



## TCS FY2010 EARMARK ANALYSIS: APPLES-TO-APPLES INCREASE IN EARMARK TOTALS

### The Most Powerful Members of Congress Cash In

Earmark totals appear to have decreased from fiscal year (FY) 2009 to FY2010, but an apples-to-apples comparison tells a different story. In FY10, appropriations bills contained 9,499 congressional earmarks

Earmark Totals, FY10 compared to FY09		
	FY10	FY09
Total Earmarks	\$15,932,261,848	\$19,916,628,455
Corps O&M	(\$39,712,000)	(\$2,280,811,000)
Defense Supplemental	N/A	(\$1,840,302,000)
Disaster Aid	N/A	(\$182,000,000)
<b>Adjusted Totals</b>	<b>\$15,892,549,848</b>	<b>\$15,613,515,455</b>

worth \$15.9 billion. This compares with 11,286 congressional earmarks worth \$19.9 billion in FY09. However, to do a true year-to-year comparison requires taking away certain Army Corps of Engineers earmarks that were included in FY09 but not in FY10.<sup>1</sup> In addition, the FY09 total includes earmarks from a supplemental spending bill passed after the regular spending bills that year.<sup>2</sup> After adjusting for both of these factors, FY10's \$15.9 billion in earmarks represents a slight increase from \$15.6 billion in FY09.

### Top Senate Earmark Recipients

Of the top Senate earmark recipients, eight of the top ten are Democrats; six of the top ten are members of the Appropriations Committee. Leading the list of earmark recipients is Sen. Thad Cochran (R-MS)—last year's leader as well and the leading Republican on the spending panel — with just under \$500 million.

Appropriations Chairman Sen. Daniel Inouye (D-HI) came in second, with just under \$400 million. The third position is held by Sen. Roger Wicker (R-MS) who secured \$368.0 million largely as a result of riding the coattails of the senior Mississippi Senator, a point underscored by the fact that Sen.

Top Earmark Recipients (Joint), Senate		
Member	Amount	Number
Cochran (R - MS)	\$497,591,000	242
Inouye (D - HI)	\$392,432,850	158
Wicker (R - MS)	\$368,039,000	163
Byrd (D - WV)	\$292,014,000	96
Harkin (D - IA)	\$267,589,200	194
Schumer (D - NY)	\$243,485,190	195
Levin, Carl (D - MI)	\$243,133,400	215
Reid (D - NV)	\$222,796,675	162
Murray (D - WA)	\$219,538,750	187
Feinstein (D - CA)	\$211,298,500	158

<sup>1</sup> These Corps of Engineers earmarks were included as Congressional earmarks in FY09 but not in FY10 because of a shift in the budgetary treatment in the President's budget request. In the FY08 and FY09 budget submission project-specific earmarks were not included in the Operations & Maintenance account. Funding was instead provided on a regional, non-earmark basis. In FY10, the Administration reverted to earmarked project funding in the request. To more accurately compare FY09 and FY10, all Congressional Corps of Engineers Operations & Maintenance earmarks were removed from both data sets.

<sup>2</sup> A FY10 supplemental spending bill, with or without earmarks, will be considered in the coming months and could further alter the final tally.

Wicker received a mere \$2.0 million in solo earmarks. Two senior Democrats on the Appropriations Committee round out the top five: Sen. Robert Byrd (D-WV) with \$292.0 million and Sen. Tom Harkin (D-IA) with \$267.6 million.

Four of last year's top ten did not attain the same heights this year. Sens. Chuck Grassley (R-IA), Mary Landrieu (D-LA), Richard Shelby (R-AL), and Kit Bond (R-MO) were replaced by Sens. Chuck Schumer (D-NY), Carl Levin (D-MI), Harry Reid (D-NV), and Dianne Feinstein (D-CA).

Top Earmark Recipients (Solo), Senate		
Member	Amount	Number
Byrd (D - WV)	\$251,188,000	85
Inouye (D - HI)	\$204,953,950	66
Cochran (R - MS)	\$102,418,000	72
Shelby (R - AL)	\$100,550,000	34
Bond (R - MO)	\$95,335,000	62
Reid (D - NV)	\$91,253,475	95
Harkin (D - IA)	\$66,616,000	33
McConnell (R - KY)	\$60,189,000	38
Bennett, Robert (R - UT)	\$58,910,000	30
Leahy (D - VT)	\$57,320,700	58

Another metric that indicates a member's influence is the number of earmarks they received where they are the only sponsor (solo earmarks). Though there is much overlap in the two measurements, there are also good examples of members who get a large amount of earmarks but don't join up with other members, keeping their joint numbers lower. Sens. Shelby and Bond fall out of the top ten in joint earmarks, but as appropriators are still able to secure large amounts of earmarks. As such they are two of the biggest solo earmark recipients. Sen. Shelby received just over \$100 million in solo earmarks (compared to \$173.0 million in joint earmarks); Sen. Bond received \$95.3 million in solo earmarks (\$133.2 million in joint earmarks). Similarly,

Senate Minority Leader Mitch McConnell (R-KY) received \$60.2 million in solo earmarks and appropriator Patrick Leahy (D-VT) received \$57.3 million, but neither cracked the top 40 in joint earmarks.

### Top House Earmark Recipients

Unlike the Senate, where the joint earmark numbers are a good measure of a member's political strength, the joint number can be misleading in the House. There are too many instances where a House member's joint earmark number is almost entirely the result of a strong in-state Senator. Nowhere is this more evident than North Dakota. Rep. Earl Pomeroy (D-ND) ends up number two in the House in joint earmarks, but this is largely a result of the strength of Senate Appropriator Byron Dorgan (D-ND). Rep. Pomeroy received only one solo earmark worth \$200,000. Similarly, Hawaiian Reps. Mazie Hirono (D) and Neil Abercrombie (D) come in third and sixth in joint totals, benefitting from representing the same state as Appropriations Chairman Inouye.

Top Earmark Recipients (Solo), House		
Member	Amount	Number
Young, Bill (R-FL-10th)	\$90,450,000	41
Lewis, Jerry (R-CA-41st)	\$82,694,000	51
Murtha (D-PA-12th)	\$82,443,000	34
Rogers, Harold (R-KY-5th)	\$68,309,000	36
Obey (D-WI-7th)	\$55,435,000	54
Pelosi (D-CA-8th)	\$46,255,000	29
Kaptur (D-OH-9th)	\$40,808,000	36
Dicks (D-WA-6th)	\$39,314,000	21
Frelinghuysen (R-NJ-11th)	\$39,200,000	16
Moran, James (D-VA-8th)	\$38,399,000	46

For this reason, we find that a House member's political influence is generally better measured by the amount of solo earmarks they receive, a theory confirmed by the number of powerful members of the House that appear in the top ten. Every member of the top ten is either a Democratic Leader or an appropriator.

Rep. Bill Young (R-FL), the most powerful Republican member of the House Appropriations Committee, was the top solo earmark recipient with \$90.5 million; he was also the top joint earmark recipient with \$128.6 million. Another Republican appropriator, Jerry Lewis (CA), ranked second in solo earmarks with \$82.7 million. The late Rep. John Murtha (D-PA) finished a close third with \$82.4 million. There is a bit of a drop off to the fourth position, held by Rep. Harold Rogers (R-KY) at \$68.3 million. In fifth is Appropriations Committee Chairman David Obey (D-WI), who secured \$55.4 million in earmarks. The sixth position is the only one not held by a member of the Appropriations Committee, and belongs to the Speaker of the House Nancy Pelosi (D-CA), who received \$46.3 million in earmarks.

### Power Outage

One of the most striking shifts in the past year is in per capita earmark totals. Alaska, which has long been at or near the top of the earmarks per capita ranking, fell to sixth overall. This was a predictable outcome from losing former Appropriations Chairman (and unapologetic earmark champion) Ted Stevens' (R-AK) presence on the committee. Although Sen. Lisa Murkowski (R-AK) now has a seat on the Appropriations Committee, there's a big difference in her ability to garner earmarks as the most junior Republican compared to Stevens as one of the panel's most senior Republicans. This may be a warning sign for North Dakota, second on this year's list, which is facing Energy and Water Appropriations subcommittee Chairman Dorgan's retirement in 2011. North Dakota needs only to look at nearby Wyoming, which has no Appropriations Committee representation and received just \$10.58 per capita—the lowest of any state.

Top 10 States, Per Capita Earmarks	
State	Per Capita
HI	\$318.26
ND	\$233.60
WV	\$173.74
VT	\$161.46
MS	\$141.91
AK	\$139.77
MT	\$124.77
SD	\$112.21
RI	\$79.13
NV	\$79.07

Nine of the top ten per capita states were represented by members of the Senate Appropriations Committee; the tenth is represented by former appropriator and current Senate Majority Leader Harry Reid (D-NV). Being a smaller, less populous state helps in this ranking, but equally important is having a Senator in the room when the earmark deals are cut.

### Majority Rules

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. The general figure has been a roughly 60 percent majority, 40 percent minority split in earmarks. 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), but it will be interesting to see if this historical split continues in the future.

### Corps of Engineers Operation and Maintenance Earmarks

A major shift in the calculation of disclosed, undisclosed and Presidential earmarks occurred in the Energy and Water spending bill. The water projects planned, constructed and maintained by the U.S. Army Corps of Engineers are funded in that legislation. In the FY08 and FY09 budgets proposed by then President Bush, funding for Operation and Maintenance (O&M) of U.S. Army Corps of Engineers projects was divided into regions or watersheds instead of the previous line-item funding for each of the hundreds of projects. The regional pots of funding were not earmarks; however, Congress broke up all of the regional funding in the hundreds of underlying projects and conveniently designated them Presidential earmarks. TCS included all of these as earmarks on the Congressional side of the ledger, however, listing the requesting member of Congress if disclosed, and listing as undisclosed any projects that didn't name a member of Congress. In the fiscal year 2010 budget request, the Administration proposed operations and maintenance funding on a project by project earmark basis as had been done before FY08. As such, Presidential earmark totals for Energy and Water increased significantly and member totals for Corps of Engineers projects decreased significantly. This affected many lawmakers' totals. In FY09, there were \$2.3 billion in Corps O&M earmarks and all were Congressional. In FY10 there were \$2.4 billion in O&M earmarks and only \$40 million were solely Congressional. All the rest were in the President's budget.

TCS has long maintained that funding for the Corps of Engineers' projects should be done on a transparent, prioritized, merit-driven basis that concentrates funding on completing the most critical projects. While not perfect, the regional O&M funding provided in the FY08 & FY09 budgets enabled the flexibility and priority setting that enable the nation's needs to be met more efficiently.

### To the Victor Go the Spoils

They say that history is written by the victors: appropriations bills are written by those victorious in gaining a coveted seat on the Appropriations Committee. And appropriators use that perch to obtain earmark totals that far outstrip the rank and file. The membership of the Appropriations Committees makes up 30 percent of the Senate and 14 percent of the House. But Senate appropriators sponsored 48 percent of the \$10 billion in member-disclosed earmarks, and House appropriators lined up behind 30 percent of the earmarks. (Note: these are not mutually exclusive amounts and cannot be added together because these earmarks could be co-sponsored by multiple appropriators or other non-appropriators. This figure indicates the *percentage* of earmarked dollars associated with a House or Senate appropriator).

In both chambers, the greatest earmark disparity exists between those who serve on the Defense Appropriations Committees and those who do not. Nearly half of all disclosed earmarks (\$4.2 billion out of \$10 billion) are in the defense spending bill, making this subcommittee a prime perch for obtaining earmarks. Members of the Senate Defense Appropriations Subcommittee make up 18 percent of the chamber's membership, but they sponsored 35 percent—or \$3.5 billion—of earmarks. Their House counterparts constitute just 4 percent of the House, yet obtained 13 percent of all earmarks.

### Same District Different Result

The 2008 election allows us to look at the changes that resulted from new faces in Congress. There were three congressional districts where the new lawmaker decided to seek earmarks when their predecessor did not. Those lawmakers obtained \$57 million worth of earmarks by themselves or with other lawmakers in FY10 for their trouble. That amount was canceled out by the eight new lawmakers who decided not to seek earmarks. Their predecessors had obtained \$203 million in earmarks by themselves or with other lawmakers in FY09. The most notable of the new members not seeking earmarks is Rep. Steve Austria (R-OH). Rep. Austria succeeded retired Rep. David Hobson (R-OH), who had been a cardinal – an Appropriations Subcommittee Chairman – and pulled down \$88 million in earmarks each of the previous two years. Another cardinal - Rep. Ralph Regula (R-OH) – retired after obtaining \$35.6 million in earmarks in FY09; in FY10 his replacement, Rep. John Boccieri (D-OH) got only \$7.6 million for the same district. Rep. Joe Knollenberg (R-MI) is another cardinal who lost his re-election in 2008 after getting \$69.8 million worth of earmarks in FY09. His successor, representing the same district with ostensibly the same needs, obtained \$12.3 million in earmarks in FY10. Some of the swing district pick-ups found their earmarks jump from their predecessors. Rep. Frank Kratovil (D-MD) got \$71.4 million in FY10, easily outpacing the lawmaker he followed, Rep. Wayne Gilchrest (R-MD), who got \$22.1 million in FY09. Similarly, Rep. Mark Schauer (D-MI) got \$33.2 million, nearly doubling the \$17.4 million the lawmaker he beat, Rep. Tim Walberg (R-MI), obtained in FY09. Conversely, Rep. Walt Minnick (D-ID) didn't request earmarks in FY10, while his predecessor, Rep. Bill Sali (R-ID), obtained \$9.2 million in FY09.

Illustrating Alaska's fall from earmark grace is the \$53.6 million in earmarks Sen. Mark Begich (D) obtained for FY10. In FY08, the last full year that his predecessor, Sen. Stevens (R), received earmarks, Stevens pulled down \$456.9 million.

The needs of these districts didn't change with the representation, nor did the country's needs. The wild swings in the amount of federal dollars brought home after an election further demonstrates the irrationality of a system where funding levels are set on the basis of political muscle rather than project merit.

### Leading by Example

House Appropriations Chairman Rep. Obey (D-WI) also serves as Chairman of the Labor-Health and Human Services-Education Appropriations Subcommittee. Each year since he took control of the

subcommittee the earmark totals have declined, from \$1.0 billion in FY08 to \$973 million in FY09 to \$772 million in FY10. On the opposite end of the spectrum, Senate Appropriations Chairman Inouye also chairs the Defense Appropriations Subcommittee. That bill has gone in the opposite direction, growing from \$7.9 billion in FY08 to \$8.0 billion in FY09 to \$9.6 billion in FY10.

### *Earmark Witness Relocation Plan*

In early 2010, Sen. Shelby and the White House Press Secretary fought a war of words over whether funding for an FBI facility in Huntsville, AL was an earmark. The FY08 & FY09 spending bills included tens of millions for the facility, but the current Administration was holding up the funds. Although the funding was not disclosed as an earmark by Congress, Sen. Shelby took credit for obtaining funds for the facility in a [press release](#). TCS included this project as an undisclosed earmark in our FY08 and FY09 earmark databases.

We saw similar instances of earmarks in the FY10 spending bills that were not disclosed by members of Congress but were later disclosed in a less official manner. For instance, Senate Appropriations Chairman Inouye included three projects worth more than \$15 million in a [press release](#) highlighting the federal funds he won for Hawaii, none of which were disclosed as earmarks.

This highlights one of the challenges of tracking earmarks: Congress is the judge and jury over what is and is not included in their earmark disclosure tables and it is unclear why projects claimed by lawmakers to their constituents via the media are not listed.

### *Recommendations*

We have made many strides in reforming the earmarking process over the last few years, but there is much more that needs to be done to democratize the budget and make the spending decisions of elected officials transparent and accountable to the American public.

For several years, TCS has made a series of consistent recommendations for reform. Most of the recommendations that appear below have appeared in our past calls for reform. As incremental reforms have been adopted—most notably the required disclosure of earmarks and the required disclosure of earmark requests on individual member sites—we have updated our recommendations for reform. We believe the following additional measures should be adopted to increase transparency and accountability of government spending:

1. Reduce the number and cost of earmarks and the types of projects eligible for earmark funding.
  - Reduce earmark spending levels by 50 percent a year for the next 5 years.
  - Disallow earmarks in competitive or merit based funding programs.
  - Ban earmarks for private or for-profit entities.
  - Establish earmark “term limits” – no project should be funded year after year through legislative earmarks.

2. Improve existing mechanisms for making the earmark system more transparent and accountable.
  - One stop shopping: Centralize disclosure of all earmarks request and awards and provide data in a common format that can be downloaded, searched, and sorted. It is also critical that any user can tell the difference between requests submitted for consideration by members and those that actually end up as earmarks.
  - Provide amplifying budgetary information on congressional earmarks, similar to what is provided with the President's budget, including historical funding levels, economic analysis and justification, and descriptive information.
  - Make all legislation (including earmarks) available for public review at least 72 hours in advance of floor consideration.
  - Create viable enforcement mechanisms that enable members and the public to challenge compliance.

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