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Will Earmark Reform Stop Earmarks?

by Amy K. Frantz

During his State of the Union address, President George W. Bush called for earmark reform, and at least a portion of the Congressional audience cheered and clapped. The House of Representatives and Senate have taken action on earmark reform, but will it truly reform the system?

Senator Tom Coburn (R-OK), one of the Senate's leading opponents of earmarks, defines earmarks as "short provisions that direct funds to a specific project in a specific location."[1] More than ninety percent of earmarks are placed in "reports" that accompany the appropriations bills adopted by Congress to fund federal agencies and programs.[2] These reports are drafted by the authors of the appropriations bills to provide additional explanation to federal agencies as to how funding should be distributed. The report language is generally followed by those agencies because their funding is also provided by the same Appropriations Committee members that drafted the report. As Senator Coburn states, the problem with earmarks is that "the provisions get slipped into reports by the bill authors late at night behind closed doors, meaning no one gets a chance to vote on them individually. To make matters worse, these spending bills are often rammed through Congress before anybody has time to actually read them."[3]

Many of the remaining earmarks are included in legislation to authorize spending, such as last year's highway bill that produced, among thousands of other earmarks, the now-infamous "Bridge to Nowhere." The bill contained an earmark of $250 million to build a bridge in Ketchikan, Alaska "to an island with 50 residents, where a 7-minute ferry already existed."[4]

No matter where they appear, the popularity of earmarks as a method of bringing home pork to the district has grown immensely. In the 1980s, President Ronald Reagan vetoed an appropriations bill because it contained about 160 earmarks.[5] In 1996 there were 958 earmarks in appropriations bills; by 2006 the number of earmarks had grown to nearly 14,000, "at an annual cost of $27 billion."[6]

Last December, the newly-elected Democrat leaders in Congress declared that earmarks would be stripped from the ten remaining appropriations bills yet to be approved for the current fiscal year, and that a moratorium would be placed on earmarks until a lobbying reform bill could be adopted. The House of Representatives acted first, passing earmark reform as part of Speaker Pelosi's (D-CA) 100 Hour agenda. Despite attempts by Senate Majority Leader Harry Reid (D-NV) and others to water down the House reforms, Senators Coburn and Jim DeMint (R-SC) helped push through a final bill that was more stringent than the House bill. The main reform contained in both bills would require earmark requests to be posted on the Internet at least 48 hours before a vote on the bill. Among other information, the name of the Member of Congress making the earmark request would be disclosed, something that was not always known in the past.

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Will these changes actually reform the system and reduce the number of earmarks in Congressional spending bills? The crux of the earmark reform is disclosure — ensuring that the public can find out who is making the earmark request, how much money is involved, and what type of project will be funded by the earmark. However, this reform rests on Members of Congress cutting back on earmarks because of the new disclosure requirements. Many members are proud of the amount of pork they are able to obtain for their districts, in fact sending out press releases to announce the funding they have secured for their constituents. This reform could ultimately cause some Members to increase requests for earmarks, now that they can openly show their constituents back home just how effective they are in "bringing home the bacon."

Another possibility is that Members of Congress will simply find other methods of ensuring that projects in their districts are funded without openly requesting an earmark. Roll Call reports that "Members — and the lobbyists who push for funding of specific projects — have turned their attention to the executive branch agencies doling out chunks of money that otherwise would have gone for earmarks...Senate aides privately acknowledged that their offices likely would begin contacting agencies to stress their desire that funds earmarked in the appropriations bills passed last year make it to those specific projects."[7] Those executive branch agencies receive the funding they need to operate from Congress. Thus, if Members of Congress make a call or send a letter to an agency asking for consideration of this or that project, it seems unlikely it will be ignored, particularly if the request comes from an Appropriations Committee or Subcommittee Chair.

In order for earmark reform to succeed, it must be truly embraced by all Members of Congress. No matter how frivolous a project or program may seem to some, every earmark has its supporters. If earmark reforms continue despite public disclosure or if Members seek a back-door method of obtaining earmarked projects, the reforms will be nothing more than window dressing.

Endnotes:

[1] Senator Tom Coburn, *Earmark Toolkit*, October 4, 2006, <http://coburn.senate.gov/public/index.cfm?FuseAction=EarmarkToolkit.Home> (February 7, 2007).
[2] "Senate Unanimously Approves DeMint-Pelosi Earmark Transparency Reform," Senator Jim DeMint press release, January 16, 2007, <http://demint.senate.gov/index.cfm?FuseAction=JimsJournal.Detail&Blog_ID=35&Month=1&Year=2007> (February 7, 2007).
[3] Coburn.
[4] Ibid.
[5] Ibid.
[6] Brian M. Riedl, "How Pork Corrupts Congress," The Heritage Foundation, January 25, 2006, <http://www.heritage.org/Press/Commentary/ed012506a.cfm> (February 7, 2007).
[7] Kate Ackley and John Stanton, "Members Earmarking Without Earmarks," *Roll Call*, February 7, 2007, <http://www.rollcall.com/issues/52_76/news/16912-1.html?type=pf> (February 7, 2007).

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