions document explains,

While the [Uniform Guidance] does not specify a particular system for finding and applying for Federal financial assistance, the current system of Grants.gov remains the federal government's central portal for discretionary financial assistance find and apply functionalities. In accordance with OMB Memorandum—M-04-01 and M-04-05—Federal agencies are required to use Grants.gov 'Find' functionality and directed to use the 'Apply' functionality for discretionary grants.¹⁰⁵

Accordingly, the guidance specifies that agencies must publish information on discretionary grant and cooperative agreement opportunities on Grants.gov under the

¹⁰⁴ "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," *Code of Federal Regulations*, title 2 (2014): 100, <https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1.pdf>.

¹⁰⁵ White House Office of Management and Budget, "Frequently Asked Questions: For The Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards At 2 CFR 200," updated July 8, 2017, <https://www.cfo.gov/wp-content/uploads/2017/08/July2017-UniformGuidanceFrequentlyAskedQuestions.pdf>.

“Find” functionality, which allows non-federal interests to search for funding opportunities. However, federal agencies are not required to use the platform as a portal for application submission, though many do.

As previously stated, the Uniform Guidance and accompanying Frequently Asked Questions specify that information on “competitive grants and cooperative agreements” must be published on Grants.gov. The Uniform Guidance does not expressly define the terms “competitive grants” and “cooperative agreements,” but the guidance does include these terms under the definition of “federal financial assistance.” The Uniform Guidance states, “For grants and cooperative agreements, Federal financial assistance means assistance that non-Federal entities receive or administer in the form of: (1) Grants; (2) Cooperative agreements; (3) Non-cash contributions or donations of property (including donated surplus property); (4) Direct appropriations; (5) Food commodities; and (6) Other financial assistance...”¹⁰⁶ The term “other financial assistance” does not include assistance such as loans, loan guarantees, interest subsidies, and insurance.¹⁰⁷

EPA also publishes its own *Policy for Competition of Assistance Agreements* (competition policy), which is consistent with the Uniform Guidance but provides specific information on EPA’s internal policy and requirements for grants, cooperatives agreements, and fellowships. The competition policy outlines the specific types of competitive assistance that must be published on Grants.gov. Importantly, the policy states that only opportunities for open competition are required to be published on Grants.gov; simplified competitions, exemptions from competition, and exceptions to

¹⁰⁶ “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” Code of Federal Regulations, 85.

¹⁰⁷ Ibid.

competition are not published on Grants.gov.¹⁰⁸ Simplified competitions are those where the estimated amount of funding expected to be awarded is \$100,000 or less.¹⁰⁹ Programs that are considered exemptions from competition are listed in the policy; examples of such programs include the Leaking Underground Storage Tank Trust Fund Cooperative Agreements program, the Diesel Emissions Reduction state grants program, and all programs that award funds under a statutory or regulatory allocation or formula.¹¹⁰ For programs to be considered exceptions to competition, the program must meet certain special criteria, such as that there is only one responsible grantee who can carry out a project or that a national security issue requires immediate action.¹¹¹

Methodology

In order to evaluate whether it is difficult for prospective federal funding applicants to identify, and therefore apply for, federal funding because Grants.gov and other federal websites do not provide adequate information on the funding opportunities available through the federal government, this analysis will evaluate how one federal agency, EPA, publishes information on funding opportunities available through the agency. EPA regularly updates a “Discretionary Programs Competitive Status List” that catalogs EPA’s active discretionary grant programs.¹¹² The most recent version, published in May 2020, was used for this analysis. This list provides an inventory of 70 active discretionary grant programs, both competitive and non-competitive. Non-

¹⁰⁸ U.S. Environmental Protection Agency, *Policy for Competition of Assistance Agreements*, Order No. 5700.5A1, Washington, DC, 2014, 4-22.

¹⁰⁹ *Ibid.*, 3.

¹¹⁰ *Ibid.*, 4-5.

¹¹¹ *Ibid.*, 20-22.

¹¹² U.S. Environmental Protection Agency, “Discretionary Programs Competitive Status List,” May 2020, https://www.epa.gov/sites/production/files/2019-04/documents/cfdas_discretionary_list.pdf (accessed July 19, 2020).

competitive programs are programs that are “generally not competed.”¹¹³ Only the competitive programs were used in this analysis, which totals 52 programs. Using this list of 52 programs, the analysis evaluates if those programs are listed on Grants.gov as required by the Uniform Guidance and EPA’s competition policy.

Analysis

The table in Appendix A lists the results of the analysis. After reviewing if the 52 active competitive discretionary grant programs managed by EPA are listed on the Grants.gov platform in accordance with the OMB Uniform Guidance and EPA’s competition policy, it was found that all 52 programs are indeed listed properly on Grants.gov. Several observations, however, were made in the process of collecting and analyzing this information that are relevant to how these results should be interpreted.

First, EPA publishes necessary information on Grants.gov in accordance with the Uniform Guidance and its own internal competition policy. Therefore, it must be recognized that the Uniform Guidance (which also provides the basis for EPA’s competition policy) dictates what information federal agencies are required to publish on federal funding opportunities. Certain major federal funding categories are not required to be published on Grants.gov, including programs that provide loan and loan guarantees. There are loan programs managed by EPA that are competitive programs, but according to the Uniform Guidance, solicitation information for these programs is not required to be published on Grants.gov, which is supposed to be the main federal repository for prospective federal funding applicants to search and apply for discretionary financial assistance. For example, EPA’s Water Infrastructure Finance and Innovation Act

¹¹³ Ibid.

(WIFIA) loan program has received over \$280 million in appropriations since FY 2017, which the agency has used to provide billions in loans to eligible entities such as state, tribal, and local governments. Applying for a WIFIA loan is a competitive process similar to competition processes for federal grants. Yet, this program is not listed on Grants.gov. Since the Uniform Guidance does not require federal loans to be published on Grants.gov, potential applicants must look elsewhere to find information on federal loan programs (and other funding categories not covered by the Uniform Guidance). WIFIA program information is listed on beta.SAM.gov, along with all federal assistance programs assigned a *Catalog of Federal Domestic Assistance* (CFDA) number. However, the CFDA database on the beta.SAM.gov platform (<https://beta.SAM.gov/search?index=cfda>) does not provide the same type of information on funding opportunities as Grants.gov, which may impact how functional the CFDA database is for potential applicants researching funding opportunities. For example, the CFDA database provides limited information on solicitation dates and application processes. It must be recognized that the primary functionality of the CFDA database is not to assist prospective applicants with identifying and applying for federal funding assistance. The CFDA database is meant to provide prospective applicants with information on a broad range of federal assistance, including but not limited to grants (competitive, project, formula, etc.), loans, scholarships, insurance, and technical assistance.¹¹⁴ The CFDA webpage on beta.SAM.gov specifically refers potential applicants to Grants.gov or specific agencies for more information. The CFDA webpage states,

¹¹⁴ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, Executive Office of the President, Washington, DC, 2020, I-II, <https://beta.sam.gov/content/assistance-listings> (accessed September 12, 2021).

As an entity looking for federal assistance, you can conduct your preliminary planning using SAM. Browse assistance listings across all government agencies to form a ‘big picture’ of your funding options....Once you identify a federal assistance listing that you’re interested in, you can link directly to grant opportunities on Grants.gov or follow up with that specific agency using the contact information provided.¹¹⁵

Second, because the Uniform Guidance only requires that certain types of federal funding opportunities be published on Grants.gov, prospective federal funding applicants must use multiple federal websites to search for opportunities. This presumably makes the process of identifying, and therefore applying for, federal funding more difficult. At a minimum, an applicant will need to search Grants.gov and beta.SAM.gov for initial funding searches. If an opportunity is not listed on Grants.gov and only listed on beta.SAM.gov, the prospective applicant will need to do further research, potentially on the website of the granting agency, for more information on solicitation dates and application processes (at a minimum). Using EPA as an example, the competition policy states that all programs that award funds under a statutory or regulatory allocation or formula do not need to be listed on Grants.gov. However, if such funds are allocated to states and territories, states and territories may suballocate this funding on a competitive basis to other non-federal entities such as local governments. EPA’s Nonpoint Source Implementation Grants Program (CFDA No. 66.460), for example, is a formula grant program that provides funding to states, DC, territories, and tribal governments. This funding is typically suballocated from the direct recipients (e.g., states) to subrecipients such as public agencies, nonprofits, and public colleges on a competitive basis. Accordingly, even though information on the Nonpoint Source Implementation Grants

¹¹⁵ Beta.SAM.gov, “Learning Center: Assistance Listings,” U.S. General Services Administration, <https://beta.sam.gov/help/assistance-listing> (accessed August 10, 2020).

Program is listed on beta.SAM.gov, detailed information is not provided on how subrecipients can access the funding. (Only partial information on the program is available on Grants.gov.) A potential applicant will need to do further research through their state, tribal, or territories government to understand how these federal pass-through funds can be accessed.

The complications of this reality are summarized in a 2019 report published by the CRS that aims to help congressional offices assist constituents with seeking federal funding. The report, titled *Resources for Grantseekers*, explains:

One significant limitation to Grants.gov...is the exclusion of state-level grant program information. For example, Grants.gov provides information only about the funding opportunities for primary grant recipients (federal grant funds may be passed through the state to the local level; state government departments and agencies administer federal formula and block grants, and also fund projects). A local constituent would not be able to access information on Grants.gov about how to apply for federal funds available from a pass-through state-level agency, for example.¹¹⁶

For programs such as these, the report states that the constituent should contact the relevant state administering agency to solicit additional information on how the state plans to distribute the funds.¹¹⁷ This process again requires a prospective applicant to do additional research, exemplifying how the process of identifying, and therefore applying for, federal funding is a complex process.

Third, there are limitations with the search functionalities of the Grants.gov website that may make it difficult for potential applicants to research federal funding opportunities. For example, there is currently no search filter that allows a potential applicant to filter opportunities that are only available in rural areas. Again, using EPA as

¹¹⁶ U.S. Library of Congress, Congressional Research Service, *Resources for Grantseekers*, by Maria Kreiser, RL34012 (2019), 4.

¹¹⁷ Ibid.

an example, EPA has created its own “Water Finance Clearinghouse” webpage¹¹⁸ that allows prospective applicants to search for environment- and water-related funding sources, and allows prospective applicants to filter the results by community population size. However, this is again another federal webpage that prospective applicants must access for information, and furthermore must know is available to them for their research needs. Beta.SAM.gov allows prospective applicants to filter results for programs that are available in rural areas. However, without referring to the 3,709-page long CFDA, it is difficult to ascertain what the “rural” search function means, especially because different programs and agencies have different definitions for the term “rural.”

Conclusion

In an effort to better understand all possible factors that may affect the distribution of federal funding, this analysis used EPA data to evaluate if it is difficult for prospective federal funding applicants to identify, and therefore apply for, federal funding because Grants.gov and other federal websites do not provide adequate information on the funding opportunities available through the federal government. The analysis finds that EPA is properly following federal guidance regarding which competitive discretionary federal funding programs it is required to publish on Grants.gov. However, because federal guidance only requires that certain types of federal funding be advertised on Grants.gov, prospective applicants must use other federal resources to determine their eligibility under federal funding programs. Given the complex nature of researching federal funding opportunities through multiple federal

¹¹⁸ Water Infrastructure and Resilience Finance Center, “Water Finance Clearinghouse,” U.S. Environmental Protection Agency, <https://www.epa.gov/waterdata/water-finance-clearinghouse> (accessed August 10, 2020).

resources, it can be reasonably concluded that such circumstances make it difficult for prospective applicants to identify, and consequently apply for, federal funding.

This conclusion is further supported by qualitative information provided in CRS reports that aim to provide information to congressional offices about federal funding processes in order to assist constituents that inquire about federal funding opportunities.¹¹⁹ One of these reports explicitly states that “Members of Congress frequently receive requests from grant seekers needing funds for projects in districts and states....Congressional grants staff can best help grant seekers by first themselves gaining some understanding of the grants process.”¹²⁰

Given that this analysis only evaluates how one federal agency publishes information on federal funding opportunities available through the agency, the results of this analysis may not be applicable to all federal agencies. However, every federal agency must publish federal funding opportunities consistent with the Uniform Guidance. As a result, the findings of this analysis suggest that other federal agencies publish information on federal funding opportunities in a similar manner.

Distributive politics literature remains relatively limited with regard to how non-federal interests may affect the distribution of federal funding. Conventional wisdom assumes Congress and the administration are the primary drivers behind how federal funding is ultimately allocated. Michael Rich illuminated the study of distributive politics by highlighting that “the decision to apply and the amount of funding requested may be

¹¹⁹ U.S. Library of Congress, Congressional Research Service, *Grants Work in a Congressional Office*, by Maria Kreiser, RL34035 (2019), frontmatter; and U.S. Library of Congress, Congressional Research Service, *How to Develop and Write a Grant Proposal*, by Maria Kreiser, RL32159 (2019), frontmatter.

¹²⁰ U.S. Library of Congress, Congressional Research Service, *Grants Work in a Congressional Office*, frontmatter.

the most critical decisions affecting the distribution of federal funds.”¹²¹ As this analysis illustrates, it may also be the case that entities do not apply for funding because they are unaware that certain funding opportunities exist. The analysis is not able to determine if such conditions in fact impact the distribution of federal funds, but it highlights a currently understudied factor that may affect the dynamics of how federal funding is distributed. Given the understudied nature of this issue, it may be the case that members of Congress or the administration do not have an incentive to make information about certain federal funding programs more transparent, as the complexity may provide them with a greater ability to influence who ultimately receives funding through certain programs. Such political factors may play an important role in understanding why it is difficult to identify federal funding opportunities. However, political motives cannot account for the totality of the problem considering Congress and the executive branch both supported the creation of the Grants.gov platform in 2002, and subsequent actions have only aimed to improve the user experience. Further study may yield information that has important implications for the study of distributive politics, adding to the complexity of who and what affects the distribution of federal resources, and possibly even why.

¹²¹ Michael J. Rich, "Distributive Politics and the Allocation of Federal Grants," 208.

Chapter 3

Categorizing the Complexity of Federal Grant Funding Application Processes and Its Impacts

Introduction

Distributive politics literature is vast and diverse. The literature seemingly investigates every possible facet of the political system to understand better the dynamics of how and when federal funding is distributed, who benefits, and why. However, as the previous chapter illustrates, distributive politics literature still largely overlooks the influence of non-federal interests on the distribution of federal funding. The previous analysis found it may be difficult for prospective applicants to identify federal funding opportunities because Grants.gov and other federal websites do not provide adequate information on the funding opportunities available through the federal government. The primary consequence of prospective applicants being unable to identify federal funding opportunities is that they do not apply for federal funding opportunities. The analysis thus highlights a currently understudied factor in distributive politics that may affect the dynamics of how federal funding is distributed.

To further understand understudied factors that may affect the distribution of federal funding, this analysis will aim to evaluate which branch of the federal government—the legislative branch or the executive branch—has more control over which types of federal grant funding and how this may affect the ability of a prospective applicant to access available federal grant funds. The analysis will aim to answer the question, how does the type of federal funding source, and who most controls the

ultimate allocation of that funding source, affect an entity's ability to access federal funding?

Securing federal grant funding can be a complex and onerous process. Once a prospective applicant is able to *identify* a funding source (which, as the previous chapter illustrates, is a challenging process in itself), they must then *choose to pursue* the funding. A variety of factors may influence the decision whether to pursue funding, including internal capacities to pursue the funding, implement the project(s) the funding will support, and navigate complicated program conditions. As a result, complex funding application processes used to distribute certain types of federal grant funds may negatively impact the ability of some entities, especially those with limited resources, to secure funds, which may affect the dynamics of how federal funding is ultimately distributed.

The analysis will begin with a review of distributive politics literature from the perspective of supply-side and demand-side explanations for how federal funding is distributed, followed by a categorization of general types of federal grant funding assistance based on who distributes the funds and how. The analysis will then assess whether the categorization system accurately reflects the demand-side level of effort required to apply for and receive federal grant assistance by examining the application requirements of two well-known and established federal grant programs in each category of assistance, followed by the conclusion.

Literature Review

The literature review provided in the previous chapter in part informs this analysis because it provides an overview of the key actors that influence the ultimate distribution

of federal funds, including Congress, the President, the executive branch bureaucracy, and non-federal interests. The following literature review will build on the previous examination by reviewing the specific discussion within distributive politics literature regarding supply-side and demand-side explanations for how federal funding is distributed, an approach that was advanced by political scientist Robert Stein, who recognized that both supply-side and demand-side factors influence the allocation of federal funds.¹²²

Supply-Side

As discussed in the preceding literature review, the vast majority of distributive politics research focuses on supply-side factors that influence the distribution of federal funds. Although the supply of federal funds originates from Congress, which has primary control over the revenues collected from federal taxing mechanisms, the President and the administrative bureaucracy also have the ability to influence the distribution of federal funds.

Congress is the primary focus of distributive politics research. The different structures, incentives, and policy preferences of Congress and its members have been found to have various levels of influence on the distribution of federal funds. For example, studies conducted by David Mayhew, Valerie Heitshusen, Frances Lee, Scott Adler and John Lapinski, R. Michael Alvarez and Jason Savings, Christopher Deering and Steven Smith, and Kenneth Shepsle and Barry Weingast find committee assignments

¹²² Robert M. Stein, "The Allocation of Federal Aid Monies: The Synthesis of Demand-Side and Supply-Side Explanations," *American Political Science Review* 75, no. 2 (June 1981): 334-343; and Robert M. Stein, "Federal Categorical Aid: Equalization and the Application Process," *Western Political Quarterly* 32, no. 4 (December 1979): 396-408.

can impact how effective a member is at providing benefits to their constituents.¹²³ The different structures and electoral incentives of the House and Senate can also affect federal spending. For example, Frances Lee analyzes the spending preferences of senators and House members, finding “Senators can make use of the large, state-based, formula-grant programs to play a visible and traceable role in distributive policy-making” while “House members need to rely on project or categorical grants to link their activities to the benefits their constituents receive.”¹²⁴ Accordingly, “senators and House members have different incentives in constructing federal distributive programs.”¹²⁵ Others have also analyzed the role of majority status,¹²⁶ political parties,¹²⁷ and seniority,¹²⁸ among other congressional structures, to understand the extent to which those structures affect the distribution of federal funds.

The President and the administrative bureaucracy also have supply-side influences on the distribution of federal funds. Even though Congress creates the structures for funding programs administered by the executive branch, which gives Congress the ability to shape formulas and priorities that can direct more funding to

¹²³ David R. Mayhew, *Congress: The Electoral Connection*, 17; Valerie Heitshusen, “The Allocation of Federal Money to House Committee Members: Distributive Theory and Policy Jurisdictions,” 79-97; Frances E. Lee, “Geographic Politics in the U.S. House of Representatives: Coalition Building and Distribution of Benefits,” 714-728; Scott E. Adler and John S. Lapinski, “Demand-Side Theory and Congressional Committee Composition: A Constituency Characteristics Approach,” 895-918; Michael Alvarez and Jason L. Saving, “Congressional Committees and the Political Economy of Federal Outlays,” 55-73; Christopher J. Deering and Steven S. Smith, *Committees in Congress*, 62; and Kenneth A. Shepsle and Barry R. Weingast, “The Institutional Foundations of Committee Power,” *American Political Science Review* 81, no. 1 (March 1987): 85-104.

¹²⁴ Frances E. Lee, “Bicameralism and Geographic Politics: Allocating Funds in the House and Senate,” 188.

¹²⁵ *Ibid.*, 204.

¹²⁶ Kenneth N. Bickers and Robert M. Stein, “The Congressional Pork Barrel in a Republican Era,” *Journal of Politics* 62, no. 4 (November 2000): 1070-1086; and Steven J. Balla et al., “Partisanship, Blame Avoidance, and the Distribution of Legislative Pork,” 515-525.

¹²⁷ Steven D. Levitt and James M. Snyder Jr., “Political Parties and the Distribution of Federal Outlays,” 958-980.

¹²⁸ Frances E. Lee, “Geographic Politics in the U.S. House of Representatives: Coalition Building and Distribution of Benefits,” 714-728.

certain jurisdictions,¹²⁹ the executive branch still has a great deal of discretion over certain types of federal funds. Many researchers make important distinctions between the President¹³⁰ and the administrative bureaucracy,¹³¹ however, since both entities have different tools and resources at their disposal, as well as different incentives, to influence the distribution of federal funds.

Demand-Side

Although supply-side literature remains dominant in the study of distributive politics, researchers have increasingly focused on demand-side factors that influence how federal funding is distributed. Studies often focus on the characteristics of specific jurisdictions as a means to understanding the factors that influence the allocation of federal resources. For example, Austin Clemens, Michael Crespin, and Charles Finocchiaro find geography is an important factor to consider when analyzing pork barrel politics and that the varied characteristics of constituencies in different geographic areas have been a reality largely overlooked in empirical distributive politics research.¹³² Some studies focus on the characteristics of specific recipients, such as organized interests.¹³³ Other studies analyze voter preferences or other demographic characteristics of

¹²⁹ Frances E. Lee, "Bicameralism and Geographic Politics: Allocating Funds in the House and Senate," 205.

¹³⁰ John Hudak, *Presidential Pork: White House Influence over the Distribution of Federal Grants*; Christopher R. Berry, Barry C. Burden, and William G. Howell, "The President and the Distribution of Federal Spending," 783-799; Valentino Larcinese, Leonzio Rizzo, and Cecilia Testa, "Allocating the U.S. Federal Budget to the States: The Impact of the President," 447-456; and Douglas L. Kriner and Andrew Reeves, "Presidential Particularism and Divide-the-Dollar Politics," *American Political Science Review* 109, no. 1 (February 2015): 155-171.

¹³¹ Anthony M. Bertelli and Christian R. Grose, "Secretaries of Pork? A New Theory of Distributive Public Policy," 926-945.

¹³² Austin C. Clemens, Michael H. Crespin, and Charles J. Finocchiaro, "The Political Geography of Distributive Politics," *Legislative Studies Quarterly* 40, no. 1 (February 2015): 111-136.

¹³³ Robert C. Lowry and Matthew Potoski, "Organized Interests and the Politics of Discretionary Grants," 513-533.

constituencies, such as political party affiliation in congressional districts.¹³⁴ Fewer studies focus on capacity factors and decision-making activities that occur at the recipient level and how those factors may impact the distribution of federal funds.

Robert Stein was one of the first researchers to not only emphasize the need to study both supply- and demand-side factors that influence the distribution of federal funds, but he was also one of the first to comprehensively acknowledge that distributive politics literature largely overlooks the fact that there are costs associated with applying for and receiving federal funds, which could affect the ultimate allocation of federal funds.¹³⁵ Stein points out that most studies examining the allocation of federal funds do not “distinguish between applicants and non-applicants for federal aid.”¹³⁶ By neglecting to make this distinction,

researchers have assumed that those governmental units not seeking federal aid were: (1) not in need of federal assistance and therefore should be excluded when studying the allocation patterns of federal aid; and (2) politically and/or ideologically inhibited from seeking federal aid (i.e., viewed federal aid as an encroachment upon local authority).¹³⁷

Previous studies failed to recognize the “distinction between the application and allocation stages of the grant process” and how “There are costs to be incurred in both seeking and receiving federal assistance” that may impact the ability of a recipient to seek funding.¹³⁸ Stein explains how application costs, implementation and administrative

¹³⁴ Steven D. Levitt and James M. Snyder, "Political Parties and the Distribution of Federal Outlays," 958-980.

¹³⁵ Robert M. Stein, "The Allocation of Federal Aid Monies: The Synthesis of Demand-Side and Supply-Side Explanations," 334-343; and Robert M. Stein, "Federal Categorical Aid: Equalization and the Application Process," 396-408.

¹³⁶ Robert M. Stein, "Federal Categorical Aid: Equalization and the Application Process," 396.

¹³⁷ *Ibid.*, 396-397.

¹³⁸ *Ibid.*, 397.

costs, and opportunity costs all pose challenges to those seeking federal funds.¹³⁹ Stein concludes,

those communities with low levels of fiscal capacity and planning activities are most likely to forego seeking federal assistance, in spite of the fact that they are the intended beneficiaries of many categorical assistance programs. The application process clearly works to screen these communities out of the grant process, resulting in a condition where recipients of federal assistance are an invariant group of high capacity communities.¹⁴⁰

Stein proposes that “remedial efforts at the application stage” would be an effective way to address inequities in the distribution of federal funds.¹⁴¹ It is important to note, however, that Stein suggests the recipient assumes the primary responsibility for solving this problem, not the federal government.¹⁴² In this study, Stein overlooks the potential capacity the federal government has to streamline and simplify application, implementation, and reporting processes.

In a subsequent study, Stein more directly points out that federal funding mechanisms like formula block grants and revenue sharing “are not subject to competitive grant application, significant matching funds or excessive policy requirements,” which makes these funds “more desirable” due to the reduced application and administrative costs associated with these funds.¹⁴³ Even though formula block grants and revenue sharing mechanisms create a more equitable playing field, not all federal funds can be provided in such a manner. Competitive funds will still be required to provide more targeted assistance. Stein suggests, “Assisting local governments in costly grant applications and encouraging intergovernmental grant applications would help to

¹³⁹ Ibid., 397-398.

¹⁴⁰ Ibid., 407.

¹⁴¹ Ibid.

¹⁴² Ibid., 408.

¹⁴³ Robert M. Stein, “The Allocation of Federal Aid Monies: The Synthesis of Demand-Side and Supply-Side Explanations,” 335.

defray the costs of seeking and receiving federal assistance and thus increase the use of grants and their equalization among needy and fiscally strained communities.”¹⁴⁴

Subsequent research builds on Stein’s findings by examining recipient capacity factors alongside other factors, such as political capacities and demographic conditions. For example, Michael Rich uses recipient factors when analyzing political factors that influence the allocation of federal grants, concluding that “demand and capacity of local governments are important factors in the allocation of federal grants” and that the decision to apply for funds, and how much funds an applicant requests, “may be the most critical decisions affecting the distribution of federal funds.”¹⁴⁵ Jeremy Hall examines recipient capacity factors alongside both political capacity and need and demand factors, concluding “that institutional measures of capacity must take into account not only political dimensions but also administrative and need/demand dimensions.”¹⁴⁶

With researchers increasingly recognizing recipient capacity factors in distributive politics analyses, the next logical step is to assess whether capacity issues are being addressed as a result of these findings. Donna Milam Handley, for example, finds that the Community Development Block Grant program (CDBG) has endeavored to address capacity issues (among other issues) over time in an effort to improve the effectiveness of the program.¹⁴⁷ However, the CDBG program is a formula block grant program. As Stein points out, formula block grant programs are not subject to the same application and

¹⁴⁴ Ibid., 341.

¹⁴⁵ Michael J. Rich, "Distributive Politics and the Allocation of Federal Grants," 208.

¹⁴⁶ Jeremy L. Hall, “Assessing Local Capacity for Federal Grant-Getting,” *American Review of Public Administration* 38, no. 4 (December 2008): 463-479.

¹⁴⁷ Donna Milam Handley, “Strengthening the Intergovernmental Grant System: Long-Term Lessons for the Federal-Local Relationship,” *Public Administration Review* 68, no. 1 (January 2008): 126-136.

administrative costs as other forms of federal funding.¹⁴⁸ As a result, some program-specific analyses like Handley's may only be of limited value when it comes to understanding to what extent the federal government has successfully addressed recipient level capacity issues.

Methodology

While academic literature on distributive politics acknowledges there are costs associated with applying for and receiving federal funds, the literature largely overlooks that the type of federal funding source, *and* who most controls the ultimate allocation of that funding source, may also affect a non-federal interests' ability to access federal funding because certain types of federal assistance are more burdensome to pursue and implement. The analysis will aim to categorize general types of federal grant funding assistance based on how the funds are distributed and the extent to which each branch primarily controls the assistance. The analysis will then assess whether the categorization system accurately reflects the demand-side level of effort required to apply for and receive federal grant assistance by examining the application requirements of two well-known and established federal grant programs in each category of assistance.

Analysis

Classification of Grant Types

First, the analysis will classify different types of federal grant funding assistance based on how the funds are allocated and who primarily controls the allocation of the funds (the legislative branch or the executive branch). This classification will focus on types of federal grant funds that are most often available and of interest to non-federal

¹⁴⁸ Robert M. Stein, "The Allocation of Federal Aid Monies: The Synthesis of Demand-Side and Supply-Side Explanations," 335.

entities—not including individuals or businesses—on a formula or project basis, including entities such as nonprofits organizations, government organizations, public housing organizations, and education organizations.¹⁴⁹ The classification table below (Table 1) is an adaptation of a table originally produced by the U.S. Advisory Commission on Intergovernmental Relations (ACIR).¹⁵⁰ This ACIR classification table was also recently used by the CRS in a report describing federal block grant programs.¹⁵¹ A reproduction of the ACIR table is included in Appendix B for reference.

Like the ACIR classification, this table will focus on federal grants, though it is important to note that there can be many different definitions for federal grants. As the CRS notes, “The increasing number, fragmentation, and complexity of federal grants has resulted in a lack of definitions that clearly differentiate the various types of federal grant programs.”¹⁵² However, in an effort to be consistent with federal standards, this classification table will use the applicable types of assistance categorized in the CFDA as opposed to the categorization used by ACIR in the 1970s. The CFDA categorizes all federal assistance into 15 categories, from formula grants to insurance to salaries and expenses.¹⁵³ Two of the 15 categories of assistance defined in the CFDA are applicable to this analysis: formula grants and project grants. These two types of funding can be further subcategorized; however, for the purposes of this analysis, these two overarching funding

¹⁴⁹ See general definitions for each category at Grants.Gov, “Grant Eligibility,” U.S. Department of Health and Human Services, <https://www.grants.gov/web/grants/learn-grants/grant-eligibility.html> (accessed April 16, 2021).

¹⁵⁰ U.S. Advisory Commission on Intergovernmental Relations, *Categorical Grants: Their Role and Design*, A-52 (Washington, DC: U.S. Government Printing Office, 1978), 7, <http://www.library.unt.edu/gpo/acir/Reports/policy/a-52.pdf> (accessed April 16, 2021).

¹⁵¹ U.S. Library of Congress, Congressional Research Service, *Block Grants: Perspectives and Controversies*, 4.

¹⁵² U.S. Library of Congress, Congressional Research Service, *Federal Grants-in-Aid Administration: A Primer*, by Natalie Keegan, R42769 (2012), 3.

¹⁵³ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, I-II and ALI-1.

categories will be used. In addition to these two categories, the table will include an additional category that was not included in the ACIR table or noted explicitly by the CRS in its use of the ACIR table or by the CFDA, which is congressional earmarks.¹⁵⁴ Even though congressional earmarks may use the underlying authorities of formula or project grant programs, congressional earmarks are allocated in a manner that is uniquely different from typical formula and project grants. As a result, congressional earmarks will be considered a separate category from formula grants and project grants.

Formula grants, project grants, and congressional earmarks are defined as follows. Formula grants are defined in the CFDA as “Allocations of money to States or their subdivisions in accordance with distribution formulas prescribed by law or administrative regulation, for activities of a continuing nature not confined to a specific project.”¹⁵⁵ Project grants are defined in the CFDA as “The funding, for fixed or known periods, of specific projects.”¹⁵⁶ According to CFDA, “Project grants can include fellowships, scholarships, research grants, training grants, traineeships, experimental and demonstration grants, evaluation grants, planning grants, technical assistance grants, survey grants, and construction grants.”¹⁵⁷ Congressional earmarks are generally defined as congressionally directed spending that “would benefit a specific entity or state, locality, or congressional district other than through a statutory or administrative formula or competitive award process.”¹⁵⁸ The House and Senate have slightly different definitions for the term “earmark” in chamber rules. However, both chambers’ definitions

¹⁵⁴ U.S. Library of Congress, Congressional Research Service, *Grants Work in a Congressional Office*, 12-13.

¹⁵⁵ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, I.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*

¹⁵⁸ U.S. Library of Congress, Congressional Research Service, *Lifting the Earmark Moratorium: Frequently Asked Questions*, 1.

instead of the six evaluated by ACIR. However, the character of federal funds has changed in many ways since the ACIR table was developed in 1978 (e.g., the general revenue sharing program in the ACIR table is no longer effective).¹⁶⁰ So, analyzing fewer categories of federal assistance does not necessarily impact the completeness of the Table 1 categorization.

The table illustrates that federal agencies have a medium-high level of discretion over project grants while Congress has medium-low discretion over project grants. Even though Congress creates the structures for funding programs administered by the executive branch, allowing Congress to shape spending priorities¹⁶¹ and set parameters for eligibility,¹⁶² federal agencies retain a high level of discretion over selecting projects for award and sometimes even a high level of discretion over determining eligible uses, depending on the specificity of the authorizing legislation.¹⁶³ Given Congress's ability to shape programs through authorizing legislation and provide funding and direction to agencies in appropriations legislation, Congress is categorized as having medium-low discretion over project grants despite agencies having high discretion over awards and often eligible uses. As a result, project grants are depicted in the table as having greater shared discretion between federal agencies and Congress than the other two types of funding mechanisms.

Federal agencies are categorized in the table as having low discretion over formula grants and congressional earmarks while Congress retains high discretion over

¹⁶⁰ U.S. Library of Congress, Congressional Research Service, *Block Grants: Perspectives and Controversies*, 3.

¹⁶¹ Frances E. Lee, "Bicameralism and Geographic Politics: Allocating Funds in the House and Senate," 205.

¹⁶² U.S. Library of Congress, Congressional Research Service, *Federal Grants-in-Aid Administration: A Primer*, 10.

¹⁶³ *Ibid.*

formula grants and congressional earmarks. Congress most often determines who receives formula grants, how much they receive, and how they can use the funds.¹⁶⁴ As Lee points out, formula grants are “not immune from parochial manipulation” in Congress, especially by the Senate, as lawmakers try to change formulas and program parameters to direct more funds to their jurisdictions,¹⁶⁵ exemplifying the high level of discretion Congress has over formula funds. Federal agencies consequently have little discretion over formula grants compared to Congress, even if sometimes federal agencies are involved in setting formulas and other program parameters. Regarding congressional earmarks, Congress has a high level of discretion over the allocation of these funds. Congress controls both the authorizing legislation for these funds and directly chooses which entities receive awards. Congress also decides whether it earmarks funds at all. Between 2011 and 2021, Congress upheld an earmark moratorium, during which time Congress did not explicitly earmark funds to specific projects.¹⁶⁶ However, in the spring of 2021, the House and Senate Appropriations Committees restored the use of earmarks in spending legislation, and the House Transportation and Infrastructure Committee restored the use of earmarks in surface transportation reauthorization legislation, once again making earmarked funds a viable funding option for certain entities.

The table also illustrates the applicant’s level of effort to secure formula grants, congressional earmarks, and project grants. The applicant level of effort to secure formula grants is categorized as low because recipients directly receive these funds

¹⁶⁴ U.S. Library of Congress, Congressional Research Service, *Block Grants: Perspectives and Controversies*, 3.

¹⁶⁵ Frances E. Lee, "Bicameralism and Geographic Politics: Allocating Funds in the House and Senate," 205

¹⁶⁶ U.S. Library of Congress, Congressional Research Service, *Lifting the Earmark Moratorium: Frequently Asked Questions*, 1.

without needing to participate in a competition or navigate rigid policy restrictions. Recipients still need to provide documentation to federal agencies to receive the awards, but compared to other types of federal assistance, the level of effort to receive the funds is low. As Stein points out, funding mechanisms like formula grants “are not subject to competitive grant application, significant matching funds or excessive policy requirements,” which makes these funds “more desirable” due to the reduced application and administrative costs associated with these funds.¹⁶⁷ The applicant level of effort to secure congressional earmarks is categorized as medium because the initial “application” process for these funds is significantly less burdensome than other competitive processes. Typically, each member of Congress participating in the earmarking process provides an application to eligible entities in their districts to submit to their office for consideration. These applications are usually relatively brief and ask for essential information about a project, such as a project description, total project cost, budget, and justification for the request. Applicants also assume a certain cost to advocate to their member of Congress to support their project, costs which may vary. However, the level of effort to secure earmarked funds is shared between the applicant/constituent and their member of Congress since the member has a responsibility and incentive to advocate for the earmark as it moves through the legislative process. The applicant level of effort to secure project grants is categorized as high because project grants typically require applicants to participate in a competitive process. Competitive applications often require applicants to dedicate time, expertise, personnel, direct expenses, and other resources and costs to submit a viable application, as Stein discussed. As a result, the costs associated with

¹⁶⁷ Robert M. Stein, “The Allocation of Federal Aid Monies: The Synthesis of Demand-Side and Supply-Side Explanations,” 335.

securing project grants may be too costly for some applicants to pursue. Stein explains “that those communities with low levels of fiscal capacity and planning activities are most likely to forego seeking federal assistance....The application process clearly works to screen these communities out of the grant process, resulting in a condition where recipients of federal assistance are an invariant group of high capacity communities.”¹⁶⁸

Assessing the Categorization

This section will review the application requirements of two well-known and established federal programs in each category of assistance to determine whether the categorization system in Table 1 accurately reflects the demand-side level of effort required to apply for federal assistance, starting with project grants and followed by formula grants and congressional earmarks.

For project grants, the review will focus on the application processes for two popular competitive grant programs: National Infrastructure Investments (CFDA 20.933) and the Assistance to Firefighters Grant (CFDA 97.044).

The National Infrastructure Investments program is administered by DOT and was most recently appropriated funding in P.L. 116-6, but it is not a statutory program. The program was created in the American Recovery and Reinvestment Act of 2009, P.L. 111-5, and Congress has continued to appropriate funds to the program since. The program is commonly known by several names, including Transportation Investments Generating Economic Recovery (TIGER) under the Obama administration, Better Utilizing Investments to Leverage Development (BUILD) under the Trump administration, and now Rebuilding American Infrastructure with Sustainability and

¹⁶⁸ Robert M. Stein, “Federal Categorical Aid: Equalization and the Application Process,” 407.

Equity (RAISE) under the Biden administration. The program provides grants to support a wide variety of surface transportation capital improvements, including highways, bridges, public transportation, ports, and passenger and freight rail.¹⁶⁹ The program is highly competitive. According to DOT, the agency has received over 9,700 applications requesting \$175 billion in assistance since the program's creation in 2009 but has only awarded approximately \$3.4 billion to 299 projects.¹⁷⁰ DOT does not provide applicants with an estimate for how long it takes to prepare a funding application. However, DOT typically gives applicants about 90 days to complete the application, as it did for the most recent round of funding in 2021,¹⁷¹ indicating the application preparation process is expected to take a considerable amount of time. In addition, the most recent Notice of Funding Opportunity (NOFO) for 2021 indicated applicants must submit a detailed project narrative of no more than 30 pages accompanied by relevant supporting documentation, a Benefit Cost Analysis (BCA), a separate project information form (an excel file), and the standard SF-424 and SF-424C forms.¹⁷² In total, applicants can provide up to 15 attachments in the Grants.gov portal, excluding the SF-424 and SF-424C forms. The narrative requirements alone required five of the 15-page *Federal Register* notice to describe. In addition to the NOFO, DOT provided additional guidance to applicants on project readiness, state and local planning, environmental approvals, and

¹⁶⁹ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, 1649.

¹⁷⁰ U.S. Department of Transportation, "About Raise Grants," webpage, April 13, 2021, <https://www.transportation.gov/RAISEgrants/about> (accessed May 2, 2021).

¹⁷¹ U.S. Department of Transportation, Office of the Secretary of Transportation, *Notice of Funding Opportunity for the Department of Transportation's National Infrastructure Investments (i.e., the Rebuilding American Infrastructure With Sustainability and Equity (RAISE) Grant Program) Under the Consolidated Appropriations Act, 2021*, *Federal Register* 86, no. 77 (April 23, 2021): 21796-21808, <https://www.govinfo.gov/content/pkg/FR-2021-04-23/pdf/2021-08517.pdf#page=1> (accessed May 2, 2021).

¹⁷² *Ibid.*, 21798-21803.

right-of-way and design.¹⁷³ A separate guidance document is provided to applicants with information on how to complete the BCA requirement.¹⁷⁴ This guidance is 42 pages long. The guidance explains the BCA needs to include both a narrative (separate from the main project narrative) and the calculations used to complete the analysis.¹⁷⁵ In recent years, DOT has also hosted a series of webinars to help applicants navigate the application process.¹⁷⁶ For the 2021 round of funding, DOT hosted seven webinars.¹⁷⁷ Based on the information provided in the NOFO and by DOT on its website, it can be reasonably assumed that the application process for the National Infrastructure Investments program requires a significant level of effort on the part of the applicant.

The Assistance to Firefighters Grant (AFG) program is administered by the Federal Emergency Management Agency (FEMA) within the U.S. Department of Homeland Security and was authorized in Section 33 of the Federal Fire Prevention and Control Act of 1974, P.L. 93-498, as amended. The program provides grants to fire departments, nonaffiliated emergency medical services (EMS) organizations, and State Fire Training Academies “for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.”¹⁷⁸ AFG is another highly competitive program. FEMA generally receives 10,000 to 15,000 applications in any

¹⁷³ U.S. Department of Transportation, “RAISE Grants Additional Guidance,” webpage, April 13, 2021, <https://www.transportation.gov/RAISEgrants/additional-guidance> (accessed May 2, 2021).

¹⁷⁴ U.S. Department of Transportation, Office of the Secretary of Transportation, *Benefit-Cost Analysis Guidance for Discretionary Grant Programs*, February 2021, <https://www.transportation.gov/sites/dot.gov/files/2021-02/Benefit%20Cost%20Analysis%20Guidance%202021.pdf> (accessed May 2, 2021).

¹⁷⁵ *Ibid.*, 28.

¹⁷⁶ U.S. Department of Transportation, “Resources,” webpage, April 13, 2021, <https://www.transportation.gov/RAISEgrants/resources> (accessed May 2, 2021).

¹⁷⁷ U.S. Department of Transportation, “2021 Webinar Series,” webpage, April 29, 2021, <https://www.transportation.gov/RAISEgrants/outreach> (May 2, 2021).

¹⁷⁸ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, 3071.

given year.¹⁷⁹ In 2020, FEMA provided 1,768 awards totaling \$313,394,382.¹⁸⁰ Like the National Infrastructure Investments program, FEMA does not provide applicants with an estimate for how long it takes to prepare an application for funding. However, FEMA typically gives applicants 45 days to complete the application, as it did for the most recent round of funding in 2020-2021.¹⁸¹ As the application timetable indicates, the application requirements are less cumbersome for AFG compared to the National Infrastructure Investments program. However, applicants are still required to provide a sizeable amount of information. After logging into FEMA’s application portal (FEMA uses its own system for grant submissions, not Grants.gov), applicants must populate an online application with applicant information (application characteristics, operating budget, and community description); call volume information; grant request details, grant request summary; contact information; and assurances and certifications. Each section includes numerous questions. For example, the operating budget subsection of the applicant information section asks applicants to provide information on the operating budget of the organization for the current fiscal year and the previous two fiscal years; the percentage of the declared operating budget dedicated to personnel costs (salary, benefits, overtime costs, etc.); the percentage of the declared operating budget for all three fiscal years from taxes, bond issues, EMS billing, grants donations, fund drives, fee for service, and any other sources; a description of the applicant’s financial need; and

¹⁷⁹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Assistance to Firefighters Grant Program*, *Federal Register* 86, no. 70 (April 14, 2021): 19630, <https://www.govinfo.gov/content/pkg/FR-2021-04-14/pdf/2021-07576.pdf> (accessed May 2, 2021).

¹⁸⁰ U.S. Department of Homeland Security, Federal Emergency Management Agency, “Assistance for Firefighters Grants – Awards,” webpage, March 2, 2021, <https://www.fema.gov/grants/preparedness/firefighters/assistance-grants#awards> (accessed May 2, 2021).

¹⁸¹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Assistance to Firefighters Grant Program*, 19629-19634.

whether the applicant intends to apply for an Economic Hardship Waiver.¹⁸² The guidance document FEMA provides applicants to help navigate the application process is 68 pages long.¹⁸³ A more succinct application checklist is seven pages long.¹⁸⁴ The most recent NOFO (the 2020 version published by the agency, not the version published in the Federal Register) is 84 pages long. In addition, FEMA provides applicants with other tools and resources to prepare the application, including guidance on how to use the FEMA GO application portal; grantee bid specification tips; and screening for environmental and historic preservation compliance (a screening form and environmental assessment bulletin are both available to applicants);¹⁸⁵ a program FAQ; a narrative guide; a vehicle acquisition self-evaluation; an operations safety self-evaluation; and a cost share calculator.¹⁸⁶ Based on the information provided in the NOFO and by FEMA on its website, it can be reasonably assumed that the application process for AFG requires a significant level of effort on the part of the applicant, though not as significant a level of effort as the National Infrastructure Investments program. FEMA provides applicants with a variety of resources to facilitate the application process, suggesting a recognition

¹⁸² U.S. Department of Homeland Security, Federal Emergency Management Agency, “Grants Management Modernization (GMM) FEMA Grants Outcomes (FEMA GO): Initiate an Application (AFG/FP&S) Desktop Reference Guide,” GPD Communications, Culture, Analytics, and Training Branch, January 2021: 21-23, https://www.fema.gov/sites/default/files/documents/fema_fema-go-initiate-application-afg.pdf (May 2, 2021).

¹⁸³ *Ibid.*, 1-68.

¹⁸⁴ U.S. Department of Homeland Security, Federal Emergency Management Agency, “FY20 Assistance to Firefighters Grants Application Checklist,” December 2020, https://www.fema.gov/sites/default/files/documents/fema_fy-2020_the-afg-application-checklist_0.pdf (May 5, 2021).

¹⁸⁵ U.S. Department of Homeland Security, Federal Emergency Management Agency, “Rules and Tools: Assistance to Firefighter Grants,” webpage, May 7, 2021, <https://www.fema.gov/grants/preparedness/firefighters/rules-tools> (May 10, 2021).

¹⁸⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, “FY 2020 Assistance to Firefighters Grant (AFG) Application Guidance Materials,” webpage, January 14, 2021, <https://www.fema.gov/media-collection/fy-2020-assistance-firefighters-grant-afg-application-guidance-materials> (May 2, 2021).

that the primary applicants (firefighters and EMS personnel, sometimes volunteers) have a limited amount of time to dedicate to administrative and grant-seeking activities. Nonetheless, a significant level of time and attention is required to ensure any proposed project meets all the application criteria, environmental and historic preservation compliance, appropriate bid specifications, and other program conditions, in addition to the process of filling out the application.

For formula grants, the review will focus on the application processes for two popular programs: Community Development Block Grants/Entitlement Grants (CFDA 14.218) and the Edward Byrne Memorial Justice Assistance Grant Program – Formula (CFDA 16.738).

The Community Development Block Grants/Entitlement Grants, or CDBG, program is administered by the U.S. Department of Housing and Urban Development (HUD) and authorized by Section 570 of the Housing and Community Development Act of 1974, P.L. 88-633, as amended. The program provides formula grants to states, cities with populations over 50,000 in metropolitan areas, qualified urban counties with populations over 200,000, and cities designated as a central city of a metropolitan area.¹⁸⁷ Applicants can use the funds to provide “a wide range of community-based activities directed toward neighborhood revitalization, economic development, and community services, facilities, and improvements.”¹⁸⁸ Given that CDBG is a formula grant program, eligible entities are not required to compete for the funds, which saves applicants certain application “costs” typically associated with project grants. Applicants are still required to provide HUD with information on how they plan to use the funds. CFDA explains that

¹⁸⁷ U.S. General Services Administration, *Catalog of Federal Domestic Assistance*, 730.

¹⁸⁸ *Ibid.*

“Recipients submit a 5-year Consolidated Plan, an annual action plan, SF Form 424, and certifications to HUD.”¹⁸⁹ However, “The Consolidated Plan and the annual action plan cover four major formula-distribution HUD Community development programs, including CDBG.”¹⁹⁰ As a result, the plans create efficiencies for applicants by joining four different program obligations into one process. So long as “the grantee makes a complete submission within the established deadlines, the Department will make a grant award unless a determination is made by HUD that the grantee's performance is unsatisfactory.”¹⁹¹ Based on the information provided in the CFDA, it can be reasonably assumed that the application process for CDBG requires a comparatively low level of effort on the part of the applicant to secure the funds.

The Edward Byrne Memorial Justice Assistance Grant Program – Formula (JAG) is administered by the U.S. Department of Justice (DOJ) and was authorized in Title I of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, as amended. The program provides formula funds to states, territories, tribal governments, and local governments to support “law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology improvement, crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs.”¹⁹² Given that JAG is a formula grant program, eligible entities are not required to compete for the funds. Applicants are still required to submit an “application” to DOJ to detail how the funds will be used. However, DOJ “will not disapprove any application (or

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid., 1305.

amendment to that application) without affording the applicant reasonable notice of any deficiencies and providing an opportunity for correction and reconsideration.”¹⁹³ This is not a consideration that competitive grant applicants receive. Based on the information provided in the CFDA, it can be reasonably assumed that the application process for JAG requires a comparatively low level of effort on the part of the applicant to secure the funds.

In addition, since JAG and CDBG are both reliable annual programs with consistent application processes, the applicants gain internal expertise on the program purposes and obligations, which results in applicant-level efficiency over time.

For congressional earmarks, the review will focus on the application processes for two popular earmark programs: State and Tribal Assistance Grants (STAG) and the Economic Development Initiative (EDI). The processes to submit earmark requests are unique compared to other forms of federal assistance, including project grants and formula grants. Each member of Congress participating in the earmark process develops their own “application” that is often available on their website at the start of the annual appropriations process. So, there is no general application to evaluate for each earmarked program. However, each member office often uses the guidance provided to members by the appropriations committees to develop their applications, as the committee guidance provides directions to members on the information the member will need to submit to the committee. Consequently, the review will use the most recent guidance provided by the House Appropriations Committee (HAC) to members regarding FY 2022 earmark

¹⁹³ Ibid., 1306.

requests, called Community Project Funding requests, or CPF, in the House.¹⁹⁴ HAC guidance will be used for this review instead of the Senate Appropriations Committee (SAC) guidance¹⁹⁵ because the HAC guidance is more detailed than the SAC guidance.

The STAG account is included in the Interior, Environment, and Related Agencies Appropriations Bill and includes numerous program authorities administered by the EPA. According to the CRS, “The STAG account now includes all water infrastructure funds and management grants provided to assist states in implementing air quality, water quality, and other media-specific environmental programs.”¹⁹⁶ In 2021, the HAC guidance to members on the earmarked accounts available in the FY 2022 Interior, Environment, and Related Agencies Appropriations Bill explains that the committee would accept requests for wastewater and drinking water infrastructure projects that are publicly owned or owned by non-profit entities and are eligible for funding under the Clean Water State Revolving Loan Fund (CWSRF, CFDA 66.458) and Drinking Water State Revolving Loan Fund (DWSRF, CFDA 66.468).¹⁹⁷ The guidance explains that members must provide to the committee the following information about each STAG request: Evidence of community support; name of the proposed recipient; address of the proposed recipient; amount of the request; total project cost; FY 2022 President’s Budget Request, if applicable; FY 2021 enacted level, if applicable; estimated start and completion dates for the project; “an explanation of the request, including purpose, and a

¹⁹⁴ U.S. Congress, House, Committee on Appropriations, “Appropriations Requests,” webpage, March 29, 2021, <https://appropriations.house.gov/appropriations-requests> (accessed May 10, 2021).

¹⁹⁵ U.S. Congress, Senate, Committee on Appropriations, “FY 2022 Appropriations Requests and Congressionally Directed Spending,” webpage, April 26, 2021, <https://www.appropriations.senate.gov/fy-2022-appropriations-requests-and-congressionally-directed-spending> (accessed May 10, 2021).

¹⁹⁶ U.S. Library of Congress, Congressional Research Service, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland, Jonathan L. Ramseur, and Mary Tiemann, 96-647 (2019), 3.

¹⁹⁷ U.S. Congress, House, Committee on Appropriations, *Subcommittee on Interior, Environment, and Related Agencies: Fiscal Year 2022 Member Project Request Guidance*, 117th Cong., 1st sess., 2021, 7.

justification for why it is an appropriate use of taxpayer funds;” if the project can obligate the funds within 12 months; if the request was submitted to another subcommittee; if the project is a CWSRF or DWSRF project; if the project has the required 20 percent match; if the project is on the state’s most recent CWSRF or DWSRF Intended Use Plan; and if the project has previously received federal funds.¹⁹⁸ At a minimum, a member will request a prospective applicant/constituent to provide this information to their office in order to submit a STAG request to the committee. A member may also choose to request additional information from applicants. Based on the information provided by HAC, it can be reasonably assumed that the earmark “application” process for STAG requires a relatively low level of effort on the part of the applicant to apply for funds. The request information detailed by HAC in its guidance is minimal compared to the application information required of other competitive grants. In addition, the member of Congress has an incentive to help their constituents secure the funds in the final annual appropriations bill(s), and will therefore assist their constituents in advocating for the project on Capitol Hill. However, some applicants may also choose to hire an advocate to assist in the advocacy process, though this is not essential. Nonetheless, there is an additional level of effort required by the applicant to gain the attention of their member, who is receiving many requests from other constituents, and to advocate for the project throughout the appropriations process.

The EDI account is included in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Bill and was authorized in Section 108(q) of the Housing and Community Development Act of 1974, P.L. 93-383, as

¹⁹⁸ Ibid., 2, 11.

amended. As specified by HAC, “EDI community project requests may be used for economic and community development activities, including land or site acquisition, demolition or rehabilitation of housing or facilities, construction and capital improvements of public facilities...and public services.”¹⁹⁹ In addition, “planning and other activities consistent with the underlying authorization for the Community Development Block Grant program” are also eligible under EDI.²⁰⁰ The EDI account had been inactive since 2010-2011, when the earmark moratorium began. However, Congress is restoring the EDI program in FY 2022 appropriations. The Office of Policy Development and Coordination at HUD is responsible for administering the program. In 2021, HAC guidance to members on the FY 2022 Transportation, Housing and Urban Development, and Related Agencies Appropriations Bill EDI account explains that members must provide to the committee the following information about each EDI request: project name; general description of the project and why it is needed; the benefit of the project and why it is a priority; request amount; total project cost; if the project can obligate the funds within 12 months; estimated start and completion dates for the project; if the request was submitted to another subcommittee; if the project has received other public or private funds; if the project requires environmental review and if the review has been completed; if the project is a service, new construction, rehabilitation, land or site acquisition, planning, or economic development project; if the project primarily benefits low-income persons or tribal communities; if the project impacts HUD rental assistance

¹⁹⁹ U.S. Congress, House, Committee on Appropriations, *Subcommittee on Transportation, Housing and Urban Development, and Related Agencies: Economic Development Initiative (EDI) Department of Housing and Urban Development (HUD) Guidance and Requirements for Appropriations Submissions Database*, 117th Cong., 1st sess., 2021, 1.

²⁰⁰ Ibid.

beneficiaries; who the community partners are; if the project complies with local zoning requirements; if the project is in an identified priority area in the community's HUD Consolidated Plan; and if the project addresses climate change, resiliency, civil unrest, or inequities.²⁰¹ Like STAG, at a minimum, a member will request a prospective applicant/constituent to provide this information to their office in order to submit an EDI request to the committee. Again, like STAG and other earmark programs, a member may also choose to request additional information from applicants for EDI. Based on the information provided by HAC, it can be reasonably assumed that the earmark "application" process for EDI requires a relatively low level of effort on the part of the applicant to apply for funds. The request information detailed by HAC in its guidance is minimal compared to the application information required of other competitive grants. As previously stated, a member of Congress also has an incentive to help their constituents secure the funds in the final annual appropriations bill(s) and will therefore assist their constituents in advocating for the project. Still, there is an additional level of effort required by the applicant to gain the attention of their member and advocate for the project throughout the appropriations process.

Conclusion

The analysis shows that the applicant level of effort is highest for project grants, which are controlled more by the executive branch than Congress (though there is a certain level of shared discretion because Congress authorizes the program and therefore sets priorities and criteria). The applicant level of effort is lowest for formula grants, which are controlled more by Congress than the executive branch. The applicant level of

²⁰¹ Ibid., 1-3.

effort to pursue congressional earmarks falls somewhere in between project grants and formula grants. Applying for a congressional earmark is relatively simple. However, securing the funds may be more challenging, as it may require the applicant to engage with their member of Congress to gain their support before the request is made and advocate for the request as it moves through the legislative process. Still, the congressional earmark process allows a member of Congress to champion projects in their districts, which may give communities with more limited personnel and resources an opportunity to pursue federal funds with the assistance of their member and the member's staff.

In general, federal grant funds primarily controlled by the executive branch have more complex application processes than grant funds primarily controlled by the legislative branch. Congress does not have the capacity to manage the allocation of federal funds in the same way as the executive branch. As a result, Congress delegates much of these grant management responsibilities to the executive branch. However, members of Congress still have an incentive to claim credit for grant funds being directed to their states and districts, and they support program structures that allow them to claim credit for benefiting their constituents. These credit-claiming programs will consequently be structured so the executive branch has less influence over the funds than the legislative branch, and therefore there will be less of a management responsibility on the part of Congress. The application processes will be easier, and intriguingly, we see this happen in the case of both large, distributive programs like CDBG and project-specific earmark programs like STAG, which represent two very different mechanisms for allocating funds.

The sometimes complex funding application processes used by the executive branch to distribute federal grant funds may negatively impact the ability of some applicants, especially those with limited resources, to secure federal funds. Stein recognized that applicants with fewer resources, who are often the “intended beneficiaries” of the funding, are likely to not pursue funds because of the application costs, implementation and administrative costs, and opportunity costs associated with seeking federal grants.²⁰² However, even though formula grants may be a more equitable way to distribute grant funds, and congressional earmarks a more streamlined one, not all federal grant funds can be provided in such a manner. Competitive funds will still be required to provide targeted assistance on a larger scale. In addition, the federal government has a responsibility to ensure that federal funds are being expended appropriately and effectively. As a result, there will always be a cost to the recipient to provide necessary information to the awarding agency so the agency can ensure the applicant has the capacity and ability to carry out the project. However, these costs should not be a barrier for intended beneficiaries. Both the legislative branch and executive branch should do more to ensure all eligible applicants, not just “high capacity communities,”²⁰³ have an equal opportunity to compete for and receive federal grant funding.

²⁰² Robert M. Stein, “Federal Categorical Aid: Equalization and the Application Process,” 407.

²⁰³ Ibid.

Conclusion

Prospective federal funding applicants need to understand how the federal grantmaking process works. They need to understand how to research funding opportunities, evaluate their eligibility and competitiveness, write and submit an application, and effectively advocate for their application, if necessary. They also need to understand if any political factors or conditions in Washington may impact their ability to pursue and secure funding. As the preceding chapters illustrate, these are difficult tasks that require capacity, expertise, resources, time, and effort to understand and carry out.

The analysis in Chapter 1 finds that statements made by key members of Congress, activities conducted by relevant congressional committees, and actions taken by the 116th and 117th Congresses indicate that Congress aimed to reclaim some legislative and spending power it had previously delegated to executive branch agencies by restoring congressionally directed spending. On a bipartisan basis, members expressed frustration with being unable to direct federal spending to their communities, and members were displeased that unelected executive branch officials and staff were deciding where federal funds were being spent, sometimes requiring members to advocate to the executive branch for projects in their own states or districts. Members repeatedly referenced the growing imbalance between the legislative branch and executive branch, which was only made more acute by the earmark prohibition. By restoring earmarks, members aimed to regain control of Congress's constitutional duties by more directly managing federal spending.

These actions collectively illustrate Congress's willingness to reclaim previously delegated authority. However, in the context of the larger delegation versus

nondelegation debate and academic discussion regarding the rise of the administrative state, the legislative branch still largely operates in favor of delegation. Earmarked funds represent less than one percent of federal discretionary spending. The majority of federal funds are still managed and suballocated by the executive branch. If Congress aims to take more direct control over federal spending, the institution will need to do more than restore earmarks. Nonetheless, even though Congress still largely favors delegation, Congress still has its limits.

With members of Congress once again exercising more control over certain funding accounts, entities seeking federal funding will need to adapt to these new conditions as they strategize on how to secure funding. From the perspective of a prospective applicant, the return of earmarks is not necessarily a harmful development because the earmarking process provides another opportunity secure federal grant funding. Though some earmarked funds are also available through annual competition via executive branch solicitations, such as Pre-Disaster Mitigation grants, other earmarked funds are only available through the earmarking process, such as COPS Technology and Equipment grants. As the analysis in Chapter 3 shows, applying for a congressional earmark is also relatively simple, though securing the funds may be more challenging since it requires the applicant to engage with their member of Congress to gain their support before the request is made and advocate for the request as it moves through the legislative process. Still, the congressional earmark process allows a member of Congress to champion projects in their districts, which may give communities with more limited personnel and resources an opportunity to pursue federal funds with the assistance of their member and the member's staff.

For the earmarking process to work effectively for applicants, members of Congress need to conduct robust outreach to eligible entities in their states and districts. Eligible entities not only need to understand the timing of the appropriations process, which may vary slightly depending on the political conditions in Washington, but they also need a thorough understanding of which accounts are available to earmarking and if their projects are eligible for funding under those accounts. Congress, as an institution, should consider developing and providing members and staff with resources to help conduct necessary outreach to eligible entities. For example, Congress could develop templates for constituent webinars, PowerPoint presentations, email notifications, and other outreach materials to help members and staff, who already have limited capacities, conduct effective outreach. If Congress is going to act in a grantmaking role, the institution needs to ensure that it has the internal capacities and resources to carry out that role effectively.

Chapter 2 uses EPA data to evaluate if it is difficult for prospective federal funding applicants to identify, and therefore apply for, federal funding because Grants.gov and other federal websites do not provide adequate information on the funding opportunities available through the federal government. The analysis finds that EPA is properly following federal guidance regarding which competitive discretionary federal funding programs it is required to publish on Grants.gov. However, because federal guidance only requires that certain types of federal funding be advertised on Grants.gov, and because of the limited search functions available on Grants.gov, prospective applicants must use various other federal resources to determine their eligibility under federal funding programs. Given the complex nature of researching

federal funding opportunities through multiple federal resources, it can be reasonably concluded that such circumstances make it difficult for prospective federal funding applicants to identify, and consequently apply for, federal funding.

The analysis only evaluates how one federal agency publishes information on federal funding opportunities available through the agency, so the results may not be applicable to all federal agencies. However, every federal agency must publish federal funding opportunities consistent with OMB's Uniform Guidance. As a result, the findings of the analysis suggest that other federal agencies publish information on federal funding opportunities in a similar manner.

Conventional wisdom assumes Congress and the administration are the primary drivers behind how federal funding is ultimately allocated. More limited academic literature recognizes that the decision of applicants to apply for federal funds, and how much to request, may also affect how federal funding is distributed. As this analysis illustrates, it may also be the case that entities do not apply for funding because they are unaware that certain funding opportunities exist. The analysis is not able to determine if such conditions in fact impact the distribution of federal funds, but it highlights a currently understudied factor that may affect the dynamics of how federal funding is distributed. Given the understudied nature of this issue, it may also be the case that members of Congress or the administration do not have an incentive to make information about certain federal funding programs more transparent, as it may provide them with a greater ability to influence who ultimately receives funding through certain programs. Such political factors may play an important role in understanding why it is difficult to identify federal funding opportunities. However, political motives cannot account for the

totality of the problem considering Congress and the executive branch both supported the creation of the Grants.gov platform in 2002, and subsequent actions have only aimed to improve the user experience. Further study may yield information that has important implications for the study of distributive politics.

The analysis and associated findings also suggest that OMB and the U.S. Department of Health and Human Services (HHS), which manages the Grants.gov platform and oversees the federal Grants Management Quality Service Management Office (QSMO), need to do more to ensure prospective applicants can identify federal funding opportunities. To be sure, the creation of the Grants.gov platform was a significant step in the right direction, and the actions taken by its managing agencies since then to continue improving the user experience have been effective. However, OMB, HHS, and QSMO could reduce further burdens on prospective applicants by investing in additional upgrades to the Grants.gov platform.

First, Grants.gov needs to be more comprehensive. Certain major federal funding categories are not required to be published on Grants.gov, including programs that provide loan and loan guarantees. For example, there are loan programs managed by federal agencies that are competitive programs, but according to the Uniform Guidance, solicitation information for these programs is not required to be published on Grants.gov, which is supposed to be the main federal repository for prospective federal funding applicants to search and apply for discretionary financial assistance. Chapter 2 uses EPA's WIFIA loan program as an example. The WIFIA program has received over \$280 million in appropriations from Congress since FY 2017, which the agency has used to provide billions in loans to eligible entities such as state, tribal, and local governments.

Applying for a WIFIA loan is a competitive process similar to competition processes for federal grants. Yet, this program is not listed on Grants.gov. Since the Uniform Guidance does not require federal loans to be published on Grants.gov, potential applicants must look elsewhere to find information on federal loan programs (and other funding categories not covered by the Uniform Guidance). WIFIA program information is indeed listed on beta.SAM.gov, along with all federal assistance programs assigned a CFDA number. However, the CFDA database on the beta.SAM.gov platform does not provide the same type of information on funding opportunities as Grants.gov, which may impact how functional the CFDA database is for potential applicants researching funding opportunities. For example, the CFDA database provides limited information on solicitation dates and application processes, which is critical information for an applicant to understand. It must be recognized that the primary functionality of the CFDA database is not to assist potential applicants in identifying and applying for federal funding assistance. The CFDA webpage on beta.SAM.gov specifically refers potential applicants to Grants.gov or specific agencies for more information on programs of interest to a prospective applicant.

Second, Grants.gov needs more robust search functionalities. For example, there is currently no search filter that allows a potential applicant to filter opportunities only available in rural areas. Again, using EPA as an example, EPA has created its own “Water Finance Clearinghouse” webpage that allows prospective applicants to search for environment- and water-related funding sources and allows prospective applicants to filter the results by community population size. However, this is again another federal webpage that prospective applicants must access for information, and furthermore must

know is available to them for their research needs. Beta.SAM.gov allows prospective applicants to filter results for programs that are available in rural areas. However, without referring to the 3,709-page long *Catalog of Federal Domestic Assistance*, it is difficult to ascertain what the “rural” search function means, especially because different programs and agencies have different definitions for the term “rural.”

Every federal funding program has eligibility parameters. Some common parameters include restricting the type of applicant eligible to apply (for example, restricting eligibility to local governments and nonprofits only), restricting eligible types of projects, (for example, drinking water and wastewater projects only), and restricting the geographic location of the applicant or project area. Though Grants.gov allows prospective applicants to restrict search results by applicant type, it does not allow prospective applicants to restrict results by general project categories or geographic location. Basic search functions that allow prospective applicants to limit search results to the most relevant funding opportunities will make the Grants.gov platform more effective and efficient for users. OMB, HHS, and QSMO should explore common eligibility parameters that could be translated into basic search functions on Grants.gov to help users limit search results.

OMB, HHS, and QSMO should also consider leveraging Geographic Information System (GIS) technology to help match prospective applicants to federal funding opportunities for which they are eligible to apply. PolicyMap, Inc, a small business benefit corporation, created a web-based mapping tool that uses GIS to visually map demographic and economic information with the purpose of helping policymakers, businesses, researchers, and other relevant users understand community-level issues and

conditions. The PolicyMap mapping tool, available at www.policymap.com, already maps some common geographic and demographic parameters used by major federal agencies to determine project and applicant eligibility. For example, the mapping tool allows users to visually see areas considered low- to moderate-income, according to HUD standards. PolicyMap has even partnered with federal agencies to provide mapping services.²⁰⁴ A robust mapping tool available on the Grants.gov platform, or as a supplement to the Grants.gov platform, would significantly enhance the ability of prospective applicants to determine their eligibility for specific grant funding opportunities.

Once a prospective applicant is able to identify a funding source, they must then choose to pursue the funding. Chapter 3 builds on the previous chapter by exploring the complexities of this next step in the federal funding process. While academic literature acknowledges that there are costs associated with applying for and receiving federal funds, the literature largely overlooks that the type of federal funding source, and who most controls the ultimate allocation of that funding source, may also affect an entity's ability to access federal funding because certain types of federal assistance are more burdensome to pursue and implement than others. Chapter 3 aims to understand why some competitive federal funding applications are more complex and burdensome than others and what impacts those complexities may have on applicants, and consequently, the ultimate allocation of federal dollars.

The analysis finds that the applicant level of effort is highest for project grants, which are controlled more by the executive branch than Congress (though there is a certain level of shared discretion). The applicant level of effort is lowest for formula

²⁰⁴ PolicyMap, Inc., "About Us," <https://www.policymap.com/about/> (accessed October 26, 2021).

grants, which are controlled more by Congress than the executive branch. The applicant level of effort to pursue congressional earmarks falls somewhere in between project grants and formula grants. In general, federal grant funds primarily controlled by the executive branch have more complex application processes than grant funds primarily controlled by the legislative branch. Congress does not have the capacity to manage the suballocation of federal funds in the same way as the executive branch. As a result, Congress delegates much of these grant management responsibilities to the executive branch. However, members of Congress still have an incentive to claim credit for grant funds being directed to their states and districts, and they support program structures that allow them to claim credit for benefiting their constituents. These credit-claiming programs will consequently be structured so the executive branch has less influence over the funds than the legislative branch, and therefore there will be less of a management responsibility on the part of Congress. The application processes will be easier, and intriguingly, we see this happen in the case of both large, distributive programs like CDBG and project-specific earmark programs like STAG, which represent two very different mechanisms for allocating funds.

The sometimes complex funding application processes used by the executive branch to distribute federal grant funds may negatively impact the ability of some non-federal applicants, especially those with limited resources, to secure federal funds. Robert Stein recognized that applicants with fewer resources, who are often the “intended beneficiaries” of the funding, are likely to not pursue funds because of the application costs, implementation and administrative costs, and opportunity costs associated with

seeking federal grants.²⁰⁵ However, even though formula grants may be a more equitable way to distribute grant funds, and congressional earmarks a more streamlined one, not all federal grant funds can be provided in such a manner. Competitive funds will still be required to provide targeted assistance on a larger scale. In addition, the federal government has a responsibility to ensure that federal funds are being expended appropriately and effectively. As a result, there will always be a cost to the recipient to provide necessary information to the awarding agency so the agency can ensure the applicant has the capacity and ability to carry out the project. However, these costs should not be a barrier for intended beneficiaries. Both the legislative branch and executive branch should do more to ensure all eligible applicants, not just “high capacity communities,”²⁰⁶ have an equal opportunity to compete for and receive federal grant funding.

The analysis provided in this portfolio is by no means comprehensive, but it contributes to a more nuanced understanding of the complex tasks facing entities seeking competitive federal funding and how these complexities may impact the ultimate distribution of federal dollars. The federal grantmaking system itself is continuously evolving. The system is a product of many political and administrative factors that have collectively shaped it into the vast, mosaic apparatus it is today. It is unquestionably difficult to manage the allocation of billions of dollars per year, so one can only expect that the processes used to distribute these funds will have their shortcomings. Analyzing the current realities of the federal grantmaking process from the perspective of a prospective federal funding applicant provides a unique opportunity to understand how

²⁰⁵ Robert M. Stein, “Federal Categorical Aid: Equalization and the Application Process,” 407.

²⁰⁶ Ibid.

the complexities of the grantmaking apparatus are not only impacting applicants, but also the effectiveness of how the federal government distributes funding.

Appendix A

Evaluation of Status of Competitive EPA Discretionary Programs on Grants.Gov

CFDA Number	Program Title	Competitive Status	Grants.gov Status
66.034	Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities Relating to the Clean Air Act	Competitive	Listed
66.037	Internships, Training and Workshops for the Office of Air and Radiation	Competitive	Listed
66.039	National Clean Diesel Emissions Reduction Program	Competitive	Listed
66.110	Healthy Communities Grant Program	Competitive	Listed
66.129	Southeast New England Coastal Watershed Restoration Program	Competitive	Listed
66.121	Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program	Competitive	Listed
66.123	Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program	Competitive	Listed
66.126	The San Francisco Bay Water Quality Improvement Fund	Competitive	Listed
66.130	Gulf Coast Ecosystem Council Comprehensive Plan (RESTORE)	Competitive	Listed
66.203	Environmental Finance Center Grants	Competitive	Listed
66.305	Compliance Assistance Support for Services to the Regulated Community and Other Assistance Providers	Competitive	Listed
66.306	Environmental Justice Collaborative Problem- Solving Cooperative Agreement Program	Competitive	Listed

66.309	Surveys, Studies, Investigations, Training and Special Purpose Activities Relating to Environmental Justice	Competitive	Listed
66.310	Capacity Building Grants and Cooperative Agreements for Compliance Assurance and Enforcement Activities in Indian Country and Other Tribal Areas	Competitive	Listed
66.312	State Environmental Justice Cooperative Agreement Program	Competitive	Listed
66.313	International Compliance and Enforcement Projects	Competitive	Listed
66.424	Surveys, Studies, Investigations, Demonstrations, and Training Grants - Section 1442 of the Safe Drinking Water Act	Competitive	Listed
66.436	Surveys, Studies, Investigations, Demonstrations, and Training Grants and Cooperative Agreements - Section 104(b)(3) of the Clean Water Act	Competitive	Listed
66.440	Urban Waters Small Grants	Competitive	Listed
66.441	Healthy Watersheds Consortium Grant Program	Competitive	Listed
66.443	Reducing Lead in Drinking Water (SDWA 1459B)	Competitive	Listed
66.445	Innovative Water Infrastructure Workforce Development Program (SDWA 1459E)	Competitive	Listed
66.446	Technical Assistance for Treatment Works (CWA 104(b)(8))	Competitive	Listed
66.461	Regional Wetland Program Development Grants	Competitive	Listed
66.462	National Wetland Program Development Grants and Five-Star Restoration Training Grant	Competitive	Listed
66.466	Chesapeake Bay Program	Competitive	Listed
66.469	Great Lakes Program	Competitive	Listed

66.475	Gulf of Mexico Program	Competitive	Listed
66.509	Science To Achieve Results Research Program	Competitive	Listed
66.511	Office of Research and Development Consolidated Research/Training/Fellowships	Competitive	Listed
66.514	Science To Achieve Results Fellowship Program	Competitive	Listed
66.516	P3 Award: National Student Design Competition for Sustainability	Competitive	Listed
66.604	Environmental Justice Small Grant Program	Competitive	Listed
66.608	Environmental Information Exchange Network Grant Program and Related Assistance	Competitive	Listed
66.609	Protection of Children from Environmental Health Risks	Competitive	Listed
66.610	Surveys, Studies, Investigations, and Special Purpose Grants within the Office of the Administrator	Competitive	Listed
66.611	Environmental Policy and Innovation Grants	Competitive	Listed
66.708	Pollution Prevention Grant Program	Competitive	Listed
66.716	Research, Development, Monitoring, Public Education, Training, Demonstrations, and Studies	Competitive	Listed
66.717	Source Reduction Assistance	Competitive	Listed
66.808	Solid Waste Management Assistance Grants	Competitive	Listed
66.812	Hazardous Waste Management Grant Program for Tribes	Competitive	Listed
66.813	Alternative or Innovative Treatment Technology Research, Demonstration, Training, and Hazardous Substance Research Grants	Competitive	Listed
66.814	Brownfields Training, Research, and Technical	Competitive	Listed

	Assistance Grants and Cooperative Agreements		
66.815	Environmental Workforce Development and Job Training Cooperative Agreements	Competitive	Listed
66.816	Headquarters and Regional Underground Storage Tanks Program	Competitive	Listed
66.818	Brownfields Assessment and Cleanup Cooperative Agreements	Competitive	Listed
66.931	International Financial Assistance Projects Sponsored by the Office of International Affairs	Competitive	Listed
66.950	National Environmental Education Training Program	Competitive	Listed
66.951	Environmental Education Grants	Competitive	Listed
66.956	Targeted Airsheds Grant Program	Competitive	Listed
66.962	Columbia River Basin Restoration Program	Competitive	Listed

Source: Data adapted from U.S. Environmental Protection Agency, *Discretionary Programs Competitive Status List*, Washington, DC, 2020, https://www.epa.gov/sites/production/files/2019-04/documents/cfdas_discretionary_list.pdf (accessed July 19, 2020).

Appendix B

U.S. Advisory Commission on Intergovernmental Relations Classification Table

The table below is a reproduction of a table originally produced by the U.S. Advisory Commission on Intergovernmental Relations titled, "Classification of Grant Types by Three Defining Traits."

A. Federal Administrator's Funding Discretion			
Low			High
Formula	Block	Formula-project	Project
Open-end reimbursement			
General revenue sharing			
B. Range of Recipient's Discretion in Use of Funds			
Low			High
Project		Block	General revenue sharing
Formula-project			
Formula			
Open-end reimbursement			
C. Extent of Performance Conditions			
Low			High
General revenue sharing		Block	Project
"Special revenue sharing"			Formula Formula-project Open-end reimbursement

Source: U.S. Advisory Commission on Intergovernmental Relations. *Categorical Grants: Their Role and Design*. A-52. Washington, DC: U.S. Government Printing Office, 1978. <http://www.library.unt.edu/gpo/acir/Reports/policy/a-52.pdf> (accessed April 16, 2021).

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Curriculum Vitae

Stephanie Rose Missert is a principal and manager of policy and regulatory affairs for an advocacy and consulting firm located in Washington, DC, that specializes in policy, legislation, and regulations that affect local governments and other public entities. Stephanie represents dozens of communities before Congress and the executive branch, specializing in federal policy related to water resources, coastal resiliency, infrastructure, and economic development. Stephanie has helped communities across the United States secure needed legislative and regulatory changes, as well as hundreds of millions of dollars in federal assistance, to support projects and initiatives of local, regional, and national significance. Stephanie has also served as a policy advisor for the Agricultural Floodplain Management Alliance, an organization that advocates for agricultural communities in the regulatory floodplain, and as a coordinator for the Manufacturing Alliance of Communities, a coalition of mayors from manufacturing communities that works to ensure federal policies effectively promote American manufacturing and innovation, among other roles.

Stephanie was born on May 23, 1990, in Ogdensburg, New York. She graduated magna cum laude from Niagara University in 2012, where she received a Bachelor of Arts in History and minor in economics. She earned honors from the Niagara University History Department for completing a departmental Honors Thesis and was inducted into Alpha Delta Iota, Niagara University's chapter of Phi Alpha Theta, the national history honor society. She was also awarded the McGourty History Award by the Niagara University History Department, an annual award given to a graduating student who exemplifies a love of history and commitment to lifelong learning.