

All About Pork: The History, Abuse, and Future of Earmarks



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Citizens Against Government Waste

Citizens Against Government Waste (CAGW) is a private, nonprofit, nonpartisan organization dedicated to educating the American public about waste, mismanagement, and inefficiency in the federal government.

CAGW was founded in 1984 by J. Peter Grace and nationally-syndicated columnist Jack Anderson to build public support for implementation of the Grace Commission recommendations and other waste-cutting proposals. Since its inception, CAGW has been at the forefront of the fight for efficiency, economy, and accountability in government.

CAGW has more than 1 million members and supporters nationwide. Since 1984, CAGW and its members have helped save taxpayers more than \$1.4 trillion. CAGW publishes special reports, its official newspaper *Government WasteWatch*, and the monthly online newsletter *WasteWatcher* to scrutinize government waste and educate citizens on what they can do to stop it. Internet, print, radio, and television news outlets regularly feature CAGW's publications and experts.



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History

Raiding the federal treasury to bring home the bacon has been a long-practiced Washington tradition. Year after year, lawmakers debase the political process by directing chunks of the federal budget back to their home districts and states in order to promote their re-election and reward special interests.

The U.S. Constitution grants to Congress the power to spend. Article I, Section 9, Clause 7 reads, “No money shall be drawn from the Treasury but by consequence of Appropriations made by Law.”

Washington insiders have espoused this power of the purse to validate Congress’s mushrooming appetite for pork. Prior to the moratorium on earmarks that began in fiscal year (FY) 2011, numerous members of Congress argued that ending the practice would equate to an unconstitutional delegation of spending discretion to the executive branch. On May 6, 2014, Senate Minority Leader Harry Reid (D-Nev.) even went so far as to say that the country has been using earmarks “...for more than 200 years.”¹

This statement rings hollow when compared to the evidence at hand. The Founding Fathers deemed that Congress could only spend money pursuant to those powers specifically enumerated in the Constitution. The 10th Amendment leaves all other responsibilities to the states.

For much of the nation’s history, constitutional objections from members of Congress, the president, and state legislatures were effective in limiting parochial spending. The First Congress rejected a bill to loan money to a glass manufacturer after several members challenged the constitutionality of the proposal. In a debate during the Second Congress over a bill to pay a bounty to New England cod fishermen, Rep. Hugh Williamson (S.C.) argued that it was unconstitutional “to gratify one part of the Union by oppressing the other...destroy this barrier; and it is not a few fishermen that will enter, but all manner of persons; people of every trade and occupation may enter in at the breach, until they have eaten up the bread of our children.”²

Thomas Jefferson made a similar prediction in a March 6, 1796, letter to James Madison, challenging Madison’s proposition for improvements to roads used in a system of national mail delivery. Jefferson wrote:

Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to members of Congress & their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues; but

1 Tim Ryan, “Harry Reid says Congress used earmarks for 200 years,” *PolitiFact*, May 13, 2014, <http://www.politifact.com/truth-o-meter/statements/2014/may/13/harry-reid/harry-reid-says-congress-used-earmarks-200-years/>.

2 John C. Eastman, “Eating Up the Bread of Our Children,” *Ashbrook*, Ashbrook Center at Ashland University, February 2006, <http://ashbrook.org/publications/oped-eastman-06-bread/>.

the other revenues will soon be called into their aid, and it will be a scene of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest.³

In 1817, President Madison vetoed a public works bill that would have paid for the construction of roads and canals. To Madison, the “father of the Constitution,” the clause “to provide for common defense and general welfare” did not grant Congress additional powers not enumerated in Article I, Section 8.⁴

Alexander Hamilton interpreted the general welfare clause more broadly as a separate grant of power. Yet even he believed that it was limited to matters of national importance and did not cover spending of a local or regional benefit.⁵

In 1822, President James Monroe argued that federal money should be limited “to great national works only, since if it were unlimited it would be liable to abuse and might be productive of evil.”⁶

In 1825, the South Carolina legislature passed a resolution which condemned “the taxing of the citizens in one state ‘to make roads and canals for the citizens of another state.’” Virginia and Georgia adopted similar resolutions in 1827.⁷

In the late 1800s, Grover Cleveland became known as the “king of the veto” for rejecting hundreds of congressional spending bills during his two terms as President. He often wrote: “I can find no warrant for such an appropriation in the Constitution.”⁸

Even as federal power vastly expanded during the twentieth century, Congress did not engage in pork-barrel spending (a phrase coined in the late 19th century to compare the rush toward a pile of tax dollars to the way slaves would crowd around barrels of salted pork at meal times) extensively until the 1980s. Instead, Congress would fund general grant programs and let federal and state agencies select individual recipients through a competitive process or formula. The House and Senate Appropriations Committees named specific projects only when they had been vetted and approved by authorizing committees. Members of Congress with local concerns would lobby the president and federal agencies for consideration. The process was aimed at preventing abuse and allocating resources on the basis of merit and need.

Unfortunately, the system devolved into a free-for-all of earmarking in the 1990s and

3 “Thomas Jefferson to James Madison, March 6, 1796,” *The Works of Thomas Jefferson*, the University of Chicago, 2000, http://press-pubs.uchicago.edu/founders/documents/a1_8_7s4.html.

4 “Veto of federal public works bill,” Constitution Society, http://www.constitution.org/jm/18170303_veto.htm.

5 Eastman, “Eating Up the Bread of Our Children.”

6 Ken Silverstein, “The Great American Pork Barrel,” *Harper’s Magazine*, July 1, 2005.

7 Forrest McDonald, *States’ Rights and the Union: Imperium in Imperio, 1776-1876*, November 2002, University Press of Kansas, Lawrence, Kansas, p. 93.

8 Lawrence W. Reed, “Government Should Not Support the People,” Mackinac Center for Public Policy, April 8, 2005, <https://www.mackinac.org/7440>.

first decade of the 21st century. Following his ascension to Speaker of the House in January 1995, Newt Gingrich (R-Ga.) began using earmarks as political currency in an effort to help get Republicans re-elected. A 1996 memo by the Speaker directed the chair of each House Appropriations subcommittee to open up earmarks to all members of Congress (not just appropriators), and especially to freshman Republicans who might face tough re-election fights.⁹ The memo included the following question: “Are there any Republican members who could be severely hurt by the bill or need a specific district item in the bill?”¹⁰

As a result of this shift in policy, the cost of earmarks under Gingrich jumped from \$7.8 billion in FY 1994 to \$13.2 billion in FY 1998, with the peak coming in FY 1997 at \$14.5 billion.

Speaker Gingrich’s actions caught the ire of many longtime anti-earmark activists, including then-Rep. Jeff Flake (R-Ariz.), who labeled him “the father of contemporary earmarking,” and Sen. John McCain (R-Ariz.), who stated Gingrich’s distribution of earmarks “led directly to the Abramoff scandal, Congressman Bob Ney going to jail and the corruption that I saw with my own eyes.”¹¹

In the decades leading up to the earmark moratorium, members of the appropriations committees arbitrarily and disproportionately picked winners and losers by earmarking funds for specific recipients, oftentimes in their own states or districts. For instance, Senate Appropriations Committee Ranking Member Thad Cochran (R-Miss.) received by far the most earmarks during FYs 2008-2010, the three years in which members of Congress were required to add their names to their requests. Sen. Cochran’s total of 716 earmarks cost taxpayers more than \$2 billion.

As a result of the power of appropriations committee members, rank and file members, backed by an army of lobbyists, would bypass authorizing committees and lobby appropriators directly for pet projects.

Earmark Definitions

A pork-barrel project is a line item in an appropriations bill that designates funds for a specific purpose in circumvention of normal budget procedures. In order to identify earmarks, Citizens Against Government Waste (CAGW) adopted seven criteria in conjunction with the bipartisan Congressional Porkbusters Coalition, and used them for the first time in its *1991 Congressional Pig Book*. To qualify as an earmark, a project must meet at least one of the following, but most satisfy at least two:

- Requested by only one chamber of Congress;

9 Alex Seitz-Wald, “How Newt Gingrich Crippled Congress,” *The Nation*, January 30, 2012, <http://www.thenation.com/article/how-newt-gingrich-crippled-congress/>.

10 Jonathan Karl and Gregory Simmons, “Newt Gingrich: Big Spender,” ABC News, December 15, 2011, <http://abcnews.go.com/Politics/newt-gingrich-big-spender/story?id=15163688>.

11 Seitz-Wald, “How Newt Gingrich Crippled Congress.”

- Not specifically authorized;
- Not competitively awarded;
- Not requested by the President;
- Greatly exceeds the President’s budget request or the previous year’s funding;
- Not the subject of congressional hearings; or
- Serves only a local or special interest.

Discrepancies exist among the House, Senate, and CAGW definitions of earmarks. The Senate defines an earmark (or “congressionally directed spending item,” as they label it) as the following:

The term ‘congressionally directed spending item’ means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.¹²

The House has a similar definition:

For the purpose of this clause, the term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula driven or competitive award process.¹³

Identifying a project as an earmark (many times referred to as “pork”) is not a subjective judgment of its merit. Rather, it refers to lapses in long-standing congressional procedures designed to review and consider the expenditure of taxpayer dollars based upon merit.

Pork projects are usually slipped into large spending bills without debate, competition, or input from the relevant federal agencies. The provisions are often not subject to a separate vote in the House or the Senate and frequently appear in legislation only hours before Congress votes on appropriations bills. Furthermore, pork projects are not subject to performance standards or the normal competitive process which occurs at the agency level. For the vast majority of the time that CAGW has been publishing its

12 “Congressionally Directed Spending and Related Items,” Senate Committee on Rules and Administration, accessed on September 30, 2015, <http://www.rules.senate.gov/public/index.cfm?p=RuleXLIV>.

13 “Rules of the House of Representatives,” House Committee on Rules,” accessed on September 30, 2015, <http://clerk.house.gov/legislative/house-rules.pdf>.

annual *Pig Book*, members of Congress were not required to attach their names to the earmarks they were requesting. The exception occurred between FYs 2008 and 2010.

Since 1991, CAGW's *Congressional Pig Book* has provided the authoritative list of earmarks in the federal budget. The *2015 Pig Book* highlighted 105 earmarks costing taxpayers \$4.2 billion. These totals are on the low end of the historic spectrum for both the number and cost of earmarks.

In the course of publishing 23 *Congressional Pig Books*, CAGW has identified 97,972 earmarks, costing taxpayers \$230.4 billion. This equates to an average of \$10 billion and 4,259 earmarks per year. Members of Congress packed the most earmarks into the federal budget in FY 2005, when CAGW found 13,997, and the \$29 billion in earmarks in FY 2006 was the highest amount appropriated thus far.

Regular readers of the *Pig Book* might recall the many outrageous items it has contained, such as \$50 million for an indoor rainforest in Coralville, Iowa in 2004;¹⁴ \$500,000 for the Sparta Teapot Museum in Sparta, North Carolina in 2006;¹⁵ and \$273,000 to combat goth culture in Blue Springs, Missouri in 2002.¹⁶ Political scandals have been connected to the practice of earmarking, with both legislators and lobbyists having served jail terms.

To reduce overall spending, curtail corruption, and hold elected officials accountable for wasteful spending, the practice of earmarking must be eliminated, not just subject to a moratorium. Short of a ban, Congress must make spending bills more transparent.

Earmark Moratorium

The earmark reform movement gained traction because of a number of factors, including the tireless work of members of Congress such as Sens. Flake and McCain, high-profile boondoggles such as the Bridge to Nowhere, the Democratic takeover of the House and Senate in 2006, and a decade of scandals that resulted in jail terms for Reps. Randy "Duke" Cunningham (R-Calif.) and Bob Ney (R-Ohio), and lobbyist Jack Abramoff.

On March 10, 2010, House Democrats banned earmarks directed to for-profit companies.¹⁷ The next day House Republicans went a step further, banning earmarks altogether for their caucus for one year,¹⁸ and Senate Republicans followed suit on

14 "2004 Congressional Pig Book Summary," *Citizens Against Government Waste*, 2004, <http://cagw.org/content/pig-book-2004>.

15 "2006 Congressional Pig Book Summary," *Citizens Against Government Waste*, 2006, <http://cagw.org/content/Pig-Book-2006>.

16 "2002 Congressional Pig Book Summary," *Citizens Against Government Waste*, 2002, <http://cagw.org/Content/Pig-Book-2002>.

17 Paul Kane, "House bans earmarks to for-profit companies," *The Washington Post*, March 11, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/10/AR2010031002084.html>.

18 Jordan Fabian and Molly K. Hooper, "House GOP votes to ban all earmarks," *The Hill*, March 11, 2010, <http://thehill.com/blogs/blog-briefing-room/news/86203-house-gop-approves-conference-wide->

November 16, 2010, announcing a two-year ban.¹⁹ In his State of the Union address on January 25, 2011, President Obama got in on the act, threatening to veto any legislation that contained earmarks.²⁰ Senate Democrats were the last to act, matching their Republican colleagues' two-year ban in the upper chamber on February 1, 2011.²¹

This uneasy truce among all these players is revisited, and, thus far, renewed each year. Sens. Claire McCaskill (D-Mo.) and Pat Toomey (R-Pa.) have repeatedly attempted to make the moratorium permanent, and introduced S. 309, the Earmark Elimination Act of 2015, on January 29, 2015. Prior iterations of this bill have died in committee each time they have been introduced.

In the six years since FY 2010, the last year members of Congress openly earmarked, legislators have passed the federal budget three times. Congress funded the government via continuing resolutions (CR) in FYs 2011, 2013, and so far in FY 2016. CRs implement funding levels from the prior year and do not allow members of Congress to insert funding for new programs; hence, no earmarks.

In the three years that Congress successfully passed the twelve appropriations bills – FYs 2012, 2014, and 2015 – there were no earmarks by the definitions adopted by the House and Senate.

However, by applying the definition it has used since 1991, CAGW has identified 366 earmarks costing taxpayers \$10.2 billion over this timeframe. These include \$465 million for three earmarks to upgrade the M1 Abrams tank, which is opposed by the Pentagon, and \$17.7 million for three earmarks for the East-West Center, championed by Senate appropriator Brian Schatz (D-Hawaii) and his predecessor, Sen. Daniel Inouye (D-Hawaii).

The Budget Process

On the first Monday in February, the president is supposed to submit to Congress the administration's budget request, a detailed outline of funding and policy priorities for the coming fiscal year. While Congress is not bound to adhere to the president's budget, the request is a reflection of the agencies' priorities and the President's signature is ultimately required to enact all spending bills into law.

[earmark-ban.](#)

19 Devin Dwyer and Matthew Jaffee, "Senate Republicans Ban Earmarks; Will Democrats Follow?", ABC News, November 16, 2010, <http://abcnews.go.com/Politics/earmark-moratorium-republicans-poised-ban-pork-barrel-spending/story?id=12155964>.

20 Sam Youngman, "President vows in State of the Union to veto any bill 'larded' with earmarks," The Hill, January 26, 2011, <http://thehill.com/homenews/administration/140189-obama-to-issue-earmark-veto-threat-in-state-of-the-union-address>.

21 Corey Boles, "Senate Democrats Announce Earmark Moratorium," *The Wall Street Journal*, February 1, 2011, <http://www.wsj.com/news/articles/SB10001424052748704124504576118633989795702?cb=logged0.7939253577496856>.

Congress is supposed to pass a budget resolution by April 15, in order to set spending and borrowing levels for the following five fiscal years. It allocates aggregate totals to the appropriations committees, which are meant to act as internal controls on discretionary spending. Although the budget resolution is enforceable through points of order and other rules, they are frequently waived, making the spending limits nonbinding. The budget resolution is not signed by the president and does not have the force of law.

The Constitution does not dictate a specific budget process for Congress to follow. Over the years, an amalgamation of laws and rules has established a twofold budget process that divides power between authorizing and appropriations committees.

Authorizing committees, such as the House Committee on Armed Services and the Senate Committee on Commerce, Science, and Transportation, are responsible for passing legislation that sanctions spending in specific areas. The committees can pass one year or multiyear authorization bills for programs and projects in their jurisdiction. The importance of authorizing committees lies in their role as screeners and evaluators of federal priorities. Such committees are charged with exercising oversight, holding hearings, and measuring results for programs within their purview.

Following the enactment (if any) of authorizing legislation, the ball moves to the appropriations committees, which are responsible for writing the spending bills that fund federal agencies and programs. Appropriations bills give federal agencies the legal authority to spend money from the Treasury for specified purposes. In short, authorizing committees approve spending and appropriations committees enact spending.

Not all federal spending filters through this two-step process. So-called direct spending bypasses the appropriations process. For entitlement programs like Medicare, spending is mandated by authorization legislation and remains on autopilot unless changed by subsequent authorization measures. Some direct spending, such as Medicaid, is funded in appropriations bills, but the amount appropriated is controlled by authorizing legislation. Consequently, appropriations committees control only about one-third of the federal budget, broadly referred to as discretionary spending.

In theory, members of Congress would have two avenues for acquiring funding for a favored project: encourage the beneficiary to submit a grant request to the relevant agency, or go on the record and argue for funding before an authorizing committee. In the first scenario, the agency would determine if the request should receive funding by applying a competitive formula, while the latter would involve congressional hearings that would add transparency and accountability to the budget process.

Earmarks bypass these screening methods entirely. Because they are inserted at the discretion of appropriators, they are not subject to the competitive process that exists in the agencies and are frequently not reviewed or specifically voted on by members of Congress.

In May of each year, the House and Senate appropriations committees divide the budget resolution into sub-allocations for the appropriations subcommittees. Each subcommittee writes the spending bill for the areas of government that it covers. The full appropriations committees may amend and must ultimately approve each of the bills. The subcommittees and the full committees “mark up” the bills with pork projects. The bills then go to the floor of their respective chambers for a full vote.

Appropriations bills are the most attractive vehicle for pork because they are annually scheduled and are seen as must-pass legislation, particularly because Congress tends to tackle them so late in the session. In addition, their vast size (especially in omnibus form) effectively screens individual projects from close scrutiny.

Upon passage of an appropriations bill, the House and Senate appoint conferees to write a compromise version that can pass both the House and the Senate by majority vote. Every appropriations bill requires its own conference. After the conference report is passed, the bills go to the president to sign.

Adding pork to conference reports is an especially abusive practice because negotiations involving a small numbers of legislators occur behind closed doors after each chamber has already passed its version of the bill. Conference reports, sometimes more than a foot thick, can include thousands of pork-barrel projects that have not been seen or voted on by either the House or the Senate. Members are often faced with passing a bloated conference report or beginning the process anew.

The potential for abuse is magnified by omnibus bills, which are multiple appropriations bills wrapped together in a single package. Congress often resorts to omnibus legislation after it fails to pass all of the appropriations bills before the start of the fiscal year. Omnibus packages are sometimes slapped together in the wee hours of the morning by congressional staffers. It is not uncommon for the resulting behemoth to contain varied fonts and hundreds of handwritten deletions and changes. Members of Congress barely have time to scratch the bill’s surface before it comes to the floor for a vote. Although members can raise points of order against projects added in conference, this rule is also frequently waived. Congress has resorted to utilizing omnibus legislation virtually every year for the past 15 years.

In an effort to increase transparency, the House of Representatives on January 5, 2011, adopted a rule stipulating that legislation be made available to the public for three days prior to a vote.²² However, this rule has become colloquially known as the “24-hours-and-two-seconds rule,” as members have taken to posting a bill just before midnight (e.g., on a Tuesday) and voting just after midnight three calendar days later (Thursday morning), thus satisfying the letter, if not the intent, of the rule.

22 Terence P. Jeffrey, “Republican ‘Pledge’ Depends on What the Meaning of ‘3 Days’ Is,” CNSNews.com, December 12, 2013, <http://cnsnews.com/mrctv-blog/terence-p-jeffrey/republican-pledge-depends-what-meaning-3-days>.

The mangled and secretive appropriations process bestows on congressional staffers an enormous amount of discretion and leverage in the crafting of legislation. The first members of Congress worked without staffs, researching and drafting legislation on their own. Since the Senate first authorized members to hire clerks with public funds in 1884, congressional staffs have ballooned in size and expense. Most of the grunt work of writing appropriations bills is delegated to staffers, who operate behind the same veil of secrecy as appropriations committee members but are not held accountable in elections.

Heavy reliance on staffers allows members of Congress to abdicate their responsibility to read and write the legislation they vote on, opening up new avenues for corruption and abuse. In one infamous example, in 1997 Jason Alderman, a staffer for the late Rep. Sidney Yates (D-Ill.), had an altercation with a policeman after being stopped for walking his dog without a leash in Meridian Hill Park in Washington, D.C. Alderman later had language added to a House appropriations bill ordering the National Park Service to build a dog run at the park “as expeditiously as possible.”²³ Rep. Yates was unaware of the earmark until it appeared in a column by the late journalist (and CAGW co-founder) Jack Anderson.²⁴

In addition to secrecy, there is a stark lack of accountability in the appropriations process. Every appropriations bill has been declared earmark-free since the imposition of the moratorium, so the requirement that members who request earmarks be identified no longer exists. It is now extremely difficult to establish a firm connection between a member of Congress and a specific earmark, unless the member openly takes credit for the project. Circumstantial evidence can sometimes point to the likely sponsor of a specific project. The most telling clue is the district or state where the project’s recipient is located, if this information is made available. If a project is added to the House version but not the Senate version of a bill, and the recipient is based in the district of a House Appropriations Committee member, that member is most likely the culprit. However, more often than not, the recipient and location of the funded project is not listed. CAGW also looks for evidence that the member has requested funding for that project in the past in order to identify the legislator most likely responsible.

Although there are fewer earmarks since Congress adopted the earmark moratorium, far more money has been spent on average for each earmark, with no detailed information provided. In years past, individual locations (e.g., a bike path in a certain city) would appear next to the funding amount. The current trend sees members earmarking funding for an account that is responsible for that sort of spending (in this case, the Heritage Partnership Program), with the funding distributed at a later date, without transparency or accountability.

23 Linda Wheeler, “Mutts Ado About Nothing,” *The Washington Post*, January 30, 1997, <http://www.washingtonpost.com/archive/politics/1997/01/30/mutts-ado-about-nothing/e92ed8f1-499f-4ab2-81b2-e102ed2a60ae/>.

24 James Bovard, *Freedom in Chains: The Rise of the State and the Demise of the Citizen*, St. Martin’s Press, New York, New York, 2000, p. 113.

In a perfect demonstration of the new era of earmarking, the \$25 million earmark for the National Predisaster Mitigation Fund appearing in the FY 2015 Department of Homeland Security bill corresponds to 58 earmarks totaling \$24.6 million for the same program in FY 2010. In other words, the average dollar amount for the 58 earmarks in FY 2010 was \$424,138, while the cost for a single earmark for the same purpose in FY 2015 was \$25 million. The “Congressionally Directed Spending” section at the end of the FY 2010 bill contained the names of the members of Congress requesting each project and its location, as required by the pertinent transparency rules. In stark contrast, the single FY 2015 earmark, which is \$400,000 greater than the combined total of the 58 FY 2010 earmarks, contained no such information and simply created a pool of money to be distributed at a later date without any specific information about the eventual recipients or the member of Congress who requested the earmark.

Corruption and Conflicts of Interest

Throughout the years, members of Congress have been plagued by multiple scandals relating to earmarks. In addition, numerous examples exist of legislators directing earmarks to locations very close to real estate they or their family members own. The following is a brief rundown:

- In 2010, a \$900,000 earmark requested by Rep. Bennie Thompson (D-Miss.) was used to repave approximately two dozen roads in Hinds County, including roads servicing three homes owned by Rep. Thompson, and one owned by his daughter.²⁵
- Between FYs 2002 and 2010, House Appropriations Committee Chairman Harold Rogers (R-Ky.) earmarked \$7.1 million to a revitalization project covering a half-mile strip of College Street, where Rep. Rogers lives. The project narrowed the street, buried utility lines, rebuilt streets and sidewalks, and developed new curbs and decorative lamps.²⁶
- Between FYs 2008-2010, House appropriator Kay Granger (R-Texas) requested \$51.9 million in earmarks to reroute the Trinity River in downtown Fort Worth. Rep. Granger and her son co-owned a condominium building approximately a half mile south of the project, and her son directed the group overseeing the project.²⁷
- Between FYs 2008-2010, Sen. James Inhofe (R-Okla.) earmarked \$1.8 million for a road-widening study in Owasso, including a portion of a road that passes in

25 David S. Fallis, Scott Higham, Kimberly Kindy, and Bobbye Pratt, “Mapping the Earmarks,” *The Washington Post*, February 6, 2012, <http://www.washingtonpost.com/wp-srv/special/capitol-assets/mapping-the-earmarks/>.

26 Ibid.

27 Ibid.

close proximity to property owned by his wife.²⁸

- Between FYs 2008-2010, Rep. Frank LoBiondo (R-N.J.) earmarked \$4.7 million for “beach monitoring and nourishment” in Ventnor City, where the legislator owns a home 850 feet from the shore.²⁹
- Between FYs 2008-2010, Sen. Richard Shelby (R-Ala.) earmarked more than \$250 million to projects lobbied for by his former staffers, including \$175 million for the University of Alabama System. According to a July 29, 2010, *Politico* article, “Shelby’s influence is hard to miss at Alabama campuses. There’s Shelby Hall at The University of Alabama at Tuscaloosa. In 2008, the Huntsville campus opened the Shelby Center for Science and Technology at a cost of \$60 million — two-thirds of it built with federal dollars. The University of Alabama at Birmingham is home to the Richard C. and Annette N. Shelby Interdisciplinary Biomedical Research Building.”³⁰
- In FY 2009, Rep. Linda Sanchez (D-Calif.) earmarked \$475,000 for traffic signal modernization, including one traffic light that was located a mile from her home.³¹
- In FY 2009, Rep. Lamar Smith (R-Texas) requested a \$950,000 earmark to improve three local intersections, including one a few blocks from his house.³²
- Between FYs 2008 and 2009, Rep. Darrell Issa (R-Calif.) requested two earmarks to widen a road less than a mile from a medical building that he owned.³³
- For more than a decade, House Minority Leader Nancy Pelosi (D-Calif.) earmarked \$50 million for a light-rail project linking the San Francisco neighborhoods of Union Square and Chinatown with neighborhoods south of Market Street. Rep. Pelosi’s husband owns a commercial building adjacent to Union Square.³⁴

Each of the previous examples occurred prior to the institution of the earmark moratorium beginning in FY 2011. While optimists might conclude that the moratorium has reduced corruption, the reduced transparency has made corruption more difficult to spot. Without the names of members of Congress responsible and the identification of specific locations for funding, linking earmarks to self-serving legislators has become virtually impossible.

28 Ibid.

29 Ibid.

30 Manu Raju and John Breshnahan, “Shelby steers cash to ex-aides,” *Politico*, July 29, 2010, <http://www.politico.com/story/2010/07/shelby-steers-cash-to-ex-aides-040388?paginate=false>.

31 Fallis, Higham, Kindy, and Pratt, “Mapping the Earmarks.”

32 Ibid.

33 Ibid.

34 Ibid.

A Return to the Bad Old Days

Almost as soon as the earmark moratorium began, numerous legislators from both sides of the aisle began publicly pining for the halcyon days of uncontrolled earmarking. A variety of justifications have been used, from the age-old excuse of congressional authority ceded to the executive branch to complaints that earmarks are a necessary contrivance to avoid gridlock and get legislation moving again.

A return to the pork-barrel track will inevitably mean an increased risk of corruption, the potential for an explosion in earmarks compared to current levels, and the enactment of more costly legislation. There are also concerns regarding which legislators benefit most in a system with openly-incorporated earmarks. As Sen. John McCain (R-Ariz.) explained on May 7, 2014, regarding those making the case for a return to earmarks, “The problem with all their arguments is: the more powerful you are, the more likely it is you get the earmark in. Therefore, it is a corrupt system.”³⁵

Some of the more noteworthy examples of members of Congress advocating for a return to a systematic earmark process follow, along with information on the earmarks that can be linked to that legislator during FYs 2008-2010:

- On October 21, 2015, Rep. Emanuel Cleaver (D-Mo.) sent a letter to House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.) calling for a return of earmarks to ease gridlock. According to Rep. Cleaver, “Congress is suffering from a despicable disease of gridlock ... Congress used the practice of congressionally-directed spending for negotiating purposes ... and [to] keep the legislative process moving.”³⁶ Between FYs 2008 and 2010, Rep. Cleaver received 54 earmarks costing \$107.6 million for an average rank of 190th in the House.
- During a closed-door meeting on November 14, 2014, Rep. Mike Rogers (R-Ala.) attempted to convince his fellow Republican lawmakers to restore earmarks. Rep. Rogers stated, “I do not believe most people trust how President Obama spends our tax dollars. ... This proposal would allow a conservative, Republican-controlled House to reassert its Constitutional authority over the Obama Administration and the spending decisions it is currently making.”³⁷ In 2012, during a similar Republican conference meeting, Rep. Rogers reportedly complained that Congress couldn’t get anything done without earmarks and urged his Republican colleagues to lift the ban. For his efforts, Rep. Rogers was named CAGW’s “Porker of the Month” in November 2014 and April 2012.

35 Burgess Everett, “Earmarks divide Republicans,” *Politico*, May 7, 2014,

<http://www.politico.com/story/2014/05/earmark-debate-congress-106470#ixzz3p2skvKf2>.

36 Lauren French, “Cleaver revives push to bring back earmarks,” *Politico*, October 22, 2015,

<http://www.politico.com/story/2015/10/emanuel-cleaver-revives-earmark-push-215049>.

37 Matt Fuller, “New House GOP Rules Impact Medals, Gavels – and Paul Ryan?” *Roll Call*, November 14, 2014, <http://blogs.rollcall.com/218/new-house-gop-rules-impact-medals-gavels-and-paul-ryan/>.

Between FYs 2008 and 2010, Rep. Rogers received 96 earmarks costing \$92.1 million for an average rank of 169th in the House.

- On October 1, 2014, Senate appropriator Dick Durbin (D-Ill.) asserted that the earmark moratorium has “created a situation where you can’t get transportation bills passed.”³⁸ Sen. Durbin has also referenced the bipartisan nature of earmarks, claiming in April 2014 that they were the “glue that held everybody together, Democrats and Republicans, working for a common goal.”³⁹ Between FYs 2008 and 2010, Sen. Durbin received 352 earmarks costing \$664.2 million for an average rank of 25th in the Senate.
- Rep. Don Young (R-Alaska) has long been a preeminent congressional porker, and remains unapologetic. In a May 15, 2014, *Alaska Public Media* article, Rep. Young chided Republicans, “I don’t know what’s wrong with my party ... I frankly think they had their head in the sand, when they said ‘We can’t have earmarks. We have to balance the budget.’ We transferred that power to the president.”⁴⁰ In a July 24, 2013, *National Journal* article, Rep. Young stated, “I’m fed up with this idea that we’re ceding power. Why the hell are we congressmen?”⁴¹ Between FYs 2008 and 2010, Rep. Young received 76 earmarks costing \$210.4 million for an average rank of 124th in the House.
- On May 14, 2013, Rep. Shuster stated that “There are some in Washington who say we shouldn’t have that role. I just say they are wrong,” and “at some point we have to bring [earmarks] back.”⁴² Between FYs 2008 and 2010, Rep. Shuster received 70 earmarks costing \$68.4 million for an average rank of 213th in the House.
- As the member of Congress who requested the most earmarks during FYs 2008-2010, it is no surprise that Senate Appropriations Committee Chairman Thad Cochran is in favor of a return to an open earmark system. On May 13, 2014, he claimed, “I think earmarks have gotten a bad name.”⁴³

38 Keith Laing, “Durbin: Earmark ban preventing federal transportation bills,” *The Hill*, October 2, 2014, <http://thehill.com/policy/transportation/219545-durbin-earmark-ban-created-a-situation-where-you-cant-get>.

39 “Editorial: Bribery (aka the earmark) attempts a comeback in Congress,” *The Washington Times*, April 24, 2014, <http://www.washingtontimes.com/news/2014/apr/24/editorial-bribery-makes-a-comeback/>.

40 Liz Ruskin, “Earmarks: Congress Mulls Return of Practice that Enriched Alaska,” *Alaska Public Media*, May 15, 2014, <http://www.alaskapublic.org/2014/05/15/earmarks-congress-mulls-return-of-practice-that-enriched-alaska/>.

41 Amy Harder, “Shhhh. Republicans Are Defending Earmarks,” *The National Journal*, July 24, 2013, <http://news.yahoo.com/shhhh-republicans-defending-earmarks-113831295.html>.

42 Sam Kennedy, “Transportation chief says infrastructure is at risk,” *The Morning Call*, May 14, 2013, http://articles.mcall.com/2013-05-15/business/mc-shuster-talks-transportation-20130515_1_transportation-chief-senior-shuster-congressional-district.

43 Jaime Fuller, “Is Thad Cochran’s win a win for earmarks?” *The Washington Post*, June 25, 2014, <https://www.washingtonpost.com/blogs/the-fix/wp/2014/06/25/earmarks-were-either-going-to-be-the->

- In a May 7, 2014, *Politico* article, Senate appropriator Lisa Murkowski (R-Alaska) opined, “It was wrongheaded. ... When you basically say: ‘Agencies, you set the priorities,’ I’m not down with that. And I don’t think that a lot of my colleagues are, but I think they’ve trapped themselves into a box and they can’t figure out how to get out. Because they have convinced their constituents that we are totally out of control.”⁴⁴ Between FYs 2008 and 2010, Sen. Murkowski received 170 earmarks costing \$410.4 million for an average rank of 59th in the Senate.
- The same *Politico* article included a quote by another earmark apologist, Senate appropriator Roy Blunt (R-Mo.). Sen. Blunt complained about the centralization of federal funding in the federal agencies, stating “It’s a legitimate constitutional question as to who is supposed to direct the way the money is spent; is it the Congress or the president? We need to figure out some way that the Congress can direct the way the money is spent in the country without the people we work for feeling concerned about the way the process works.”⁴⁵ As a member of the House between FYs 2008 and 2010, Sen. Blunt received 67 earmarks costing \$106.3 million for an average of 142nd in the House.
- Sen. Inhofe also expressed support for the return of earmarks in the article, claiming, “People have demagogued the issue to death; they’ve stood on the floor of the Senate. The Constitution’s on our side. ... They’re afraid of the issue because there’s so many people out there who will beat them up about it.”⁴⁶ Between FYs 2008 and 2010, Sen. Inhofe received 224 earmarks costing \$331 million for an average rank of 65th in the Senate.
- Senate Minority Leader Harry Reid has long championed a return to earmarks. On May 6, 2014, Sen. Reid proclaimed, “I have been a fan of earmarks since I got here the first day.”⁴⁷ Using the Orwellian phrase “congressionally directed spending” that many members of Congress prefer over “earmark,” Sen. Reid stated on June 26, 2014, “I have never backed down from my support of congressionally directed spending. ... That’s our constitutional obligation and duty. I do not believe that the White House should make all these decisions. I am proud of all the earmarks I have gotten for the state of Nevada. They’ll come back – it’s only a question of time because that’s our constitutional obligation.”⁴⁸ Sen. Reid’s comments in 2014 were preceded by his early disdain for the

[end-of-thad-cochran-or-his-saving-grace-this-time-they-tk-him/](#).

44 Everett, “Earmarks divide Republicans.”

45 Ibid.

46 Ibid.

47 David Lightman, “Reid: ‘I have been a fan of earmarks,’” *Miami Herald*, May 6, 2014,

<http://www.miamiherald.com/latest-news/article1963999.html>.

48 Sam Stein and Ryan Grim, “Harry Reid Wants To Revive Earmarks And Says A Top House Republican Does Too,” *Huffington Post*, June 26, 2014, http://www.huffingtonpost.com/2014/06/26/harry-reid-earmarks_n_5531388.html.

earmark moratorium. On March 8, 2011, he described the termination of an earmark for the Cowboy Poetry Festival in Elko, Nevada as “mean-spirited,” and that without federal funds, the festival and “the tens of thousands of people who come there every year would not exist.”⁴⁹ His overly dramatic description of these dire consequences was dismissed a day later by a spokesman for the festival, who said that the federal government contributed only 7 percent of the funds for the event, and that he and his fellow cowboys “could certainly continue if we lose that funding... .”⁵⁰ For his absurd claim that the funds for the festival constituted essential federal spending, CAGW named Sen. Reid the March 2011 “Porker of the Month.” Between FYs 2008 and 2010, Sen. Reid received 462 earmarks costing \$712.8 million for an average of 18th in the Senate.

- Given the power and responsibility that she would inherit if Democrats retake the House, House Appropriations Committee Ranking Member Nita Lowey (D-N.Y.) would love to see the return of a normal earmarking system. On January 20, 2013, Rep. Lowey stated, “Earmarks, in a responsible way, where it’s all public, you know what you want and you know what you’re going to get, I think it’s very, very helpful, because who knows the district better than a member?”⁵¹ Between FYs 2008 and 2010, Rep. Lowey received 129 earmarks costing \$64.7 million for an average of 215th in the House.
- Despite already having his name plastered all over the University of Alabama System, Senate appropriator Richard Shelby wants more. On January 7, 2013, he stated that “I think the term ‘earmarks’ is pejorative, but if anybody had something authorized and then appropriated, both, with balance, that might come back in some form.”⁵² Between FYs 2008 and 2010, Sen. Shelby received 424 earmarks costing \$905 million for an average of 13th in the Senate.
- On the other hand, some members of Congress have undergone a shift akin to a religious conversion when it comes to earmarks. Between FYs 2008 and 2010, Senate Majority Leader Mitch McConnell received 195 earmarks costing \$451.7 million for an average of 47th in the Senate. Sen. McConnell now claims to have seen the light. He stated in November 2010, “Make no mistake. I know the

49 Josiah Ryan, “Reid attacks GOP budget for trying to cut money for Nevada’s cowboy poetry festival,” *The Hill*, March 8, 2011, <http://thehill.com/blogs/floor-action/senate/148065-reid-attacks-gop-budget-for-trying-to-cut-money-for-nevadas-cowboy-poetry-festival>.

50 “All hat and no cattle? Cowboy poetry event boss talks funding,” NBC News, March 9, 2011, <http://firstread.nbcnews.com/news/2011/03/09/6229485-all-hat-and-no-cattle-cowboy-poetry-event-boss-talks-funding>.

51 Katie Glueck, “Rep. Lowey: Bring back earmarks,” *Politico*, January 20, 2013, <http://www.politico.com/story/2013/01/nita-lowey-bring-back-earmarks-086466>.

52 Mary Orndorff Troyan, “Shelby takes top GOP seat on Appropriations,” *USA Today*, January 7, 2013, <http://www.usatoday.com/story/news/politics/2013/01/07/richard-shelby-appropriations-committee/1815081/>.

good that has come from the projects I have helped support throughout my state. I don't apologize for them. But there is simply no doubt that the abuse of this practice has caused Americans to view it as a symbol of the waste and the out-of-control spending. ... Nearly every day that the Senate's been in session for the past two years, I have come down to this spot and said that Democrats are ignoring the wishes of the American people. When it comes to earmarks, I won't be guilty of the same thing."⁵³

Negative Consequences of Earmarks

Thankfully, cases of out-and-out bribery are rare. But pork-barrel spending is a form of corruption, by which tax dollars are doled out on the basis of political favoritism and to advance the careers of Washington insiders rather than on the merit of individual projects. Waste and abuse have proliferated in the absence of transparency, accountability, and a competitive process.

Earmarks Adversely Affect Agency Priorities

A commonly-held notion regarding earmarks is that agencies are appreciative of the increase in funding. However, multiple studies have highlighted the profoundly negative consequences the projects can have at the agency level.

A September 7, 2007, Department of Transportation Office of Inspector General (IG) report analyzed the cost, oversight, and impact of earmarks for FY 2006.⁵⁴ The report disclosed that 7,724 of the 7,760 earmarks for the Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration "either were not subject to the agencies' review and selection processes or bypassed the states' normal planning and programming processes."

Some of the earmarks the IG found went to high-priority projects and would have been fully funded even without earmarks. However, the IG found that many low priority projects "are being funded over higher priority, non-earmarked projects; and other earmarks are providing funds for projects that would otherwise be ineligible." For example, "Funding these new low priority projects in FY 2006 added to the already substantial backlog of replacement projects from earmarks in prior fiscal years and caused FAA to delay the planning of its higher priority replacement projects by at least 3 years."

A 2009 study by University of Virginia professor Dr. James Savage on earmarks directed to the Office of Naval Research (ONR) found substantial hidden costs associated with

53 "McConnell on Earmarks: The People Have Spoken—I'm Listening," Press Release, November 15, 2010, http://www.mcconnell.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=27fae162-21bd-4e6e-a985-b474921ca80f.

54 "Review of Congressional Earmarks Within Department of Transportation Programs," Department of Transportation Office of Inspector General, September 7, 2007, https://www.oig.dot.gov/sites/default/files/Congressional_Earmarks- AV-2007-66----508_Compliant.pdf.

the projects.⁵⁵ According to Dr. Savage, earmarks create transaction and opportunity costs, including “time, energy and resources devoted to searching for and obtaining information, the costs of bargaining and coordinating agreements among actors, and the costs of monitoring and achieving contractual compliance between principal and agent.” Agencies are forced to manage the additional workload of administering earmarks without a corresponding increase in funding.

Dr. Savage interviewed a senior ONR officer on the burden created by earmarks who said, “We cannot budget to perform congressional work, congressional earmarks. We can only budget our internal services to match what is in our presidential budget submission. So when congressional work comes in, it’s loaded on top of what everyone else in this building has to do: whether it’s our comptrollers who process the financial part, our program people, or our contract shop. We do not budget to do that work.”

The report also pointed out an additional cost of earmarks: the projects are frequently not added to the baseline budget for that agency. As a result, earmarks crowd out funding that the agency had anticipated using in a different area.

Earmarks are a currency of corruption

The budget process is willfully rigged so that lawmakers and lobbyists can conceal their actions from taxpayers. In the absence of accountability, pork-for-donations and pork-for-votes trades become more appealing and less risky.

Earmarks award special interests at the expense of taxpayers

Pork-barrel spending transfers wealth from everyday taxpayers to special interests which can afford access to power. Most of the projects have no real benefit for the vast majority of Americans.

Earmarks result in a biased redistribution of taxpayer dollars

The mad dash for earmarks pits states and congressional districts against each other at the expense of taxpayers nationwide. A disproportionate amount of the booty always goes to the states and districts of appropriations committee members. These politicians make off with more than their fair share simply because they are well-placed to do so, not because the people they represent are more deserving.

Serving the particular needs and wants of states and communities is not a core responsibility of the federal government

The Founding Fathers understood that government is most accountable and effective when it is close to the people. The Constitution authorizes the federal government to

55 James D. Savage, “The Administrative Costs of Congressional Earmarking: The Case of the Office of Naval Research,” *Public Administration Review*, May-June 2009, pp. 79-88.

exercise only a few specific powers of national importance and reserves the rest to the states. A city council or state government is much better suited to match spending priorities with local needs than a member of Congress or a federal bureaucrat. Local politicians have fewer constituents and are more accessible. With the sphere of government restricted, voters can keep a closer eye on how tax dollars are spent.

Furthermore, it is wasteful for taxpayers to send their money on a round trip to Washington to fund local projects. The federal government is like an expensive middleman, subtracting a hefty administrative cost from whatever it sends back to the states. It would make more sense for Congress to lower the federal tax burden and let states and local communities meet more of their own needs.

Earmarks corrupt academia and impede scientific research

Earmarking funds for facilities and research at academic institutions has always been a controversial practice. According to Dr. Savage, since the 1950s the federal government has relied primarily on the peer or merit review process for distributing research dollars. Peer review was mandated by legislation that created the research and facilities programs. Research agencies select panels of experts to evaluate applications and award grants on the basis of scientific and other criteria. Formal competition helps to insulate the process from politics and political favoritism.

Dr. Savage traced the beginning of academic earmarking to 1983, when the presidents of Columbia University and The Catholic University of America decided to use their institutions' political influence in Congress to win direct appropriations. The practice met with intense opposition from higher education lobbies, prestigious scientific societies, science journals, university presidents, and some elements of the mainstream media.⁵⁶

Members of Congress often decry the agency bureaucrats who would make decisions in the absence of their wise intervention. But, as Dr. Savage explained, peer review is "rooted in history, doctrine, law, as well as its practical effectiveness in promoting academic science." It "came to be regarded as a central factor in the American research university's almost astonishing ability to produce on a regular basis first-class, cutting-edge basic science."⁵⁷

Dr. Savage was quoted in a July 2005 issue of *Harper's Magazine* as follows:

Academic research is supposed to be peer-reviewed, with the idea being that the best science wins out. But with earmarks, quality has nothing to do with it. Schools get research funds simply because they are in a powerful member's district or have the money to hire a lobbyist.⁵⁸

⁵⁶ James D. Savage, *Funding Science in America: Congress Universities, and the Politics of the Academic Pork Barrel*, Cambridge Press, New York, New York, 2000, p. 1.

⁵⁷ *Ibid.*, pp. 5-6.

⁵⁸ Silverstein, "The great American pork barrel."

In addition to the lack of quality, the earmark's purpose may have little to do with an agency's mission. The *Harper's* article noted that some universities have received earmarks for advanced research, even though they do not have graduate programs in the relevant fields.

Defenders of academic pork often depict peer review as an inherently biased process that concentrates funding in a small number of elite institutions. However, a number of evaluations from congressional committees, federal agencies, the Government Accountability Office, and the Congressional Research Service have found peer review to be generally fair and procedurally sound.⁵⁹ Furthermore, if Congress is dissatisfied with federal programs, it can pass legislation to revise the rules and formulas by which they operate.

Furthermore, if peer review critics are correct, one would expect the institutions that benefit from earmarks to become more competitive with established institutions over time. Dr. Savage's examination of states' and institutions' federal research ranking shows mixed results.⁶⁰

While the peer review model is not perfect, it is the best possible means for distributing federal research dollars. The alternative is to allow members of Congress to earmark everything. Not only would members have to become experts in every field, but they would have to spend countless hours sifting through hundreds or thousands of grant applications.

The whole purpose of government involvement in science is to advance policy goals, not to equalize wealth across the nation's thousands of institutions of higher learning. Federal research programs should support the best possible science at the lowest possible cost. Earmarking causes an inefficient allocation of resources, resulting in a net loss to science and taxpayers.

Earmarks lead lawmakers to neglect more important duties

Pork is often described as a lubricant for the legislative process. Congressional leaders get bills passed by offering or withholding funds for pet projects.

The more time legislators spend wheeling and dealing for pet projects, the less time they have to spend on issues of national importance. Earmarks condition lawmakers to believe projects are essential to getting re-elected.

Earmarks disperse costs and concentrate benefits

Pork exaggerates a problem inherent to all government spending. The recipient of

⁵⁹ Savage, *Funding Science in America: Congress Universities, and the Politics of the Academic Pork Barrel*, p. 38.

⁶⁰ *Ibid.*, p. 158.

government funding benefits while the cost is added to the national debt or spread across millions of taxpayers. The benefit is immediate and the cost is abstract, removing the incentive for fiscal restraint.

For example, taxpayers in an individual community may oppose spending millions of dollars on a museum. However, if federal money can be appropriated for that same purpose, the project seems more justifiable and certainly far less costly as the burden is shared by all of the nation's taxpayers. Federal money, therefore, is spent on projects that would not be otherwise defensible to local constituents.

Earmarks contribute to the meltdown of spending restraint in Washington

Earmarks have a cultural effect that is greater than the projects' dollar cost. If members of Congress get accustomed to spending money to impress constituents, the resulting mentality will spill over into other areas. Furthermore, local pork crowds out consideration of larger issues in the minds of voters, conditioning them to judge elected officials based only on their ability to attain funding for local projects. Earmarks are a gateway drug to the government spending addiction.

Earmarks allow members of Congress to indulge their narcissistic vices

Members of Congress have long been attracted to creating "Monuments to Me." Traditionally, government structures were named only for members of Congress upon their departure from office or postmortem. That is no longer the case. CAGW's "Byrd Droppings" chronicled more than 30 roads and facilities in West Virginia named after the late Senator Robert C. Byrd (D-W.Va.) before he passed away in 2010, including the Robert C. Byrd Green Bank Telescope, the Robert C. Byrd Highway, and the Robert C. Byrd Hardwood Technologies Center. Former senators Tom Harkin (D-Iowa), Daniel Inouye (D-Hawaii), and Arlen Specter (D-Pa.) were also guilty of this behavior during their time in office.

Earmarks help to fortify an entrenched political class

Voters consistently re-elect their own representatives while giving negative marks to Congress as an institution. It is not a stretch to speculate that pork has been at the root of this paradox. There are many reasons for widespread frustration with Congress: an inability to pass necessary legislation such as a budget on time; the national debt; and, the impending collapse of entitlement programs. Members' securing funding for local projects can have the effect of pulling the wool over the eyes of taxpayers.

A Future with Less Transparency and Accountability

Each of the appropriations bills passed since the initiation of the earmark moratorium was certified as "earmark-free" according to Congress's definitions. CAGW believes this claim can be challenged based on the inclusion of projects that have appeared in past appropriations bills as earmarks. In fact, in addition to its long-standing seven-point

criteria, CAGW implemented a further screening process since the earmark moratorium went into effect. To qualify as an earmark, a project or program also had to appear in prior years as an earmark. The total number and cost of earmarks identified by CAGW since FY 2010 are therefore quite conservative.

The question for those in Congress who continue to deny the existence of earmarks in appropriations bills approved in the past six years is: Why were these projects previously considered earmarks, but not after the moratorium was established?

Unfortunately, the earmark moratorium has not only failed to eliminate earmarks, but has also made the process patently less transparent. There are no names of legislators, no list or chart of earmarks, and limited information on where and why the money will be spent. Earmarks have been scattered throughout the legislative and report language, requiring substantial detective work to unearth each project. If experienced investigators at CAGW have difficulty locating the new earmarks, the public has little chance.

Although the lower number and cost of earmarks during the moratorium are an improvement relative to many prior years, especially compared to the record \$29 billion in earmarks set in FY 2006, transparency and accountability have regressed immeasurably.

This raises disturbing questions for the future, particularly since representatives and senators from both sides of the aisle continue to clamor for their revival. One of the most frequently used arguments in favor of earmarks is that they would help pass certain spending bills. In the past, members have voted for excessively expensive legislation because they have received a few earmarks, which means the moratorium has helped restrain spending. Should Congress get back on the pork-barrel track, there will be an increased risk of corruption, the potential for an explosion in earmarks, and the enactment of more costly legislation.

Conclusion

Despite the justifications espoused by members of Congress, earmarks are a modern extravagance, not an ancient tradition. The Constitution does not give Congress a blank check to spend tax dollars on any particular local project legislators might favor; the Founding Fathers never intended for Congress to behave in this manner. Spending money on a teapot museum is not an appropriate exercise of Congress's power of the purse.

Earmarks create a few winners (appropriators, special interests, and lobbyists) and a great many losers (taxpayers). They contribute to the deficit directly, by tacking on extra funding, and indirectly, by attracting votes to costly legislation that might not otherwise pass. Earmarks corrupt democracy by eclipsing more important matters in the minds of legislators and voters.

The congressional tug-of-war over agencies' budgets dilutes the effectiveness of federal programs and impedes progress toward national policy goals. Over the course of the past several decades, earmarks were not the last resort for many members of Congress, but rather the primary means to ensure re-election. These problems might very well become worse in the near future, as many legislators long to return to an open, organized method of earmarking.

While the earmark moratorium succeeded in significantly diminishing the number and cost of earmarks, transparency and accountability have also been reduced. Congress must work to permanently ban earmarks and, until then, transparency must again be incorporated into the system. CAGW, which "pioneered anti-earmarking" according to a November 8, 2015, *Washington Times* article, will be on the lookout for the next evolution in earmarks.⁶¹

⁶¹ Stephen Dinan, "Alaska kills infamous 'bridge to nowhere' that helped put end to earmarks," *The Washington Times*, November 8, 2015, <http://www.washingtontimes.com/news/2015/nov/8/alaska-kills-bridge-to-nowhere-that-helped-put-end/>.