

Earmarks and the Earmark Process: Frequently Asked Questions



Updated for the 112th Congress
March, 2011

Introduction

Rumors of the death of earmarks are premature. Many developments have occurred since publication of Taxpayers for Common Sense's first *Earmarks and the Earmark Process: Frequently Asked Questions* in February, 2010. Earmarks continue to be a topic of interest amongst the electorate, and earmarks and the earmark process continue to significantly impact management of taxpayer dollars. And while there is currently a moratorium on earmarks during the 112th Congress, this is only temporary. Many in Congress express a desire to return to the business of earmarking.

As the 112th Congress begins, we think it is important to update Congress and the public on the state of earmarking, the progress that has been made, and the requisite challenges that advocates of transparency and accountability continue to face. Therefore Taxpayers for Common Sense has updated its February, 2010 *Earmarks and the Earmark Process: Frequently Asked Questions*.

Much progress in bringing transparency and accountability to the earmark process has occurred, but much more still needs to happen. Reducing the influence of earmarks through the existing moratorium provides an opportunity for better management of taxpayer resources. It creates the opportunity for Congress and the President to design systems that utilize tax dollars for projects based on need rather than political power.

The current situation, however, poses challenges as well. The fate of earmarks and the earmarking process is not pre-determined. Many lawmakers, lobbyists, and local recipients of earmarked dollars have expressed a desire to return to "business-as-usual" and are simply waiting for the public to lose interest. Others have expressed confidence in their ability to exercise outsized influence on spending decisions in spite of the earmark moratorium.

Congress and the Administration need to work together to create the mechanisms that will better manage and appropriate tax dollars. In those programs that historically were highly or almost entirely earmarked, such as the Army Corps of Engineers or Transportation, this will not be easy. The inability to earmark may require a fundamental transformation in how spending decisions are made. But the time for avoiding such tough choices has passed.

In all programs, transparency and merit must replace back-room trading and political muscle when it comes to our nation's spending.

Taxpayers for Common Sense will continue to update this document as we work to make the budget process work for all taxpayers.

Evolution of Earmarks and Earmark Disclosure in 2010

A number of the reforms Taxpayers for Common Sense advocated for years came to fruition in 2010 as continued public focus on earmarking led to many positive developments. Below is an accounting of the evolution of earmarking over the last year.

- **March 10, 2010:** House Appropriations Chairman Obey (D-WI) [announces](#) the committee will no longer accept earmark requests for private entities. Banning earmarks to for-profit entities is a step TCS has [long advocated](#). Senate Appropriations Committee Chairman Inouye (D-HI) declined to follow suit.
- **March 11, 2010:** The House Republican Conference [adopted](#) a one-year moratorium on submitting earmark requests.
 - Four Republican House members subsequently submitted earmark requests in defiance of the GOP's self-imposed moratorium.
- **July 28, 2010:** [A bipartisan bill](#) to establish a publicly accessible Congressional earmark database received 27 co-sponsors in the Senate and was passed out of the Senate Homeland Security and Government Affairs Committee. The bill was not taken up on the legislative calendar.
- **July 29, 2010:** Chairman Oberstar (D- MN) and the House Transportation and Infrastructure Committee released a [publicly accessible database](#) of all earmarks in bills under its jurisdiction. This is the first ever earmark database released by a committee. Development of this database was especially notable because the House T&I Committee was the same committee that gave the American public the Bridge to Nowhere in 2005.
- **December 2010:** Three months into the fiscal year, Congress failed to send [a single spending bill](#) to the President's desk. Because there were no FY2011 spending bills, technically there were no earmarks. TCS [databased earmarks](#) that were a part of the Senate's 2011 Omnibus spending bill, however, that failed during the lame duck session.
- **112th Congress:** The now-majority House Republicans extended their earmark moratorium to cover the 112th Congress by incorporating the moratorium as part of the [House Rules for the 112th Congress](#). Senate Republicans announced they will abstain from requesting earmarks. In his *State of the Union Address*, President Obama [vows to veto any bill](#) that contains earmarks. Senate Appropriations Committee Chairman Daniel Inouye (D-HI) announces the Committee [will not accept earmark requests](#) for fiscal years 2011 and 2012.
- **Today:** Now it's time for the President and Congress to design the transparent, merit-based, competitive, and formula systems to make responsible spending decisions. No more political muscle trumping project merit. This should usher in a new era for accountability and oversight on federal spending, not just in earmarked accounts, but budget-wide.

The era of earmarks is not over. But it can be.

Earmarks and the Earmark Process: Frequently Asked Questions

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Earmarks have received a lot of attention in the media, in Congress, and around the water cooler. But despite the interest there is a good deal of disagreement about even just the definition of an earmark, the role of earmarking in the budget process, whether it is an appropriate use of Congress's time, and whether earmarks serve the interests of taxpayers. In the last Presidential election both Senator McCain and President Obama decried the process of earmarking and advocated reforms. And in the last few years allegations and actual instances of corruption have revolved around earmarking. Former Representative [Duke Cunningham went to jail](#) in part because of earmarks, former Senator Ted Stevens was investigated because of issues [relating to earmarks](#), and a number of House Appropriations Subcommittee on Defense members are [under a cloud of suspicion](#) because of earmarking.

Earmarks reflect a broken budget process. Too often earmarks reward parochial interests at the expense of national needs. The earmarking process also often subverts established merit-based, competitive, or formula-driven budget processes without debate. Ultimately earmarks may fund projects many people consider “good” projects, but the earmark process does not guarantee these are the most beneficial and worthwhile projects.

At Taxpayers for Common Sense (TCS), we have been bringing transparency and accountability to the federal budget since our founding in 1995. Part of this work involves explaining and advocating for earmark reform. Although TCS has never sought nor received our own earmark, we know much about earmarks and the system that creates them.

In our years of work we have found the public, reporters, and Congressional staff consistently asking many of the same questions. Here we will try to answer many of those and shine a light on the process of earmarking, its effect on taxpayers, and changes to the process that we think are necessary for a healthier, more transparent democracy.

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Section 1: Federal Budget Process

How is the federal budget drafted?

Every February¹ the President submits a budget proposal that outlines funding for all federal agencies for the upcoming fiscal year that starts the following October 1st. (For instance, February 2010 for FY2011 starting 10/1/10).

Congress receives the budget and over the next few months comes up with their budget outline termed the "**budget resolution.**" This budget resolution divides funding between non-discretionary and discretionary spending. Non-discretionary spending includes programs whose funding is dictated by established laws (e.g. Social Security, Medicare, Medicaid) and is overseen by authorizing committees in their particular subject area. Discretionary spending covers funds Congress annually appropriates such as defense, federal salaries, program, and project funding. The budget resolution is an internal governing document for Congress; it is not signed or vetoed by the President. It acts as a guide for the House and Senate, setting ceilings for discretionary spending and for each particular spending account. For example, defense spending.

The discretionary slice of the budget pie is controlled by the Appropriations Committee [in the House](#) and [in the Senate](#). In each chamber, twelve Appropriations Subcommittees that range across federal agencies manage the funding in their particular subject area. (For a list of House and Senate appropriations subcommittees click here: [House](#) and [Senate](#)) Each subcommittee "marks up" – that is, amends and votes on – their appropriations legislation through a process of hearings. Each subcommittee's bill is then considered by the full committee. After passing the House or Senate Appropriations Committee, a bill is brought to the floor. Differences between Floor-passed appropriations bills in each chamber of Congress are worked out in a conference between House and Senate representatives, after which the conference version must be approved by both the House and Senate and then sent to the President for signature or veto.

Ideally, Congress considers and approves each appropriations bill separately, but in recent years Congress has combined several bills together. When multiple appropriations bills are packaged together in one measure, it is referred to as an **omnibus appropriation measure** ("omnibus" or "omnibus bill"). For example, in September 2008 three regular appropriations bills -- Military Construction/Veterans Affairs, Department of Homeland Security, and Defense -- were combined into an omnibus.

Congress can also appropriate money through bills other than the twelve annual appropriations bills. The provisions in regular appropriations bills typically allow funds to be obligated only until the end of the fiscal year, September 30. Traditionally, **continuing appropriations** have been used to maintain temporary funding for agencies and programs until the regular appropriations bills are enacted. Such appropriations continuing funding are usually provided in a joint resolution, hence the term **continuing resolution (or CR)**.

Throughout a fiscal year Congress may also appropriate additional funds through **supplemental appropriations**. Supplementals may provide funding for unforeseen needs (such as funds to recover from a hurricane, earthquake or flood), or increase or provide funding for other activities. These bills provide additional funding beyond that which was included in an annual appropriations bill. For example, in June 2009 the President signed into law the [FY2009 Supplemental](#) providing funding primarily for the wars in Iraq and Afghanistan.

¹ In the first year of a new administration, the President traditionally submits a budget proposal in May, rather than February.

An **Authorization Bill** provides the authority for a program or agency to exist and determines its policy. Under House and Senate rules, authorizations must be in place before final funding decisions are made. An Authorization Bill may explicitly authorize subsequent appropriations for specific agencies and programs, and even set spending ceilings for them. But it generally does not actually appropriate funds.

Earmarks exist in Authorization Bills. For example, the FY2010 National Defense Authorization Act contained [678 earmarks](#).

What is the President's Role?

Every February² the President submits a budget proposal that outlines funding for all federal agencies for the upcoming fiscal year that starts the following October 1st. (For instance, February 1, 2010 for FY2011 starting October 1, 2010.)

Generally, the President's budget includes estimates of expenditures, revenues, borrowing, and debt in the forthcoming fiscal year and four subsequent fiscal years; policy and legislative recommendations; information on activities and functions of the federal government; and any other information supporting his budget proposal.

For an in-depth description of the federal budget process, download the following Congressional Research Service report, [The Congressional Appropriations Process: An Introduction](#) (PDF).

What happens when no budget resolution is adopted? [UPDATED]

Congress was unable to agree upon a budget resolution for fiscal year 2011. This was the fourth time since budget resolutions became a part of Congressional budgeting in 1974 that a budget resolution was not agreed upon. The House and Senate thus crafted their appropriations bills without the guidance of agreed upon mandatory and discretionary spending levels.

The now-majority House Republicans, as part of House rules for the 112th Congress, enabled the House Budget Committee Chairman to set binding spending levels for any year in which a budget resolution is not adopted. Thus on February 3, 2011, Chairman Paul Ryan (R-WI) [announced he would set](#) spending levels, to guide development of the final appropriations bills for fiscal year 2011.

² In the first year of a new administration, the President traditionally submits a budget proposal in May, rather than February.

Section 2: Earmarks and Earmark Disclosure

What are earmarks?

TCS defines earmarks as legislative provisions that set aside funds within an account for a specific program, project, activity, institution, or location. These measures normally circumvent merit-based or competitive allocation processes and appear in spending, authorization, tax, and tariff bills.

When are earmarks added in the budget process?

Throughout the appropriations process, many members of Congress and the President seek to direct spending to specific programs, projects, activities, institutions, or locations. These earmarks can be added in each step of the process: budget proposal (Presidential earmarks), subcommittee, full committee, floor activity, and conference between House and Senate. In many of the subcommittees, this activity is referred to as "[Congressionally-directed spending requests](#)" or "[Presidentially Directed Spending Items](#)" (pdf). Whatever you call it, this is earmarking.

Earmarks seldom are in the text of legislation signed into law. As each of the appropriations bills winds their way through the appropriations process, each is accompanied by plain (not legislative) language that explains the intent behind the bill (see for example the FY2010 Agriculture Appropriations Bill [Conference Report](#)). It is in this "report" or "explanatory statement" that the vast majority of earmarks appear. So, because they are not in the legislative text itself, technically earmarks are not voted on in subcommittee, full committee, or the House or Senate floor. While these earmarks are not "the letter of the law" and may not be legally binding on a government agency, they are effectively treated as such.

Who are the recipients of earmarks?

Earmarks can go to various entities. Federal agencies, local, county, and state governments, universities, non-profit organizations, and private contractors have all been recipients of earmarks.

A large percentage of earmarks go to non-federal entities such as private companies and non-profits. Many lawmakers cite their earmarks as going to government entities such as military bases, local police stations, or other municipalities; however, this funding is often contracted out to undisclosed private-sector recipients, which effectively skirts transparency rules. Earmarks rarely go to private individuals, and when an individual is cited as the sole earmark recipient he or she is usually affiliated with a private-sector contractor.

What is the difference in earmark disclosure between the House and Senate?

Earmarks and the threat they pose as an element of pay-to-play corruption in Washington helped fuel public discontent with Congress leading up to the 2006 elections.³ At the beginning of the 110th Congress in January 2007, the House of Representatives voted overwhelmingly to make members

³ Taxpayers for Common Sense had been advocating for increased transparency for years prior to this reform, and its pioneering investigative work on issues such as the Bridge to Nowhere in Alaska, made "earmarks" a household word – and showed Congress that people were watching.

stand by their earmarks, disclosing sponsors' names next to the projects they requested in legislation. The Senate eventually followed suit, voting to adopt a similar rule.

For the first time lawmakers were forced to stand up and tell taxpayers what earmarks they requested. They couldn't cherry-pick a few projects, only post the information they decided to share on their websites, or only release the information to the local media. Someone in St. Louis, MO could look up what the lawmaker from Bay St. Louis, MS got. This was a real and critical first step.

In the 111th Congress, additional reforms were put in place: lawmakers in both the House and Senate are now required to disclose on their official website *what earmarks they are asking for*, not just what they receive in the process. That is a key piece of information for constituents. Now, rather than simply knowing which earmarks were obtained by each member of Congress, taxpayers can see all of the earmarks a member requested from the Appropriations Committee (whether they are eventually awarded or not). Taxpayers for Common Sense has compiled these requests from each Member's website; you can see our database of these [request disclosure pages here](#).

In addition, taxpayers can see the actual official letter of request a House member submits when seeking an earmark. These are available from the individual Appropriations subcommittee websites under "**Earmark Certification Letters**." The Senate does not provide taxpayers such a letter.

In 2010 both the House & Senate Appropriations Committees aggregated links to each member's disclosures into one spot on each Appropriations Committee's website. While the public still had to visit each member's website to see a member's earmark requests, some of the difficulty in finding the disclosures on the member's website was lessened.

Are the disclosures on a member's website the earmarks they requested?

In 2010 taxpayers continued to see a handful of members of Congress skirting the spirit of the earmark disclosure rule. Under the rules members are required to post to their website all earmark requests **they submitted** to the Appropriations Committee. Some members, however, posted all earmark requests **they received**, regardless of whether they then forwarded the request to the committee. Thus a handful of members followed the "letter of the law," while not shedding light on which requests made of their office the member was willing to put his/her stamp of approval behind.

What is the difference between "congressionally directed spending" and "earmarks"?

Nothing. The Appropriations Committees refer to earmarking as "Congressionally-directed spending requests." Whatever you call it, this is earmarking.

Why do you not call this pork?

An earmark is not necessarily pork. The term "pork" is often applied to government spending, especially spending done by way of earmarking. But "pork" is a loaded term, associated with waste, fraud, or abuse. Many representatives bristle at the notion that their earmarks are pork, pointing out how their earmarks fund roads, support schools, or create jobs.

This is why we use the term earmark. Anything that meets our definition of an earmark is included as an earmark in our databases. Our databases do not separate earmarks for "good" projects from earmarks for "bad" projects. We are simply compiling all the earmarks in spending bills so that taxpayers can gain an understanding of the spending priorities of their elected representatives.

Under a merit-based, competitive, or formula-based system that we advocate, some projects that appear as earmarks now might actually get funded. But currently, earmarks are the result of a broken budgeting system that does not necessarily direct federal spending toward the most beneficial and worthwhile projects and instead calls into question the entire budgeting process.

Are there Presidential earmarks?

While some would argue whether executive branch earmarks exist, simply put: they do. Specific projects or programs included in the President's budget request constitute earmarks.

What are National earmarks?

These are large programmatic funding items that are not specific to one geographic location, such as earmarked funding for the National Rural Water Association, which would impact many states.

What is tele-marking?

Members of Congress have also attempted to circumvent merit-based or competitive processes through a process known as "tele-marking" or "phone-marking." Tele-marking occurs when a member of Congress or his/her representative attempts to exert influence on a government agency about how they spend their budget through contact on the phone (or possibly in person). The frequency and effectiveness of tele-marking is not known; it is not something that is required to be disclosed. But TCS has been informed on several occasions that tele-marking does occur.

Were there earmarks in the Bailout or Stimulus?

There were no disclosed earmarks in the Emergency Economic Stabilization Act of 2008 (Bailout).

There were no disclosed earmarks in the 2009 American Recovery and Reinvestment Act (Stimulus). However, a few provisions were apparent earmarks, such as funding for the Central Utah Project or funding for a NASA facility impacted by Hurricane Ike. These were targeted funding provisions. But considering the size and scope of the legislation, the stimulus bill was remarkably earmark-free.

Section 3: TCS Process of Building Earmark Databases

TCS thinks it is critical that taxpayers are able to see and analyze the spending priorities of their elected officials. But, this information is still not released by the government in a truly comprehensive or easily searchable format. Therefore, TCS began building its Earmark Databases in 2004 to compile this information and create a clearer picture of where taxpayer money is going. We make these databases accessible to the public via our website (www.taxpayer.net), and they remain the most comprehensive, straightforward, and usable compilations of earmark data available.

How does TCS identify an earmark?

The construction of the TCS earmark databases is a resource-intensive endeavor. Because of the increased disclosure discussed above, the process of building our databases has become more systematic and straightforward, but no less laborious than when we had to go from office to office reviewing the committees' binders.

The first step is to database all the disclosed earmarks – those spending items that Congress tells the public are earmarks. With each appropriations bill, the committee releases an "Earmark List," part of the Bill Report, which is a table of all disclosed earmarks for that bill. This table includes the Agency, Account, Recipient, Project, Amount, and Requestor for each earmark. TCS staff transfer the information in this table into an Excel format. Even with the disclosure tables it takes thousands of work-hours to fully compile the earmark databases.

What are undisclosed earmarks?

Disclosed projects often make up a large percentage of the total earmarks in each bill, but TCS has also found a number of earmarks that we refer to as "undisclosed." Undisclosed earmarks are provisions that meet our definition of an earmark but aren't expressly disclosed in the report or legislation as a congressional earmark. *To find these undisclosed earmarks, TCS goes through every word of every bill* and includes those provisions that apply in our comprehensive earmark database.

Why is something an "earmark" if Congress says it is not?

TCS has been conducting earmark analysis since 2004 – before Congress disclosed earmarks – and we continue to use our definition. It is worth noting that although the Senate and House have roughly the same earmark definition (see below) – they have differed over whether a provision is, or is not, an earmark. For instance, the Senate has included the alternate engine for the Joint Strike Fighter as an earmark and the House has not.

For the House definition of an earmark, see the [Rules of the House of Representatives](#), Rule XXI, Clause 9 (e).

For the Senate definition of an earmark, see the [Standing Rules of the Senate](#), Rule XLIV, Clause 5 (a)

Is it common for two lawmakers from a state to have several identical earmarks?

Two or more lawmakers from the same state often have several identical earmarks. In fact, our databases have shown earmark numbers for many lawmakers are greatly increased as they ride the coattails of powerful appropriators from their same state.

If an earmark is requested by ten lawmakers, do all ten get 1/10th of the total dollars?

No. TCS does not split requested amounts among the various lawmakers. Although it is tempting recognizing the varying levels of power and influence in Congress (i.e. a freshman vs. a member of leadership), this would still be a subjective and potentially incorrect estimation. Therefore, the total amount of the earmark is included in calculating each member's total in the "solo and with other members" calculation of our database. As a consequence the amount of shared earmarks is not included in the "solo" total.

If a project starts as an earmark and becomes a recurring project, is it still counted as an earmark in the TCS database?

An earmark can continue for a long period. If a provision starts as an earmark it is likely to continue being funded by means of earmarks.

Why are TCS numbers different from those of other organizations?

One overriding challenge for earmark tracking is the varying definitions of earmarks. While largely similar, Congress, the Office of Management and Budget (OMB), Congressional Research Service (CRS), the nonprofit Citizens Against Government Waste, and TCS have slightly different earmark totals due to definitional distinctions. In fact, CRS uses a different definition of earmark for each spending bill that they review.

Are Authorization Bill and Emergency Spending Bill earmarks included in the TCS database?

Authorization bills are databased separately from spending bills. TCS has included the relatively few emergency or supplemental spending bill earmarks in the database.

How do I obtain earmark databases for previous years?

You can obtain all of the Taxpayers for Common Sense earmark databases on our website, www.taxpayer.net. Our earmark databases vary by year because of the differences in earmark disclosure. Prior to FY2008, Congress did not disclose earmarks. We were forced to build our databases by combing through each appropriations bill, press releases from members of Congress, and newspaper articles to find earmarked funds. Less information was available and these databases were in a different format. Pre-FY08 databases are available from TCS by sending an email to info@taxpayer.net.

For a detailed explanation of the step-by-step process of the technical aspects of building a database, please contact us.

Section 4: What is the Problem with Earmarks?

Although more transparent than in the past, earmarks remain a problem for taxpayers. In too many cases, these line-item provisions siphon off cash from important national needs for more parochial political benefit in the district of powerful lawmakers. Earmarks also remain a petri dish for corruption. In addition to well-known earmark scandals [of the past](#), in 2009 an earmark lobby shop folded under the weight of a federal investigation and [more lawmakers](#) found themselves under scrutiny.

Some earmarks go to worthy projects that benefit American communities. Yet regardless of what an earmark funds, the fact that there are so many is a sign of a broken system. Plus, the process by which earmarks are allocated involves preferential treatment, hurts agency priorities, and invites corruption.

In the words of Rep. Jeff Flake (R-AZ), earmarks have become the “currency of corruption,” and much of the public outcry about earmarks is the result of the concern that earmarks are largely the result of a pay-to-play culture where taxpayer money is diverted to reward campaign contributors, lobbyists, and cronies with pet projects. But corruption and loss of public confidence in Congress is only one of the many problems with the current earmarking practice.

Earmarks redirect resources away from other more important governmental activities, invariably increasing costs and waste and delaying the delivery of government services. In these leaner fiscal times, “earmarks once again crowd out hoped-for increases in competitively awarded research programs,” according to a report by the American Association for the Advancement of Science.⁴

Congress’s own non-partisan investigative arm, the Government Accountability Office (GAO) reported on concerns about the negative impact of earmarks on the budgets of agencies. Some agencies reported that, “implementation of these directives can displace agencies’ program priorities as the agencies redirect resources to comply with these directives.”

The Department of Transportation Inspector General echoed these sentiments: “earmarks may not be the most effective or efficient use of funds on programs.... Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects.” The same study found that nearly 99 percent of all earmarked projects “were not subject to the agencies’ review and selection processes,” and bypassed the agency’s normal review process.⁵

Finally, the annual hunt for earmarks is resource intensive, absorbing hundreds or even thousands of hours of congressional staff time to develop, obtain, and execute the earmarks, distracting lawmakers from other national priorities and pressing needs.

Hasn't there always been earmarking?

Historians cite different projects and origins for earmarks. Some go back to the earliest days of the Republic (to a lighthouse project), and others later in the 19th century. But the real heart of the matter is that earmarks used to be rare and now they are commonplace. In a TCS analysis of the FY1970 defense spending bill there were just a dozen earmarks. By 2005 there were more than 12,000.

⁴ <http://www.aaas.org/spp/rd/earm08c.pdf>, last accessed October 27, 2009.

⁵ Department of Transportation OIG Report Number AV-2007-066, “Review of Congress Earmarks Within Department of Transportation Funds.” September 7, 2007.

If Congress does not earmark, how can they do their job of representing their constituents?

Elected representatives do not need to earmark to adequately represent their constituents; in fact, some would argue that the earmarking process has eroded the democratic process through pay-to-play politics in which lawmakers secure campaign contributions from donors who receive generous earmarks, year after year. By utilizing earmarks to strengthen their incumbent position, lawmakers may be less responsive to their constituents. Furthermore, the pressure to secure earmarks distracts lawmakers from focusing on important priorities at the local, state, and national level.

Lawmakers can represent their constituents without the use of earmarks by fighting for their priorities and interests and not just placating their district or campaign contributors with pet projects.

Do earmarks add to the cost of the bills or do they just redirect money that would be spent otherwise?

Earmarks are legislative provisions that set aside funds within an account for a specific program, project, activity, institution, or location. As such, earmarks often do not add to the cost of a particular spending bill, but funding for earmarks can be shifted from other accounts or priorities in the bill. For example, earmarks for weapons not requested by the Pentagon [draw on funds from the Operations and Maintenance \(O&M\) account](#). In addition, because earmarks normally circumvent merit-based or competitive allocation processes, they may delay or prevent funding for other important priorities.

Is there such thing as a "good" earmark?

Lawmakers often argue that earmarks are "good" because they boost local economies and create jobs. Although specific state and local projects can provide community – and even nationwide – benefits, the congressionally-directed allocation of these funds through earmarks leads to inefficiencies, preferential treatment, and vast opportunities for corruption, scandal, and pay-to-play politics. An earmark may fund a "good" project, but no one can tell you that earmarks fund the best projects. More transparency, oversight, and merit-based competitive bidding would enhance the way funding is allocated and result in many more "good" projects being funded.

Section 5: Analysis and Lessons Learned

How do Democrats compare to Republicans? Who is worse in earmarking?

Earmarking is a bipartisan affliction. Historically, the party in the majority has ensured the minority party gets a significant share of the earmark cash. If everyone is getting a piece of the pie, it helps mute criticism and ease passage of the legislation. And what comes around goes around; today's majority may be tomorrow's minority.

Because FY2008 was the first year Congress required earmark disclosure, it is not possible to definitively compare earmarking pre-2008 with earmarking post-2008. But our earmark databases have consistently shown a roughly 60/40 partisan split between the majority and minority parties in Congress. In FY08 the minority received 43 percent; in FY09 they obtained 44 percent (41 percent if you remove the \$488 million of solely Republican earmarks in the supplemental appropriations bill that came out later in FY09). In FY10, Republicans received 34% of the earmarked cash. This is calculated by looking at strictly Republican or Democratic earmarks (not including those sponsored by members of both parties, which may make up some of the difference).

Lawmakers on both sides of the aisle have been involved in earmark corruption scandals. Because earmark disclosure has been so shrouded and difficult to track, and both parties have been complicit (witness the 60/40 split) it is difficult to say which party has been historically worse in earmarking. The explosion of earmarks between FY96 and FY05 did occur under Republican control. And, Democrats deserve some credit for the earmark reforms they have pushed since taking control of Congress in 2007. But the disclosure rules implemented thus far have fallen short of promises and further progress toward reigning in the corrosive practice of earmarking is needed.

During what presidency have we had the most in earmark spending?

It is very difficult to assign earmark spending to certain time periods because of the lack of transparency and oversight. Clearly, earmark spending rose significantly during the tenures of Presidents Clinton and George W. Bush.