



## **ENDING THE EARMARK ATM**

*Despite reforms, earmarks continue to thrive*

February 14, 2008

Congress disclosed 11,234 earmarks worth \$14.8 billion in this year's spending bills. An additional \$3.5 billion worth of earmarks were added with no sponsor identified. The \$18.3 billion worth of earmarks in the fiscal year 2008 spending bills represents a 23 percent cut in total earmarks from the high water mark of 2005, but a smaller cut than the 50 percent reduction House leadership initially set as its goal.

For the past five years, Taxpayers for Common Sense (TCS) has documented the significant growth in the dollar amount and number of congressional earmarks. In past years, these tracking efforts were made difficult by a lack of information tying lawmakers to specific earmarks.

Earmarks and the threat they pose as an element of pay-to-play corruption in Washington helped fuel public discontent with Congress during the 2006 elections. In January 2007, the House of Representatives voted overwhelmingly to make members stand by their earmarks, disclosing sponsors' names next to the projects they requested in legislation. The Senate quickly followed suit, voting to adopt a similar rule.

As a result of these changes, the public has more information about earmarks than ever before. Over the course of the last nine months, TCS staff and interns have devoted thousands of hours to researching, reconciling, and double-checking every earmark identified by Congress and every spending item that meets our definition of an earmark. We have created a comprehensive database of all of the earmarks in the final spending bills and, for the first time, connected almost every earmark with a political sponsor. The analysis below and accompanying database is the culmination of that work.

In addition to the raw data, we include observations and analyses of the strengths and weaknesses of the new disclosure process, including the differences in practice in the House and the Senate, and a set of recommendations for next steps in the process of improving transparency and accountability in the FY 2009 appropriations bills.

## What's the Matter with Earmarks?

“The reason I hate earmarks is because they suck everybody in. They suck them into the idea that we have to be ATM machines for our districts, and so they focus on the tiny portion of most bills that are earmarks instead of focusing on the policy that is represented by the legislation that we produce.”

- House Appropriations Committee Chairman David Obey (D-WI)<sup>1</sup>

In the words of Rep. Jeff Flake (R-AZ), earmarks have become the “currency of corruption.”<sup>2</sup> Much of the public outcry about earmarks results from concern that earmarks are part of the 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 are only some of the problems with the current earmarking practice.

Earmarks redirect resources away from more important governmental activities, invariably increasing costs and waste and delaying the delivery of justified government services. In these leaner fiscal times, “earmarks once again crowd out hoped-for increases in competitively awarded research programs,” according to a recent report by the American Association for the Advancement of Science.<sup>3</sup>

A recent Government Accountability Office (GAO) report expressed concern 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.”<sup>4</sup>

A recent report by 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,” bypassing the agency’s normal review process.<sup>5</sup>

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<sup>1</sup> *Bill Moyers Journal*, Transcripts, [Earmark Reform?](http://www.pbs.org/moyers/journal/07272007/transcript2.html), July 27, 2007. <http://www.pbs.org/moyers/journal/07272007/transcript2.html>. Last accessed February 13, 2008.

<sup>2</sup> U.S. Representative Jeff Flake, [Earmarked Men](http://www.nytimes.com/2006/02/09/opinion/09flake.html?_r=1&oref=slogin), *New York Times*, February 9, 2006. [http://www.nytimes.com/2006/02/09/opinion/09flake.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/02/09/opinion/09flake.html?_r=1&oref=slogin). Last accessed February 13, 2008.

<sup>3</sup> <http://www.aaas.org/spp/rd/earm08c.pdf>, last accessed February 13, 2008.

<sup>4</sup> Government Accountability Office, *Congressional Directives: Selected Agencies’ Processes for Responding to Funding Instructions*, [GAO-08-209](http://www.gao.gov/products/GAO-08-209) (Washington, D.C.: January 31, 2008).

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

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.

## Findings

TCS used the new trove of information provided by Congress to create a database of all the earmarks and rank lawmakers by the total earmarks they obtained. The analysis is based on congressional appropriations legislation, earmark disclosure letters, and hundreds of press releases from legislators. The database itself was developed over the last nine months--since the start of the FY 2008 appropriations cycle—and has consumed thousands of TCS staff hours.

TCS found that Congress earmarked 12,883\* projects worth \$18.3 billion. This is down 23% from FY 2005, which represented a record high for earmarks. As usual, the states that receive the most money include Texas, California and other high-population states. But on a per capita basis, less populous states represented by senior Appropriations Committee members do the best.

State	Total Congressional Earmarks (disclosed and undisclosed)	Population (2007 est.)	Per Capita
AK	\$346,073,350	683,478	\$506.34
HI	\$289,868,650	1,283,388	\$225.86
WV	\$358,530,318	1,812,035	\$197.86
MS	\$511,478,000	2,918,785	\$175.24
ND	\$105,858,230	639,715	\$165.48

Source: TCS Analysis; U.S. Census Bureau

The traditional majority-minority split among political parties was upheld. Democrats received \$5.5 billion in earmarks and Republicans received \$4.2 billion. That works out to a split of 57 percent for the majority and 43 percent for the minority. Earmarks with bipartisan support totaled an additional \$4.5 billion.

For the first time, Congress disclosed that the 24 intelligence earmarks in the conference version of the defense appropriations bill had received \$95,750,000. Earlier versions of the bill had not disclosed amounts for these projects. This total included a \$3.2 million request by Rep. Roger Wicker (R-MS) and Sen. Thad Cochran (R-MS) for the “Intelligence Analyst Education and Training” at the Croft Institute at the University of Mississippi and a \$5,000,000 request by Rep. Jerry Lewis (R-CA) for the “Center for Innovative Geospatial Technology” at the Environmental Systems Research Institute.

We also discovered that earmarks can persist even after the sponsor is gone. The four lawmakers who passed away and the one who resigned before the appropriations bills were finalized still managed to garner a total of \$133.3 million. Four lawmakers that passed away received \$75.4 million, and the remaining \$57.9 million went to Rep Martin

Meehan (D-MA), who resigned to become the president of the University of Massachusetts-Lowell.<sup>6</sup>

Interestingly, over the past year the number of lobbyists for budget and appropriations activities is down slightly. According to the Center for Responsive Politics' OpenSecrets.org, 3,849 lobbyists listed budget and appropriations as an issue area in 2007, down from 4,700 in 2005 but higher than the 2,497 lobbying disclosures filed in 1998.<sup>7</sup>

### **House of Representatives**

In the House, the top three earmark recipients set themselves apart from their colleagues, each pulling down more than eight times the earmarks received by the average lawmaker.

<b>Top Ten House Earmark Recipients</b>				
<b>Member</b>	<b>Party</b>	<b>State</b>	<b>Solo Earmarks</b>	<b>Solo and With Other Lawmakers</b>
Wicker	R	MS	\$6,992,000	<b>\$177,988,500</b>
Murtha	D	PA	\$159,973,200	<b>\$176,397,200</b>
Young, C.W. Bill	R	FL	\$103,863,000	<b>\$169,073,000</b>
Hoyer	D	MD	\$13,777,259	<b>\$139,128,759</b>
Lewis, Jerry	R	CA	\$110,019,000	<b>\$137,475,000</b>
Edwards	D	TX	\$42,356,000	<b>\$128,917,980</b>
Berry	D	AR	\$7,251,000	<b>\$123,890,600</b>
Visclosky	D	IN	\$69,962,200	<b>\$113,653,000</b>
Skelton	D	MO	\$44,000,000	<b>\$111,864,000</b>
Dicks	D	WA	\$53,111,000	<b>\$106,006,550</b>

Source: TCS Analysis

As a member of the House Appropriations Committee, now-Sen. Roger Wicker (R-MS)<sup>8</sup>, led the House with \$178.0 million in total earmarks. These were primarily defense and energy and water earmarks he shared with Sen. Thad Cochran (R-MS), the ranking member of the Senate Appropriations Committee. Sen. Wicker's earmarks have come under recent scrutiny because he obtained a \$6 million earmark for Aurora Flight Sciences, who showered him with contributions when he was in the House of Representatives. As first uncovered by the Project on Government Oversight (POGO),

<sup>6</sup> Andrew Miga, Rep. Meehan Resigns to Take UMass Job, *Associated Press*, May 9, 2007.

<sup>7</sup> <http://www.opensecrets.org/lobbyists/issuesum.asp?txtname=Fed+Budget+%26+Appropriations>, last assessed February 13, 2008.

<sup>8</sup> In January 2008, Mississippi Governor Haley Barbour selected Rep. Wicker to fill retiring Sen. Trent Lott's seat until a special election was held.

Aurora is represented by Wicker's former chief of staff, John Kadis.<sup>9</sup> Mr. Kadis also represents several other entities that benefit from defense earmarks, including General Dynamics and Alliant Techsystems Inc.<sup>10</sup>

House Defense Appropriations Subcommittee Chairman John Murtha (D-PA) is second with \$176.4 million in earmarks. While his total is slightly less than Wicker's, some would still consider him the top House earmarker because of the \$160 million he received in solo earmarks (Murtha only shared one earmark with another lawmaker). Rep. Murtha is second to none in securing federal dollars for Johnstown, PA, and every earmark recipient linked to Rep. Murtha has also contributed to his political committee.<sup>11</sup>

Defense Appropriations Committee Ranking Member C. W. Bill Young (R-FL) ranks third with \$169.1 million in earmarks. The lion's share of the earmarks from Rep. Young benefit defense companies in his district, including Enser Corporation, Honeywell, DRS Technologies, Raytheon, and General Dynamics.

Eight of the top ten earmark recipients in the House held plum positions on the appropriations committee: Five of the top ten were on the defense appropriations subcommittee. Also in the top ten were a member of House leadership, Rep. Steny Hoyer (D-MD), and House Armed Services Committee Chairman Rep. Ike Skelton (D-MO).

Overall, the 72 members of the House Appropriations Committee brought in the most projects. Each averaged \$58.9 million, about 2.5 times the \$22.8 million the rest of the House averaged.

Lawmakers in the 73 House districts deemed "competitive" by the Cook Political Report took credit for \$1.9 billion in earmarks, an average of \$26 million each--about 14 percent higher than the average for non-appropriations committee members. Democrats in competitive races fared much better than their Republican counterparts, averaging \$29.4 million to \$23.4 million for Republicans. This was bracketed by Rep. Heather Wilson (R-NM), who represents a swing House district and is running for the seat of retiring Sen. Pete Domenici, and Rep. Vito Fossella (R-NY). Wilson pulled in \$83.1 million in earmarks, while Fossella abstained from the practice entirely and took no earmarks.

Despite Speaker Nancy Pelosi's (D-CA) talk of "draining the swamp"<sup>12</sup> and her claim that "I, myself, am personally not a supporter of earmarks,"<sup>13</sup> House Democratic Leadership

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<sup>9</sup> <http://pogoblog.typepad.com/pogo/2007/12/rep-wicker-and.html>, last assessed February 13, 2008.

<sup>10</sup> [sopr.senate.gov](http://sopr.senate.gov), last assessed February 13, 2008.

<sup>11</sup> Tory Newmyer, *Ample Earmarks Aide PMA Clients*, *Roll Call*, September 17, 2007.

<sup>12</sup> Elizabeth Williamson, *Draining the 'Swamp' is Not So Easy*, *Washington Post*, August 7, 2007; A11. Accessed at [http://www.washingtonpost.com/wp-dyn/content/article/2007/08/06/AR2007080601298\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/08/06/AR2007080601298_pf.html), February 13, 2008

did very well for their districts. Speaker Pelosi and Majority Leader Hoyer (D-MD), both former members of the appropriations committee, secured \$94.3 million and \$139.1 million, respectively. By contrast, Minority Leader John Boehner (R-OH) didn't take any earmarks for his district and Minority Whip Roy Blunt (R-MO) secured \$46.2 million in total projects.

### **Senate**

As in the House, Senate appropriators have a vice grip on earmarks. Nine of 10 of the top earmark recipients in the Senate were from the appropriations committee. Sen. Hillary Rodham Clinton (D-NY) was the only non-appropriations committee member to crack the top ten. The average senator received \$178 million in earmarks: The 29 Senate appropriators averaged more than \$273.3 million each, more than 50 percent higher.

By far the leader in total earmarks was Senate Appropriations Committee Ranking Member Thad Cochran (R-MS) with \$837.3 million. This includes \$3.7 million for the National Center for Natural Products Research housed at the Thad Cochran Research Center; \$492,000 for the strategic biomass initiative; and \$173,000 for the National Wild Turkey Federation.

<b>Top Ten Senate Earmark Recipients</b>				
<b>Member</b>	<b>Party</b>	<b>State</b>	<b>Solo Earmarks</b>	<b>Solo and With Other Lawmakers</b>
Cochran	R	MS	\$289,793,000	<b>\$837,256,500</b>
Landrieu	D	LA	\$103,303,050	<b>\$469,691,110</b>
Stevens	R	AK	\$389,043,750	<b>\$456,902,750</b>
Bond	R	MO	\$128,227,400	<b>\$454,632,500</b>
Shelby	R	AL	\$191,099,800	<b>\$426,492,200</b>
Inouye	D	HI	\$229,775,440	<b>\$414,327,330</b>
Byrd	D	WV	\$333,024,438	<b>\$407,360,438</b>
Murray	D	WA	\$141,007,117	<b>\$376,489,467</b>
Durbin	D	IL	\$39,313,300	<b>\$342,408,700</b>
Clinton	D	NY	\$98,000	<b>\$342,403,455*</b>

Source: TCS analysis

Some of the benefactors of Sen. Cochran's largess have hired his former staffers. Brad Prewitt, former counsel, owns his own lobby shop and obtained at least \$1,143,000 for two earmarks for the Mississippi Technology Alliance, which paid Prewitt at least

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<sup>13</sup> CQ Transcripts, "Rep. Nancy Pelosi, Sen. Harry Reid And Gov. Kathleen Sebelius Hold a News Teleconference" January 28, 2008. Available at [www.cq.com](http://www.cq.com) (subscription required).

\$40,000 in mid-2007 for his services. Prewitt also received another \$40,000 over the same period from the University of Mississippi, the alma mater of Sen. Cochran. Other Senators also fared very well. Sen. Mary Landrieu (D-LA) brought in a total of \$468 million in projects, including many water projects. A notable exception to her largess was the Industrial Canal project. Sens. Landrieu and Vitter (R-LA) earmarked \$2 million in construction funding for the \$800 million navigation boondoggle in the Senate spending bills only to have funding for the project zeroed out in the Omnibus bill.

Sen. Ted Stevens (R-AK) obtained just over \$456 million, including \$235,000 for the Seiners Capacity Reduction Program; \$493,000 for the Craig Recreation Land transfer; and \$3,478,000 for the harbor seal and stellar sea lion protection program at the Alaska Sea Life Center.

### ***Homeland Security Earmarks Boomed***

The stakes are too high to put parochial pork barrel priorities before the security of the homeland. Funding border protection, transportation security, terrorism preparedness and disaster response shouldn't be decided on the basis of who has the most political power or electoral need.

Led by Rep. David Price (D-NC), Chairman of the Homeland Security House Appropriation Subcommittee, this Congress was the first to use the Homeland Security budget as a sponge for earmarks. Chairman Price "airdropped" \$18.5 million in earmarks to the Department of Homeland Security budget, including \$7.5 million for RTI International, a prominent federal contractor, for the Institute for Homeland Security Solutions. The FY08 Homeland Security spending bill had 144 earmarks worth \$639.5 million.

The impact of the Homeland Security earmark craze could be significant. Take for instance the Federal Emergency Management Agency's (FEMA) pre-disaster mitigation program, pock-marked with political earmarks this year. On its website, the agency says that the program aims to "save lives and reduce property damage" by providing funds "for hazard mitigation planning, acquisition and relocation of structures out of the floodplain"<sup>14</sup> and other projects that would reduce communities' risk in future natural disasters. This program has traditionally awarded grants on a competitive basis using a 70-page guidance document that details several requirements and evaluation criteria to help ensure only the most critical and well conceived projects are funded.

In 2007, the program received \$101 million to fund competitively awarded projects – no earmarks. In the FY08 Homeland Security bill, pre-disaster mitigation got a boost, receiving \$114 million, but nearly half of that amount--\$51.3 million--was tied to 96 earmarked projects. Politically vulnerable lawmakers and appropriation committee members got the biggest chunk of change, though the money is really needed for

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<sup>14</sup> <http://www.fema.gov/government/grant/pdm/index.shtm>, last accessed February 13, 2008.

vulnerable communities and towns facing powerful future disasters. Members of the Appropriations Committee or House leadership pulled down more than 50 of these earmarks worth over \$37 million. And eighteen freshman Democrats considered politically vulnerable found their names next to \$4.3 million worth of earmarks.

**“Airdropped” Earmarks**

Earmarks that first appear in conference bills, instead of in the earlier House or Senate version, have come to be called “airdropped” earmarks. Since final conference reports cannot be amended, these projects effectively evade the already limited scrutiny and oversight earmarks receive during normal House and Senate consideration. Typically only the more powerful lawmakers are able to insert projects at this late stage.

Rules to restrict “airdropped” earmarks were instituted at the beginning of the 110<sup>th</sup> Congress. While this cut the number, it certainly didn’t eliminate the practice altogether. TCS analysis found 392 “airdropped” earmarks worth nearly \$1 billion in the FY08 spending bills.

	<b>FY08 Airdrop Earmark Total</b>	<b>Total Value</b>	<b>FY08 DHS Airdrop</b>	<b>DHS Value</b>	<b>FY08 MilCon/VA Airdrop</b>	<b>MilCon/VA Value</b>
<b>House</b>	266	\$568.2M	110	\$107.8M	70	\$347.9M
<b>Senate</b>	50	\$82.5M	3	\$26.6M	0	\$0
<b>Both</b>	76	\$301.40	2	\$15.5M	39	\$231.9M
<b>Total</b>	392	\$952.1M	115	\$150M	108	\$579.8M

Source: TCS analysis

House Appropriations Committee Chairman Obey originally planned to have the chamber vote on its spending bills and then later release the list of earmarks each bill contained. After a weeklong revolt by House Republicans, a deal was struck where the first two bills--Homeland Security and Military Construction/Veteran’s Affairs (MilCon/VA)--would be considered without earmarks and the rest have full disclosure. House-originated earmarks in the MilCon/VA bill didn’t appear until the final conference report was issued in November. The House-sponsored Homeland Security earmarks were not released until the Omnibus spending bill was filed at 1 AM on December 17, just hours before the bill was voted on at 11 PM. The lion’s share of airdropped earmarks were contained in these two bills, with 100 more dispersed throughout the remaining bills.

**The Challenges of Disclosure**

While the unprecedented disclosure of earmarks and sponsors made comprehensive and detailed analysis possible, there were some speed bumps along the road to full transparency.



One particular challenge is that the House and the Senate followed different rules and practices in disclosing earmark information. House leadership made new earmark disclosure rules a centerpiece of their “First 100 Hours” reform agenda, pledging to provide lists of earmarks and congressional requesters before bills went to the floor for votes. In addition, lawmakers were to submit request letters identifying beneficiaries and addresses or locations for the earmarks. These letters would be made available for public inspection. This resulted in close to 10,000 request letters being made public and earmark sponsor information available before the House voted on the bills. However, House leadership never promised to make the information available on the Internet, let alone in a user-friendly format. Inquiring minds seeking request letters were required to physically visit appropriations committee office in Washington, D.C.

The Senate did not share the zeal for reform displayed by the House leadership, but appeared to want to enjoy the benefit of the “reformer” label. The wide-ranging ethics and earmark disclosure bill that was the primary Senate vehicle for reform, S. 1, was first considered in January. At that time, Sen. Jim DeMint (R-SC) offered what he called the Pelosi-DeMint earmark transparency amendment. This amendment simply applied the same earmark transparency rules to the Senate that the House of Representatives had overwhelmingly adopted days before. Efforts made by leadership to kill the amendment using a procedural move failed. After other ill-fated attempts to scuttle the provision, Senate leadership moved forward by improving the measure, requiring disclosure of House-style request letters on the Internet. The strengthened provision – a stand-alone amendment on earmark disclosure - passed the Senate 98-0.

In July, prior to final passage of the ethics law, the Senate re-worked the disclosure language to the public’s detriment. Now, instead of request letters listing the purpose, beneficiary, and location of earmarks, the only letters from lawmakers that are publicly released are weak statements that the earmarks requested won’t result in personal financial gain. Senators only have to swear that they have not sponsored earmarks intended “to further only his pecuniary interest.”<sup>15</sup> Moreover, each Senate appropriations subcommittee disclosed its list of earmarks in a different format and with a different level of detail. The Senate Defense Appropriations bill--the most heavily earmarked bill in the Senate with the highest number of earmarks to private entities--disclosed no information about earmark beneficiaries.

Another challenge is posed by the fact that that House and Senate lawmakers co-sponsored earmarks in the Omnibus that were really obtained by lawmakers in the other

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<sup>15</sup> United States Senate, Committee on Rules & Administration, Standing Rules of the Senate, *RULE XXXVII CONFLICT OF INTEREST*, <http://rules.senate.gov/senaterules/rule37.php>, last accessed February 13, 2008.

chamber. For example, earmarks without any funding in the House bill appear with a House sponsor in the final bill. TCS found more than 2,900 of these piggy-back earmarks worth \$3.6 billion.

There is also the role of the Executive Branch. In this year's legislation, Congress also documented more than \$20 billion in presidential earmarks. While there is controversy over whether or not executive branch earmarks exist, simply put, they do. Specific projects or programs included in the president's budget request constitute earmarks. Though Congress included the President in their earmark disclosure tables, in some cases they played fast and loose with the facts. For example, in the FY08 budget request, the President divided funding for Operation and Maintenance of U.S. Army Corps of Engineers projects into 21 regions instead of line-item funding each of the hundreds of projects as had been traditionally done. The regional pots of funding were not earmarks. However, Congress turned around and broke up all of the regional funding in the hundreds of underlying projects and designated them Presidential earmarks. TCS ignored this earmark sleight-of-hand and included all of these as earmarks, listing the requesting member of Congress if disclosed, and listing as undisclosed any projects that didn't name a member of Congress.

Finally, one overriding challenge is the varying definitions of earmarks. While largely similar, Congress, the Office of Management and Budget (OMB), Congressional Research Service (CRS) 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.

## **Conclusion**

The first session of the 110<sup>th</sup> Congress was a mixed bag for earmark reform. The public knows more than ever about who wants to spend their tax dollars on what, and the total number and dollar amount of earmarks is down 23 percent from 2005 highs. But members of Congress didn't meet the 50% reduction promise made in the heady opening days of January 2007, and whether the process is more transparent is still an open question. The House provides amplifying information about the purpose, true beneficiary, and location of earmarks, but only provides the disclosure letters in paper form. The Senate doesn't provide that valuable information, and instead posts relatively worthless conflict-of-interest certification letters on the Internet.

Clearly, the road ahead is a bumpy one, but at least the journey has started. Here are a few recommendations to make the ride to transparency and accountability a smoother one.

***Don't Stop Here*** – Earmark numbers and costs are down, but Congress increased earmark levels fivefold in a decade: It will take several years of dieting to get back to reasonable, manageable earmark levels. There should only be hundreds of earmarks instead of thousands.

***Tell Taxpayers Where Their Money is Going*** – The House disclosure letters are a good start, but that information should be put on the Internet so everyone can see where the money is going. It's too much of a burden on average taxpayers to require a trip to the appropriations committee offices in Washington, D.C. The Senate should reinstate their unanimously supported rule change that required House-type disclosure letters to be posted on the Internet. Lawmakers should also take the step of disclosing all of their earmark requests on their congressional websites.

***Make Transparency Work*** – This year demonstrated some of the limitations of disclosure. In many instances, House or Senate lawmakers co-sponsored earmarks to the tune of \$3.6 billion in the Omnibus that were really obtained by lawmakers in the other chamber. Future appropriations bills need to be more specific regarding the amounts of money each lawmaker obtained for specific projects. Without better and more specific disclosure, the rules will be abused and rendered useless.

***Track Earmark History*** – For every presidential earmark in the budget request, there is an amplifying budget justification sheet that provides funding history, justification, and additional information about the project. The appropriations committee should post similar information for all projects included in spending bills.

***Accountability*** – A key rationale for transparency is giving citizens the ability to hold their elected officials accountable for the earmarks they request. This cannot happen if a lawmaker is no longer in office when an earmark is enacted. If a lawmaker retires or passes away mid-term, it should be up to their replacement to either support the earmark or withdraw the request. There are several instances where earmarks outlived their sponsor – literally. The late Rep. Millender-McDonald (D-CA) passed away in April 2007 and was replaced by Rep. Richardson (D-CA) shortly thereafter, yet there were still earmarks in the December Omnibus that disclosed Millender-McDonald as the sponsor. In one case, an “airdropped” earmark was inserted into a bill posthumously for the late Rep. Paul Gillmor (R-OH). A powerful Ohio Republican appropriator made sure the earmark got in, and the disclosure listed it as “Hobson for Gillmor”.

***No More Earmarks for Private Companies*** – In many instances earmarks for private companies are “laundered” through federal agencies allocating the funds. In at least a few instances, earmarks were directed specifically to particular companies. Earmarking to private companies is ripe for abuse. These are clearly areas that could benefit from normal competitive awards and funding through the procurement system.

***Ban “Secret” Earmarks*** - No earmarks in “black” (classified) budgets. No exceptions. There is \$94 million wrapped up in secret accounts. The opportunity for mischief is too great to allow earmarks in these accounts.

## Methodology

As a result of changes made by the House of Representatives this year, the process of finding earmarks in appropriations bills has changed from previous years. The primary difference is that earmarks must be identified in the legislation along with the sponsor. For the first time, TCS had a comprehensive list of “disclosed” earmarks to work with. In our databases, any earmark or group of earmarks described as disclosed indicates one that was expressly indicated in the bill as a congressional earmark.

Disclosed projects 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 the definition of an earmark, but aren’t expressly disclosed in the report or legislation as a congressional earmark. To find these undisclosed earmarks, TCS went through every word of every bill and included the provisions that applied in our comprehensive earmark database.

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.

Another change this year is that TCS compiled databases of earmarks in both the House and Senate versions of each bill, not just the final version. This was important for a number of reasons. First, when it came to compiling the final databases for each bill, TCS started by combining together the House and Senate versions, then going through the final version to see how it compares with what each chamber had previously earmarked. As a result, we are providing a much more complete picture of the earmarking process, and the final database illustrates the amounts requested by the House and Senate for each provision. This process also allows the user to see which earmarks were not funded in the final version (those with a Senate or House request but a zero in the final funding amount column) and which were “air-dropped” or added at the last minute (those with no House or Senate request that have a funding amount).

\*modified 2-29-08

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