Congressionally directed spending ("earmarks") understandably has been the target of derision due to some cases of past abuses. At the same time, when implemented with the appropriate transparency and accountability, congressionally directed spending reflect a core aspect of our democracy: the Constitution delegates power over spending to the Legislative Branch, which allows federal lawmakers to direct resources toward constituent priorities and regional needs.

Congress should immediately reform and reclaim this important constitutional prerogative so that elected officials, who are directly accountable to voters and have firsthand understanding of the needs of their district and state, are making critical spending decisions and to ensure public trust in the annual appropriations process.

The Benefits of Congressionally Directed Spending:

Fiscal Responsibility

Congressionally directed spending does not increase federal spending. Agency budgeting is a zero-sum game. Moreover, at their peak in 2006, earmarks constituted just over one percent of all federal outlays. Since their elimination in 2011, the federal deficit has increased over $5 trillion dollars.

Greater Accountability

Outright banning congressionally directed spending cedes decisions on spending authority to unelected officials in the Executive Branch. There is no guarantee their process for making those choices will always be more efficient, transparent, or rigorous than proposals made by members of Congress and approved by the entire body. To the contrary, a revised system of congressionally directed spending would create a more transparent, publicly accessible process in which lawmakers can be held accountable by the voters for poor decisions.

Responsiveness to Local Needs

One of the pillars of American democracy is the obligation of members of Congress to vote in the national interest while being elected by local voters. Congressionally directed spending provides federal lawmakers the ability to demonstrate priorities at home and their fight for constituents' interests. Since the earmark moratorium, they have had to petition, lobby, and pressure federal agencies to consider local concerns. The Constitution very intentionally gave Congress the authority to direct how money is expended from the U.S. Treasury. Of all public officials in government, lawmakers are most familiar with the needs of the people they represent, and members of Congress should be permitted to fulfill their responsibilities to address important issues for their constituents.

Increased Governmental Functionality

Congressionally directed spending creates additional opportunities for individual member's engagement and investment in the success of the legislative process, which in turn allows legislators to govern more effectively in an increasingly divided institution.

Ten Options for Reform:

Ensure Transparency

Require Regular Order and Deliberation:

- Prohibit the inclusion of congressionally directed spending provisions in any supplemental documents in lieu of any project not specifically being included in the actual text of the bill or report during the Appropriations Committee markup process.
- Prohibit the insertion of a congressionally directed spending provision into any appropriations bill on the House or Senate floor, in an appropriations conference report, or in omnibus appropriations legislation that did not previously include that request in either of the Senate or House bills or reports reported by the committee.

Increase Accountability:

- Continue to require that all congressionally directed requests are posted both on individual lawmaker websites and a relevant, publicly accessible on the relevant Appropriations Committee's website prior to a full committee markup, including an explanation of the project. Additionally, require a list of all congressionally directed projects in appropriate legislation be published on a publicly accessible website.

- Continue to require that individual members send a letter indicating that they have no personal financial interest in the request.

Increase Vetting

Expert Review:

- Professional subcommittee staff should vet potential project requests, including by soliciting comments from the executive branch agency which would implement the programs through which the project would be funded. Congressionally directed spending projects should not be added to specific programs that provide funding based on rigorous, expert peer review processes such as NIH research or accounts that fund the salaries for those agencies.

Require Authorization before Appropriation:

- Allow congressionally directed spending only in instances where an underlying program has been specifically authorized—which will provide an incentive for enacting authorization bills and ensure both authorizers and appropriators are engaged in the process. Conditions should also consider the number and cost of projects, state matching requirements could be specified where appropriate, and other requirements could be established.

Evaluate Spending:

- Congress should instruct the GAO or another suitable, independent entity to randomly review and audit projects after funding has been allocated. A "claw-back" provision should be considered to protect taxpayers from any misuse of funds.

Set Limits

Prohibit For-Profit Projects:

- Codify prohibitions for congressionally directed projects to not be available to for-profit companies and allow them only for publicly funded federal, state, local, tribal, and other similar entities.

Total Spending Limit:

- Appropriations subcommittee bills should limit project funding to keep overall congressionally directed spending at not more than 1% of total annual discretionary federal spending.

Individual Member Limit:

- Limit the total amount or number of congressionally directed spending requests that any member can receive.