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Bipartisan Policy Center

Reforming and restructuring earmarks: What is the path forward?

Panel I: Analyzing fiscal year 2022 earmarking

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KEY POINTS

- Article I of the US Constitution gives Congress the authority to decide the amount of federal dollars spent and to direct how they are spent.
- The 2011 earmark moratorium was a reaction to incidents of corruption and budget deficits, but its primary effect has reduced Congress' constitutional spending authority. The moratorium failed to eliminate directed spending and fomented the less-transparent, but equivalent, executive branch practice of lettermarking.



Restoring the Power of the Purse

EARMARKS AND RE-EMPOWERING LEGISLATORS
TO DELIVER LOCAL BENEFITS

Zachary Courser and Kevin R. Kosar

FEBRUARY 2021

RECOMMENDATIONS

- Congress should revisit the earmark moratorium to re-empower legislators to deliver local benefits, reestablish Congress' Article I spending authority over the executive branch, and decrease polarization and gridlock.
- This new system for enabling legislators to deliver local benefits should:
 - **BE TRANSPARENT** in how earmarks are reported and made available to the public
 - **REDUCE POTENTIAL FOR ABUSE** by enacting post-hoc audit, eliminate corporate earmarks, and strengthen conflict of interest policy.
 - **INCREASE EQUITY** by ensuring opportunity for funding is made available on fair and equal terms.

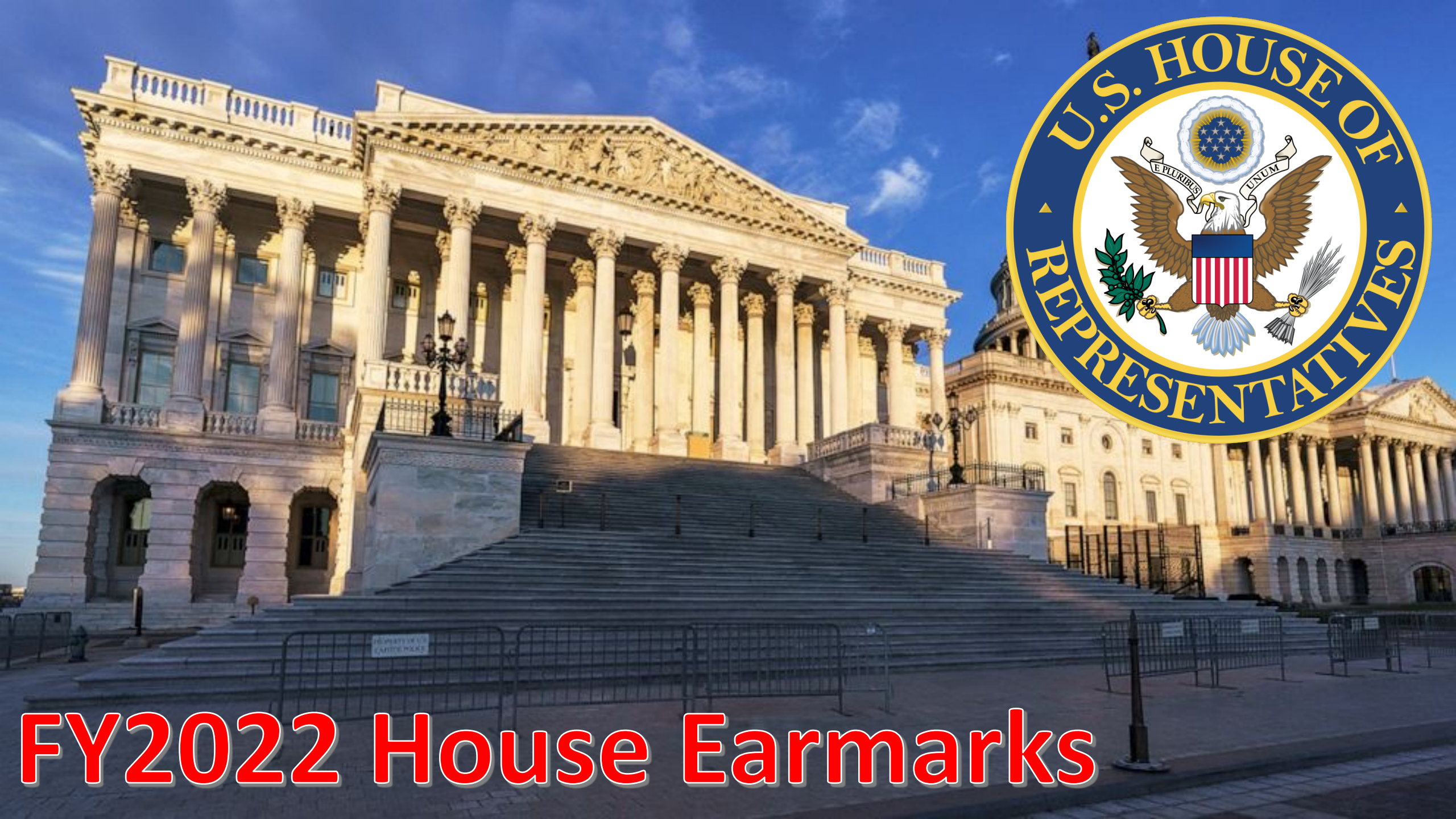


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FY2022 House Earmarks



“Community Project Funding,” House Appropriations Committee

TRANSPARENCY

FINANCIAL LIMITS

- Members limited to 10 individual requests
- All CPF funding capped to 1 percent of discretionary spending (estimated at approximately \$15 billion in FY2022)
- Appropriations subcommittee chairs issued guidance on which federal accounts accept requests
- Funded requests available the same day as the subcommittee markup, or 24 hours before full committee consideration, if there was no subcommittee markup.
- Members are required to post requests on their official House website simultaneously with their submission to the committee.
- Appropriations Committee posts all House members’ project requests, including a consolidated table of accessible data.



“Community Project Funding,” House Appropriations Committee

REDUCE POTENTIAL FOR ABUSE

- Evidence of “community support” required
- Members must certify that they, their spouse, and their immediate family have no financial interest in the projects they request. Exceeds House rules by including immediate families of Members.
- Ban on directing funding to for-profit grantees. Members may request funding for State or local governmental grantees and for eligible non-profits.
- Requiring the Government Accountability Office to audit a sample of enacted projects and report its findings to Congress.

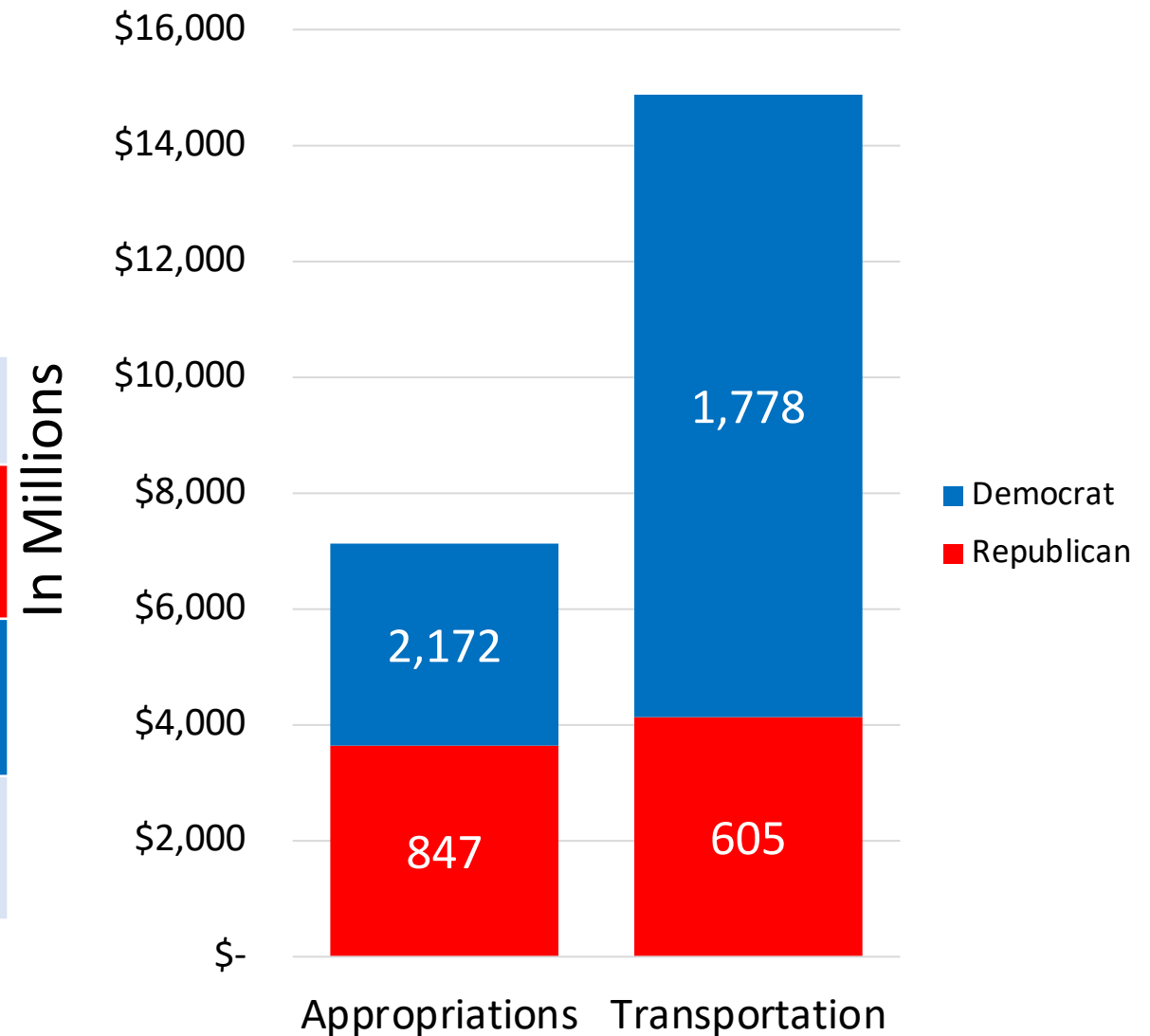


House Earmark Participation by Party

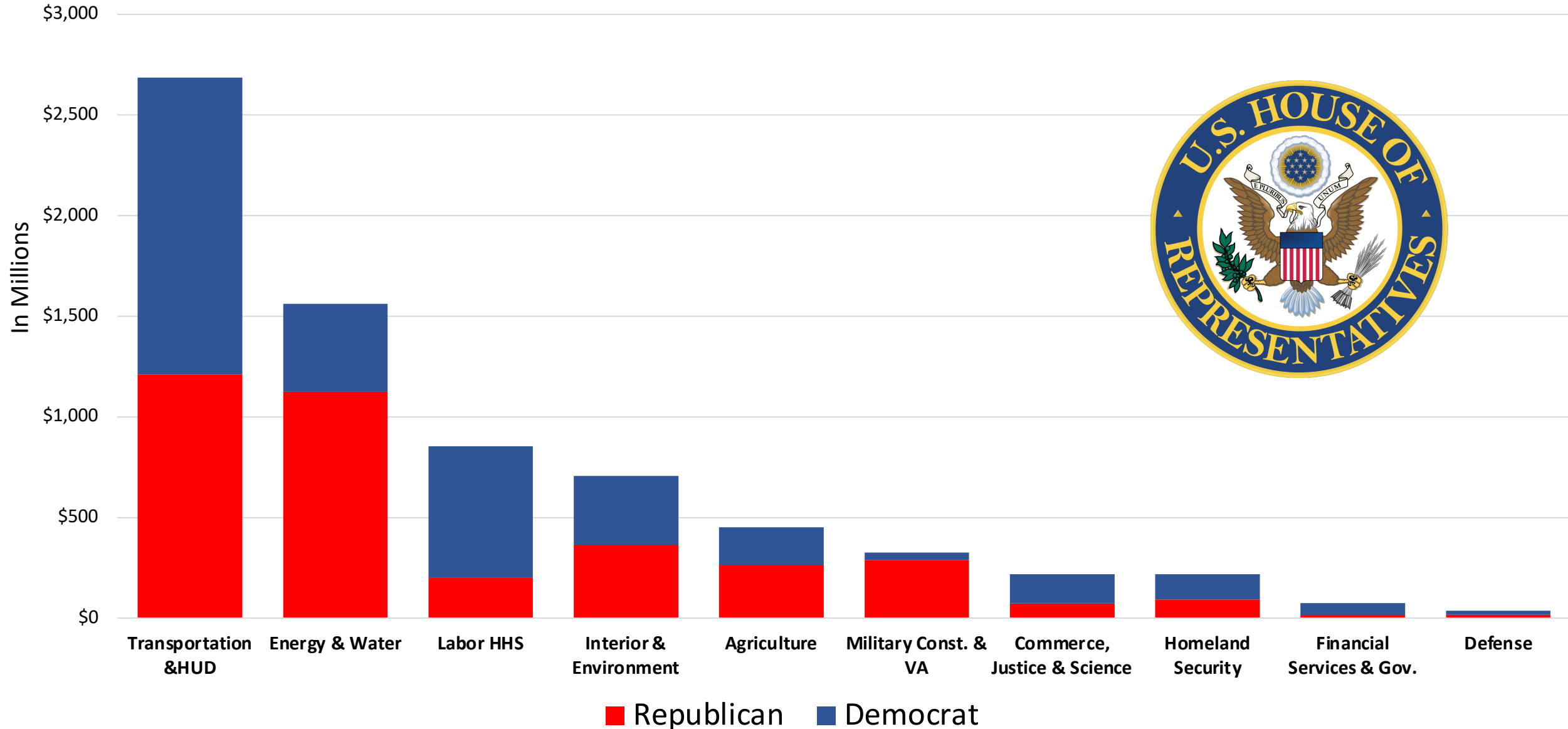
	Members Requesting	Non-participating	Total	% Participation
GOP	122	92	214	57%
DEM	223	1	224	99%
TOTAL	345	93	438	79%

Source: House Appropriations Committee "Community Project Funding Request Table," June 22, 2021; "Transportation & Infrastructure Member Designated Projects Website Disclosure Table (Majority – Minority)," June 1, 2021.

FY2022 House Member Requests by Committee



FY 2022 House Appropriations Requests by Subcommittee



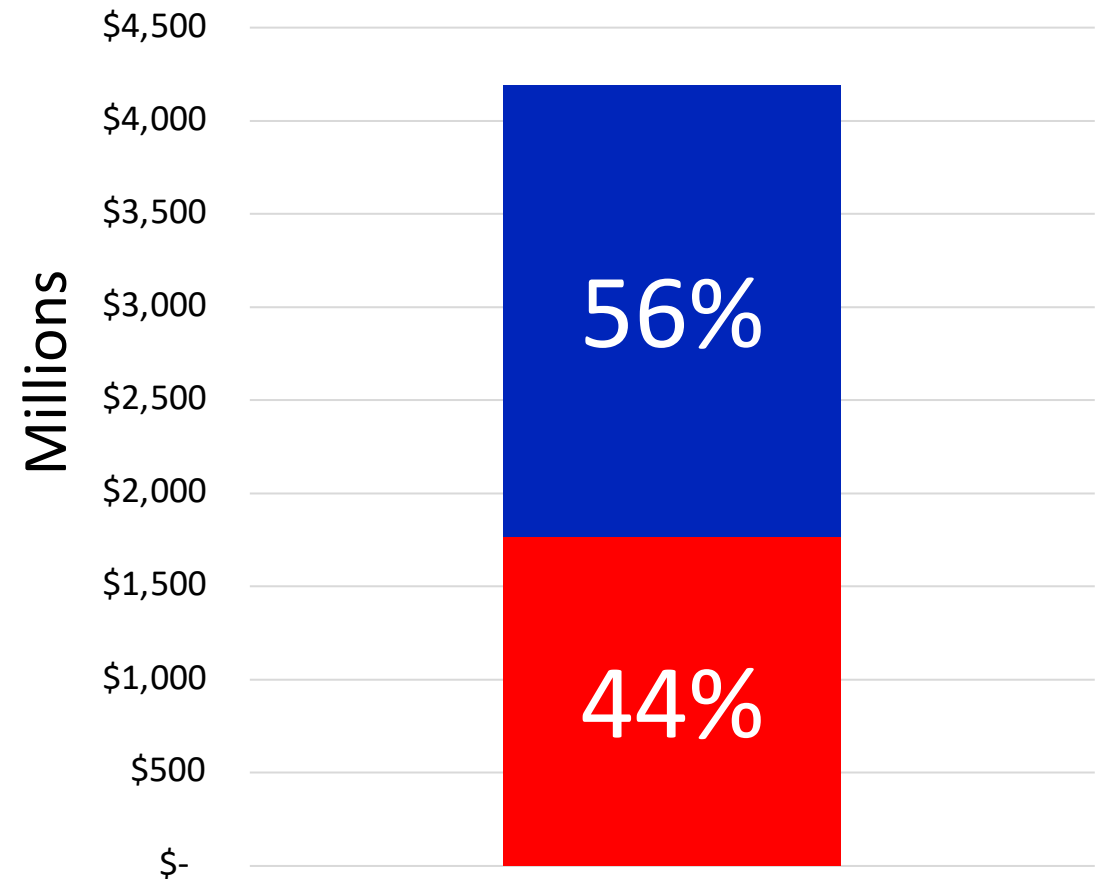
Source: House Appropriations Committee "Community Project Funding Request Table," June 22, 2021.

FY2022 Appropriations Committee Funded House Earmarks



Total requested:	3,019 \$7.1b
Total funded:	2,804 (92%) \$4.2b (59%)

FY2022 Funded House Earmarks by Party



Source: House Subcommittee reports on approved requests.

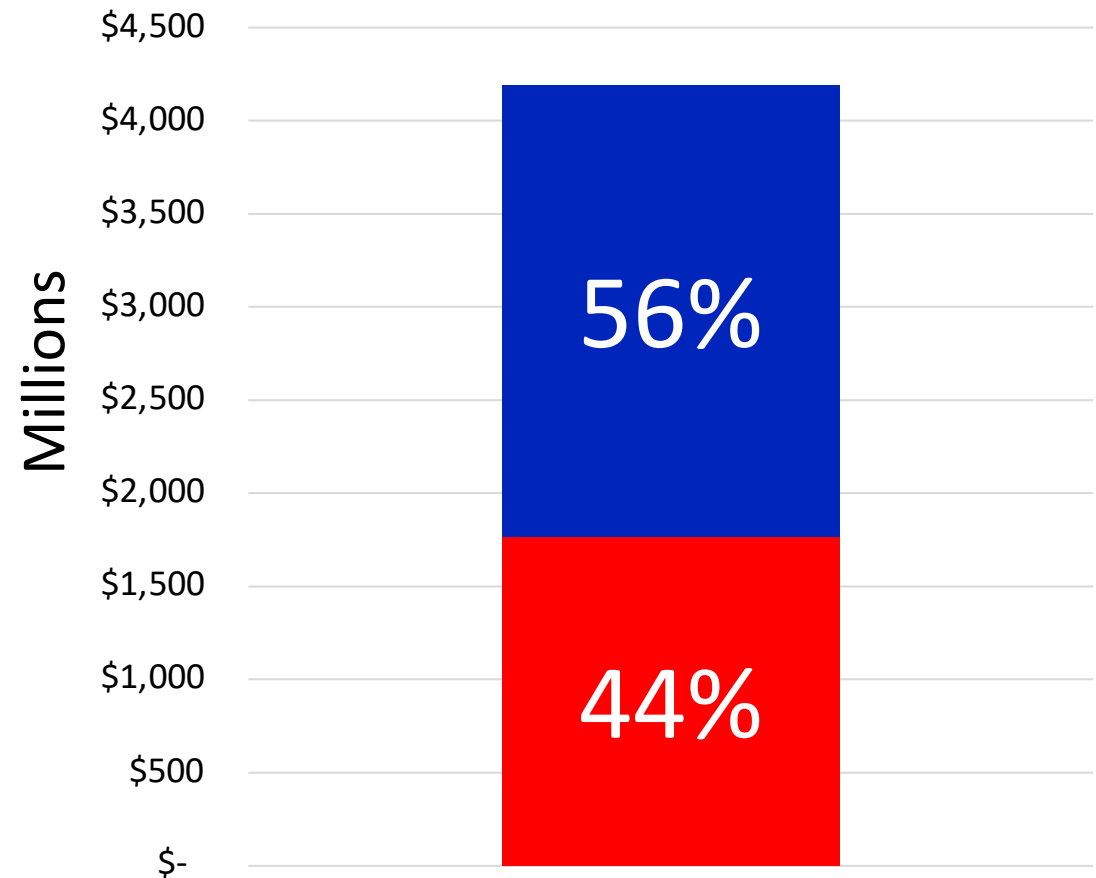
FY2022 Appropriations Committee Funded House Earmarks



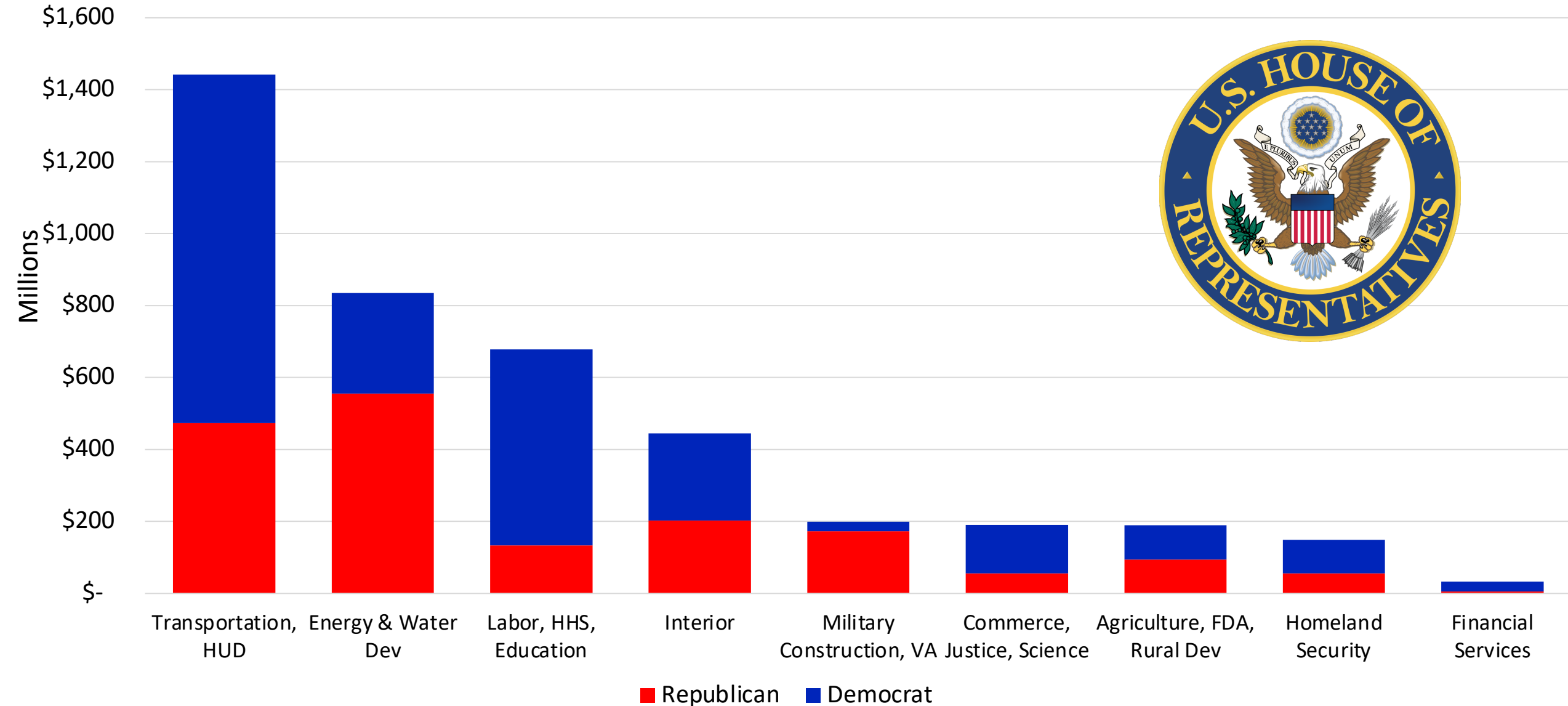
GOP funded: \$1.76b (49%)

DEM funded: \$2.4b (69%)

FY2022 Funded House Earmarks by Party

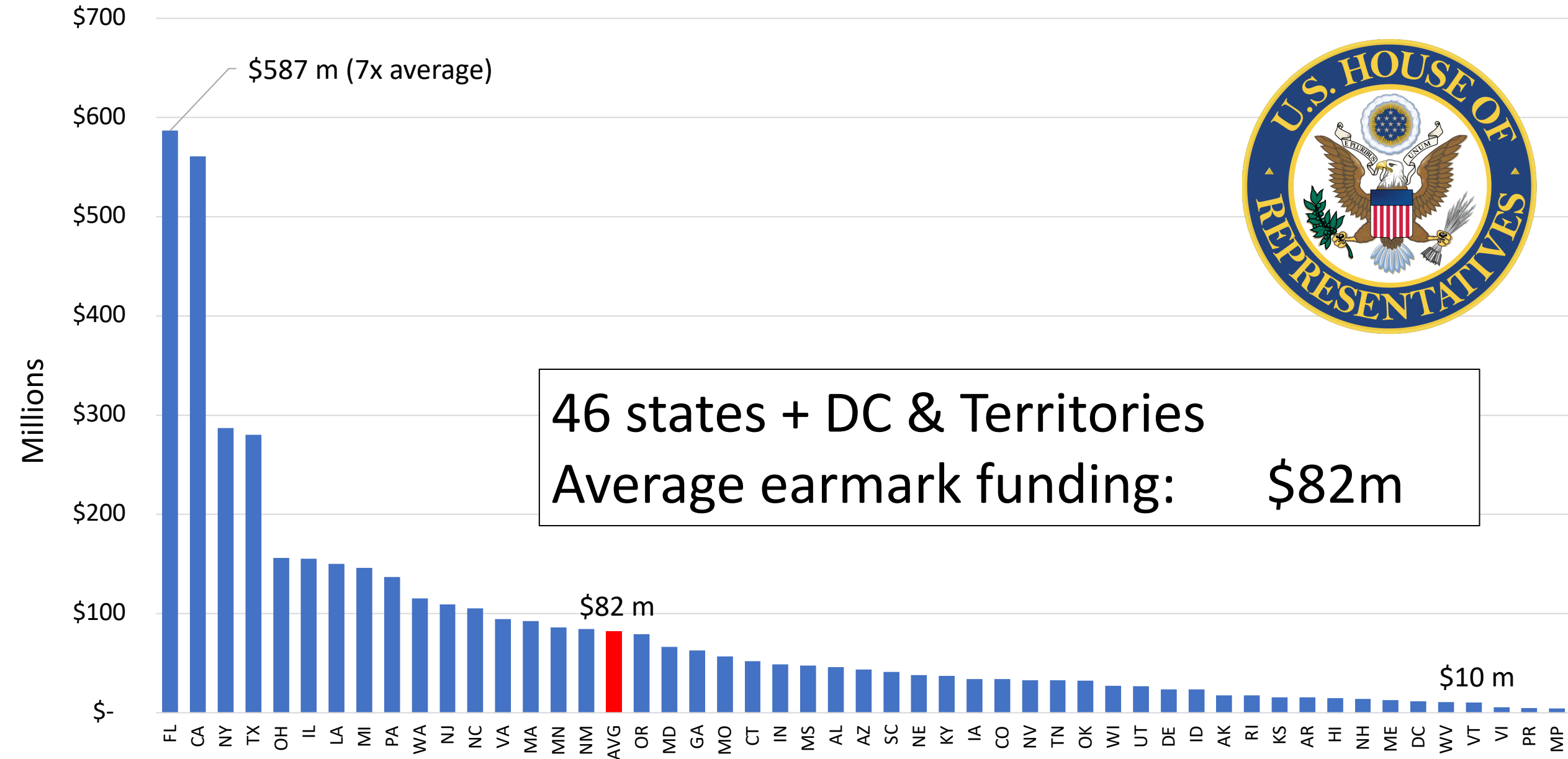


FY 2022 House Appropriations Funded Earmarks



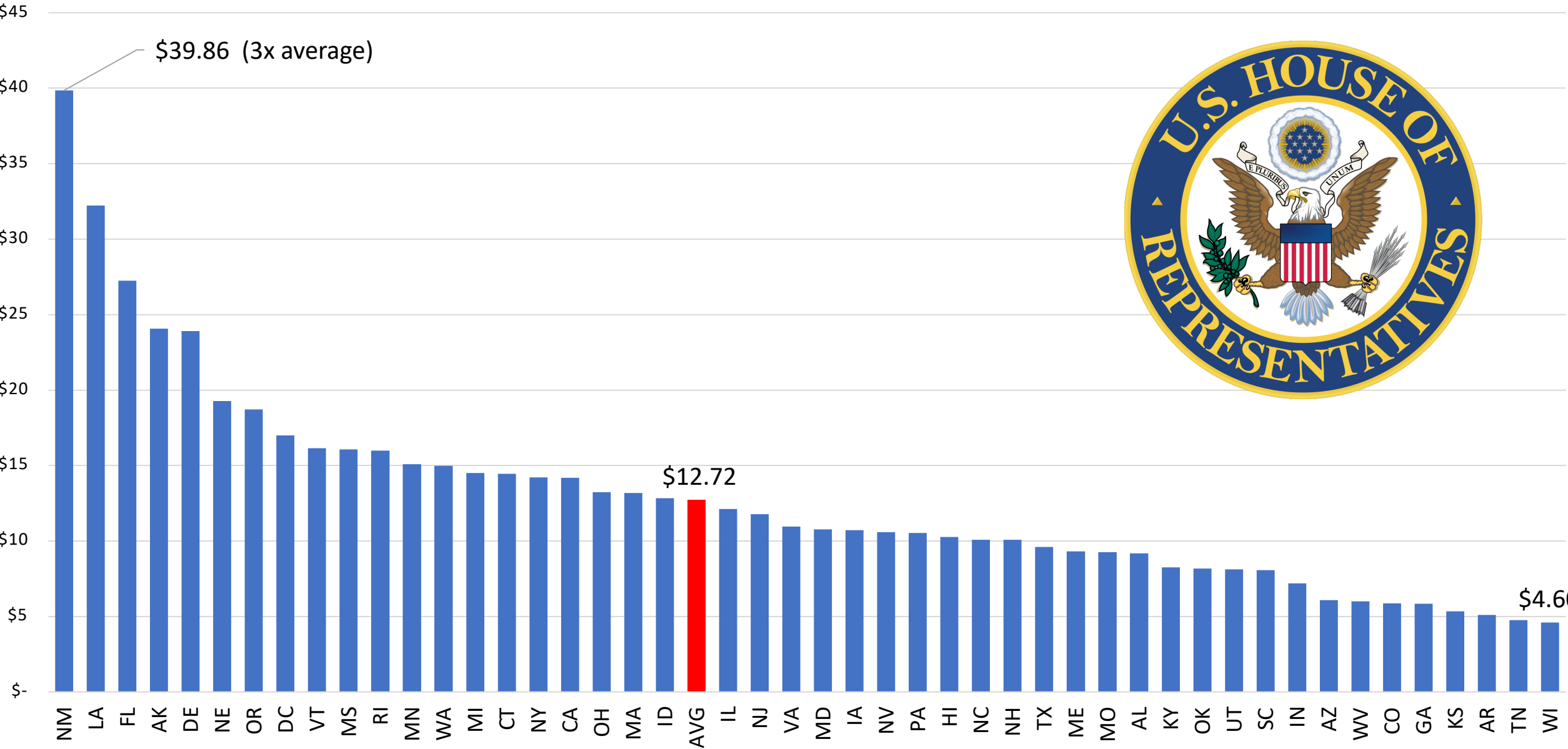
Source: House Subcommittee reports on approved requests.

FY 2022 House Appropriations Approved Earmarks by Location



Source: House Subcommittee reports on approved requests.

FY2020 House Appropriations Funded Earmarks Per Capita by State



Source: House Subcommittee reports on approved requests, 2020 US Census.



Comparison of Participating House Appropriations Committee Members in FY2022 Funded Earmarks

	House Members	Funded earmarks	Average Amount Funded	Total Funding	Percent
Non-Appropriators	291	2,325	\$ 1,517,692	\$ 3,528,634,396	84%
Appropriators	54	479	\$ 1,385,555	\$ 663,680,876	16%
Total	345	2,804	\$ 1,495,120	\$ 4,192,315,271	



FY2022 Senate Earmarks



“Congressionally Directed Spending,” Senate Appropriations Committee

FINANCIAL LIMITS

- All CDS funding capped at 1 percent of discretionary spending (estimated at approximately \$15 billion in FY2022)

TRANSPARENCY

- Senators required to post their requests and financial certification disclosures online.
- Each request made publicly available online in a searchable format after committee mark up.
- Funding decisions made publicly available for at least 48 hours before a floor vote.



“Congressionally Directed Spending,” Senate Appropriations Committee

REDUCE POTENTIAL FOR ABUSE

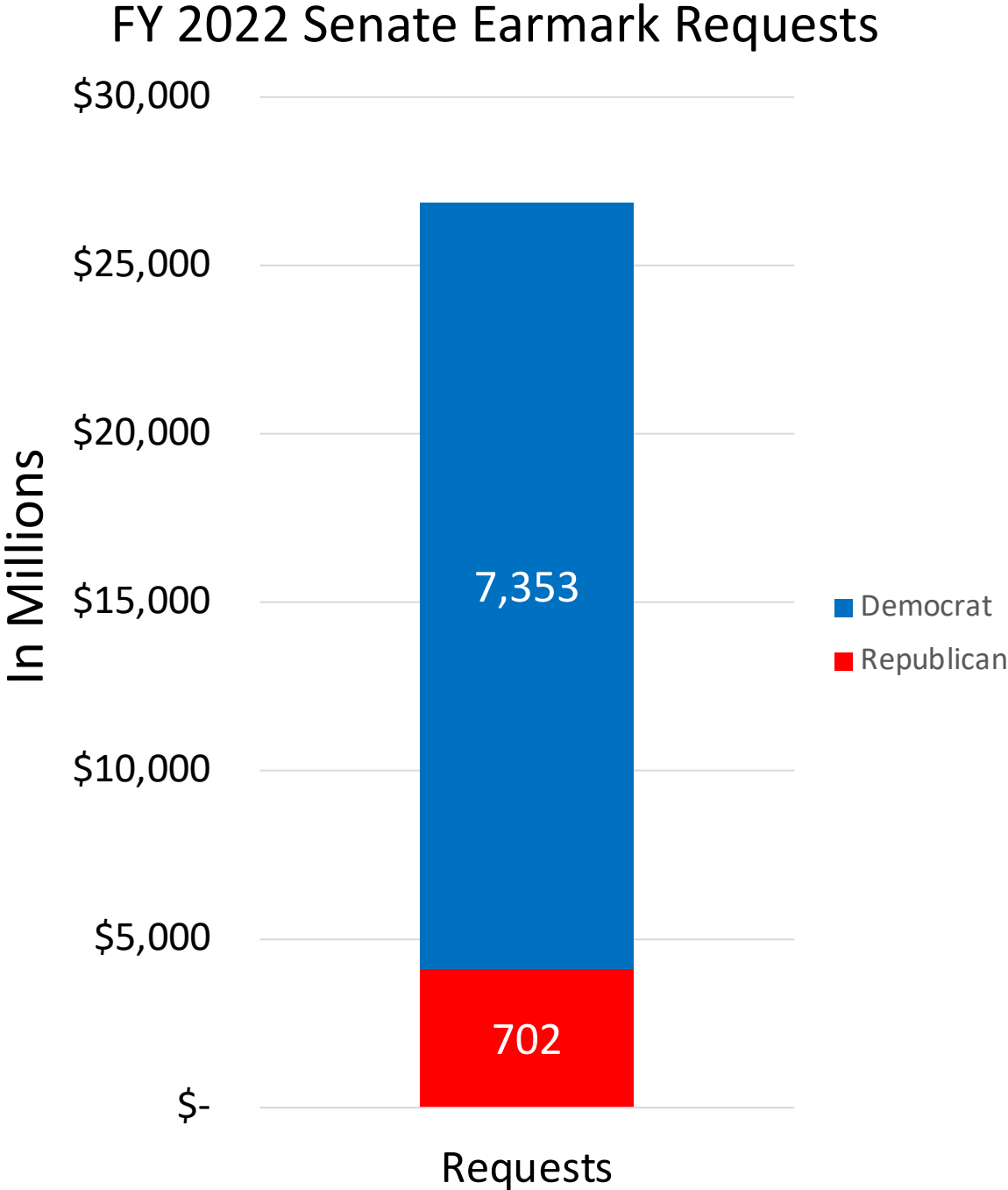
- No personal or immediate family financial interest. Public certification required in writing that there is no such interest.
- Point of order against directed spending that was not included in either the House or Senate bills.
- Ban congressionally directed spending items to for-profit entities
- Government Accountability Office required to audit a sample of funded projects and report its findings to Congress



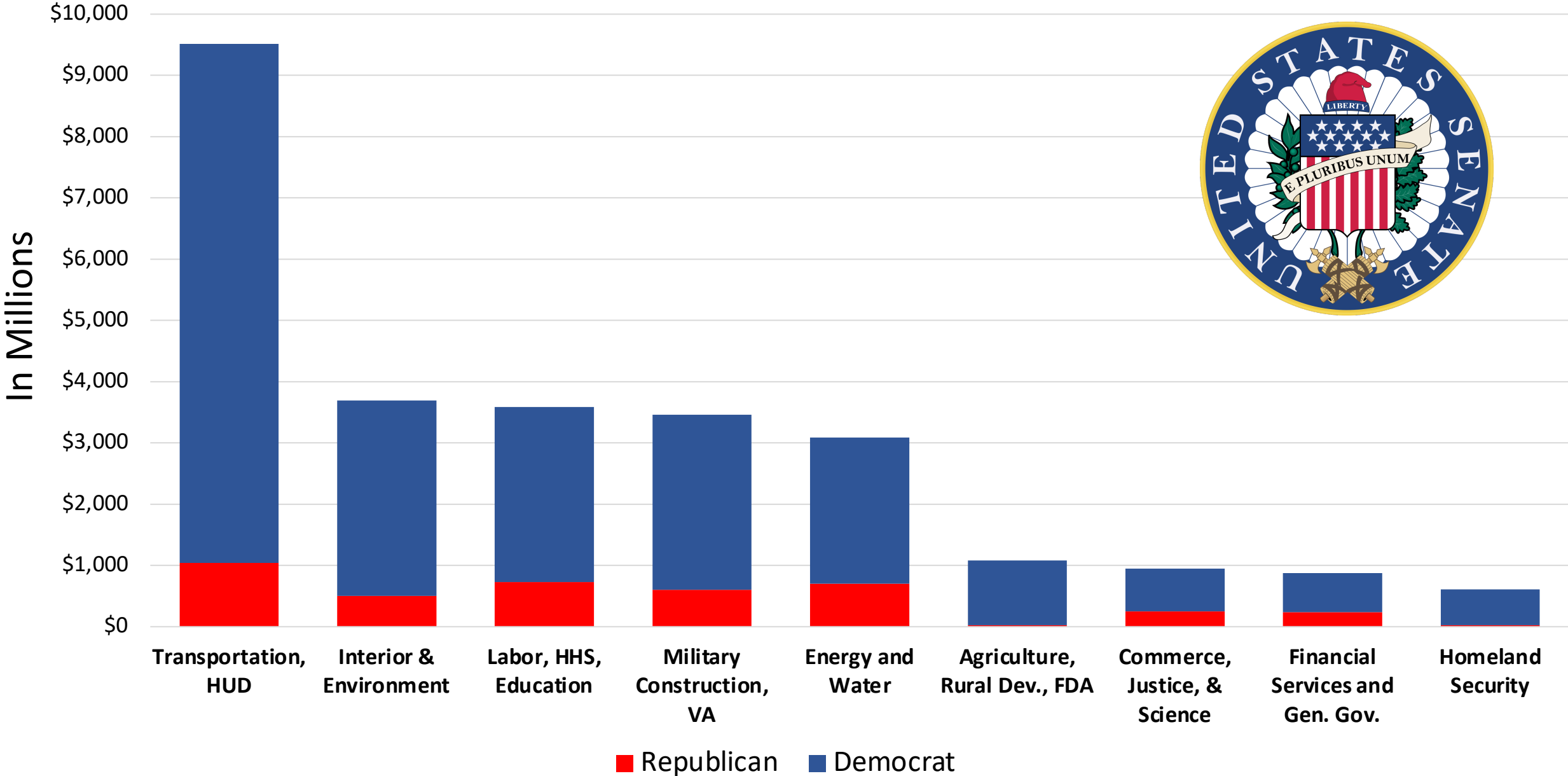
Senate Earmark Requests by Party

	Senators Requesting	Non- participating	Total	% Participation
GOP	16	34	50	32%
DEM	48	2	50	96%
TOTAL	64	36	100	64%

Source: “Congressionally Directed Spending Requests,” US Senate Committee on Appropriations, accessed August 25, 2021.



FY 2022 Senate Requests by Subcommittee



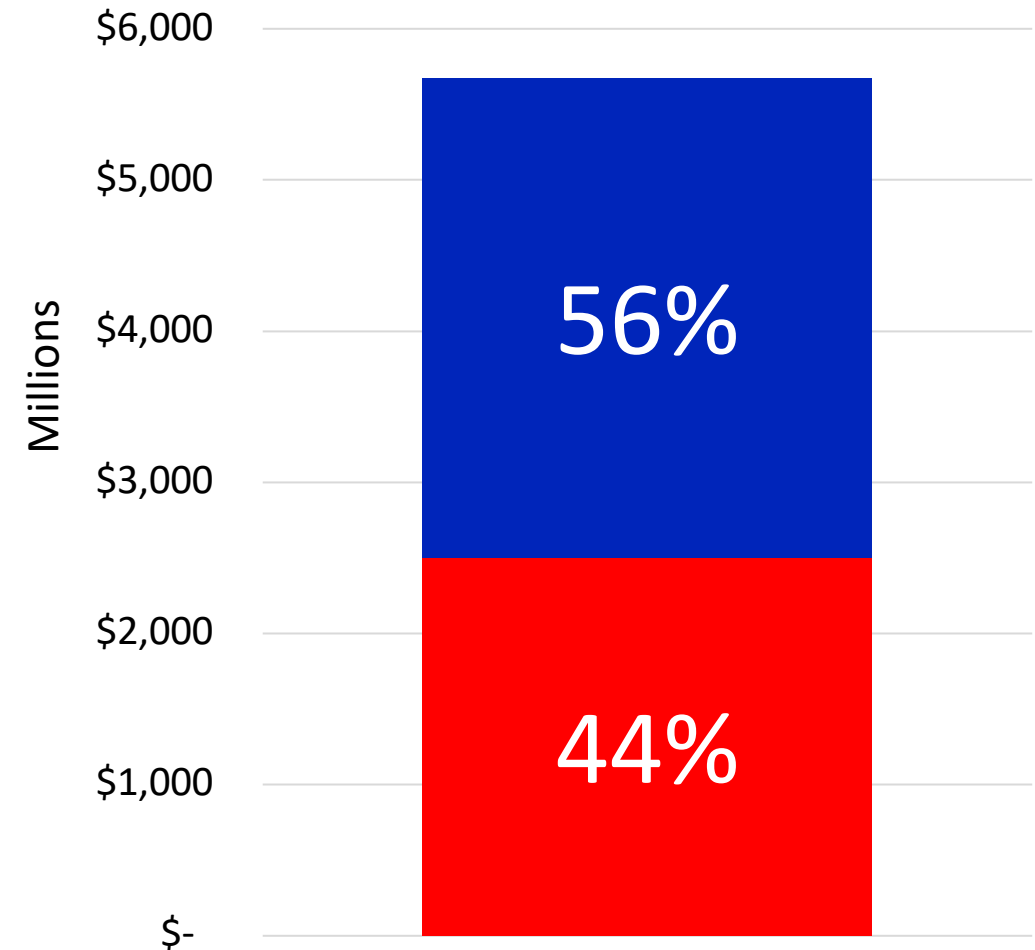
Source: "Congressionally Directed Spending Requests," US Senate Committee on Appropriations, accessed August 25, 2021.

FY2022 Funded Senate Earmarks

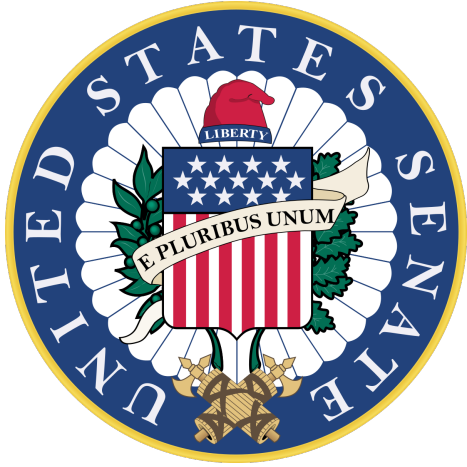


Total requested:	8,055 \$26.85b
Total funded:	2,959 (38%) \$5.67b (21%)

FY2022 Funded Senate Earmarks by Party



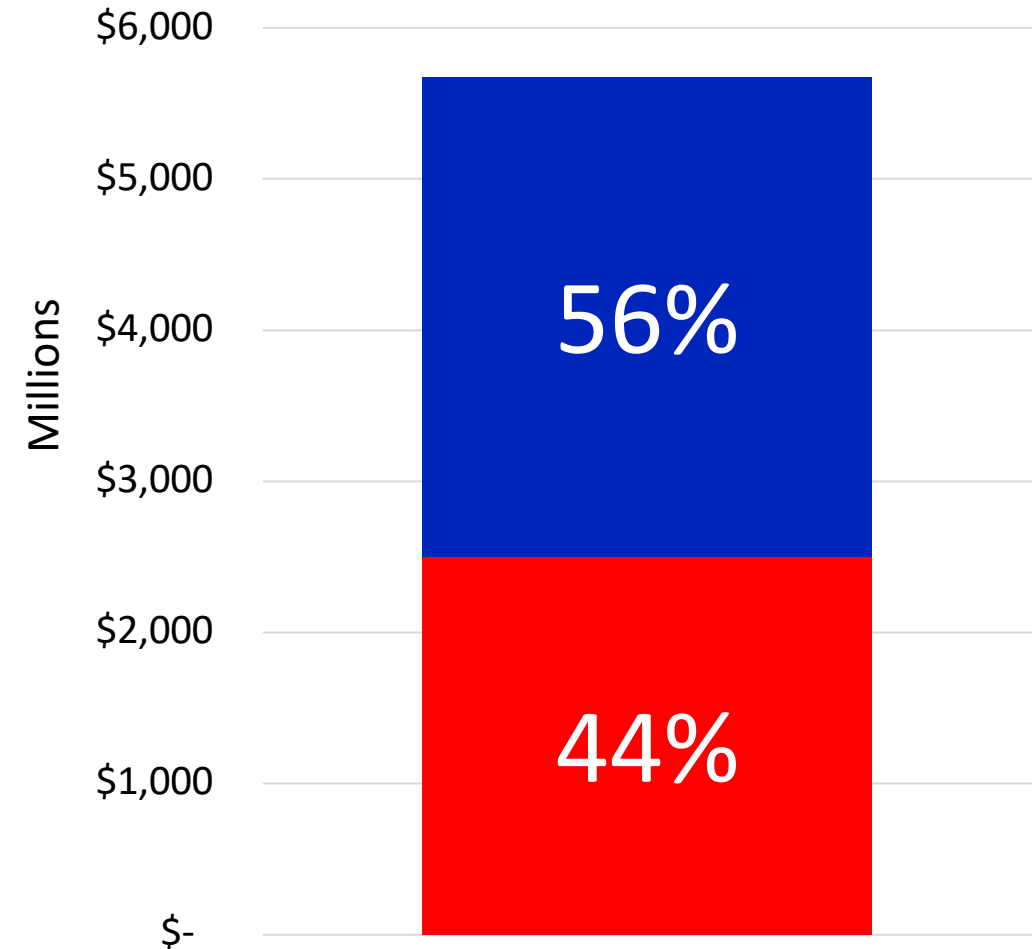
FY2022 Funded Senate Earmarks



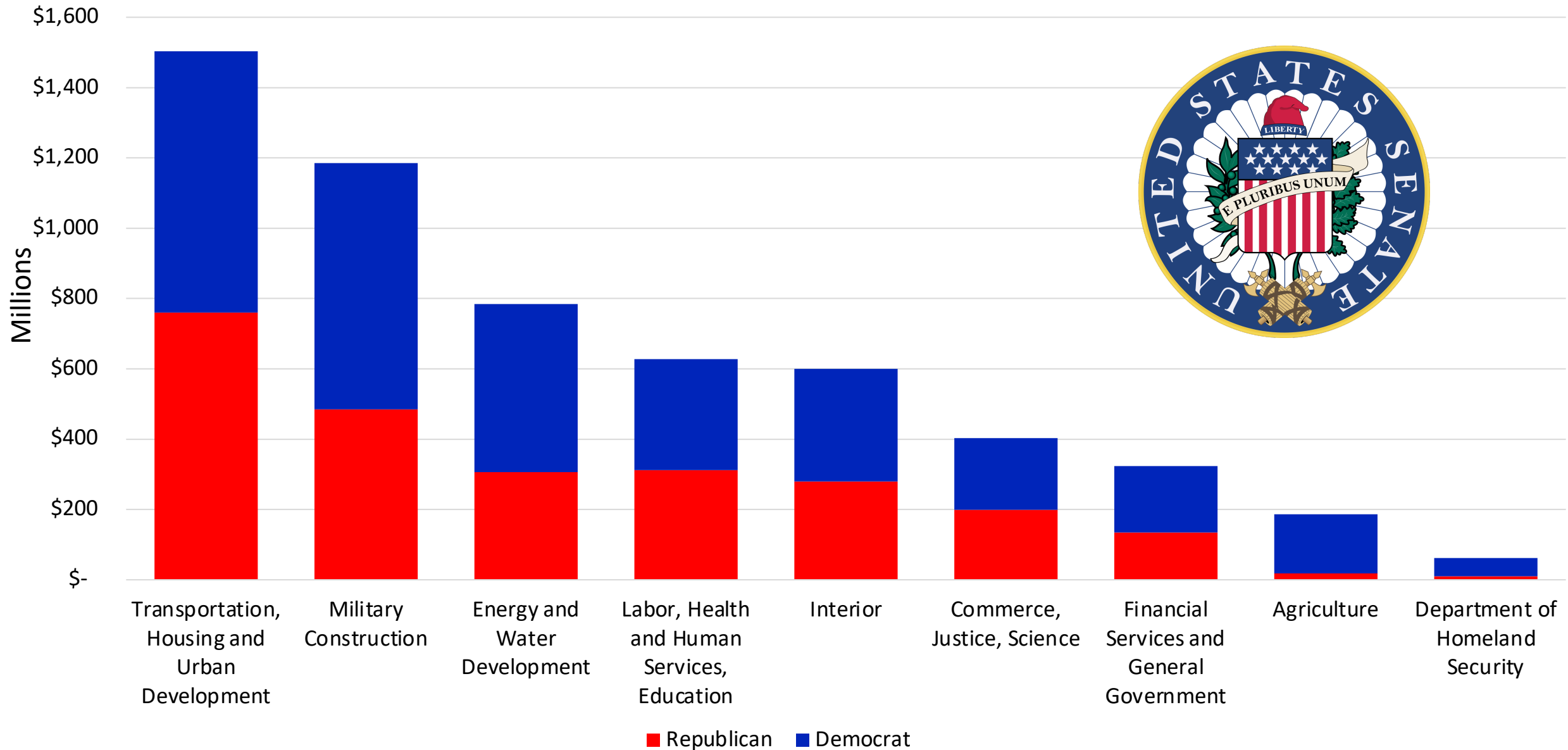
GOP funded: \$2.5b (61%)

DEM funded: \$3.2b (14%)

FY2022 Funded Senate Earmarks by Party

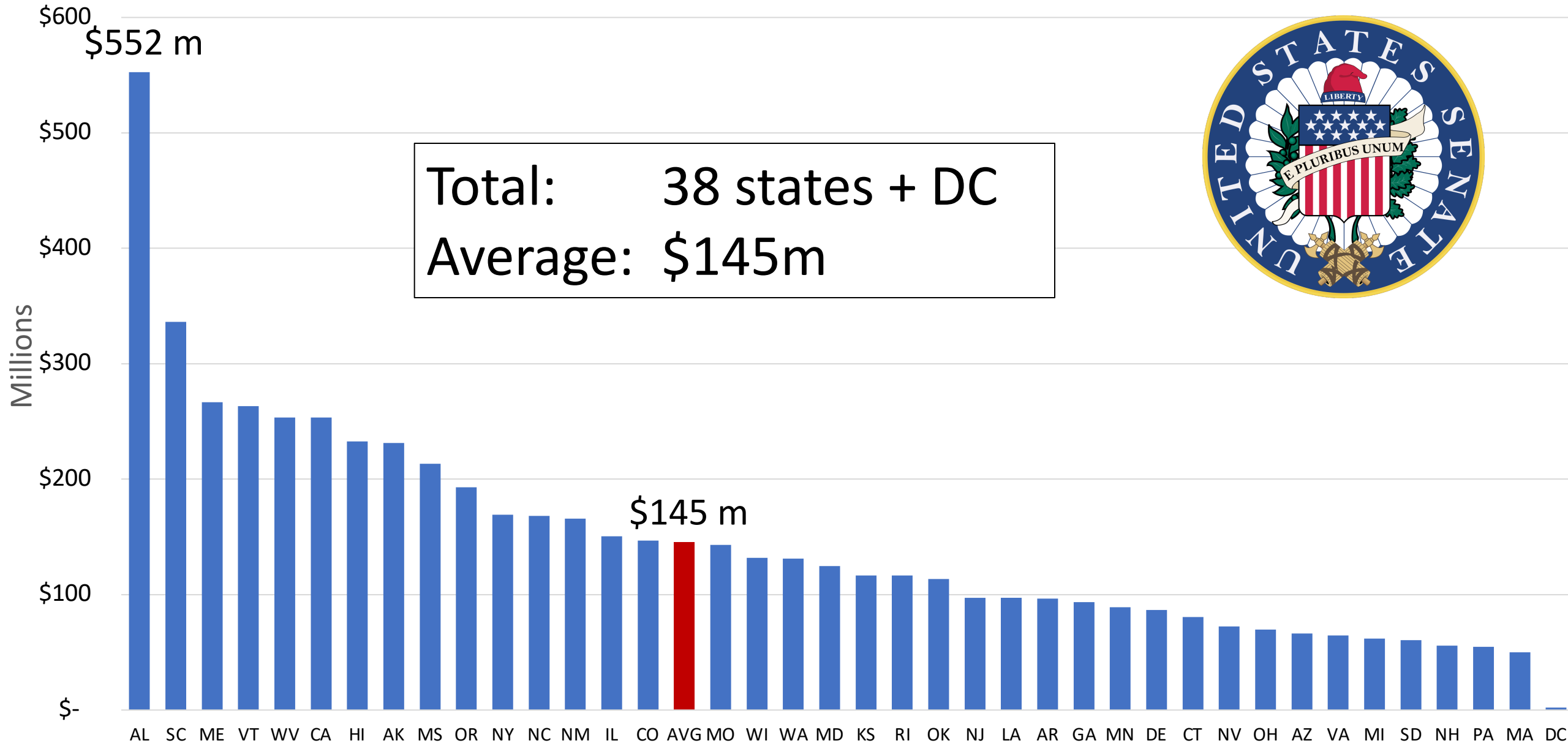


FY 2022 Senate Appropriations Funded Earmarks



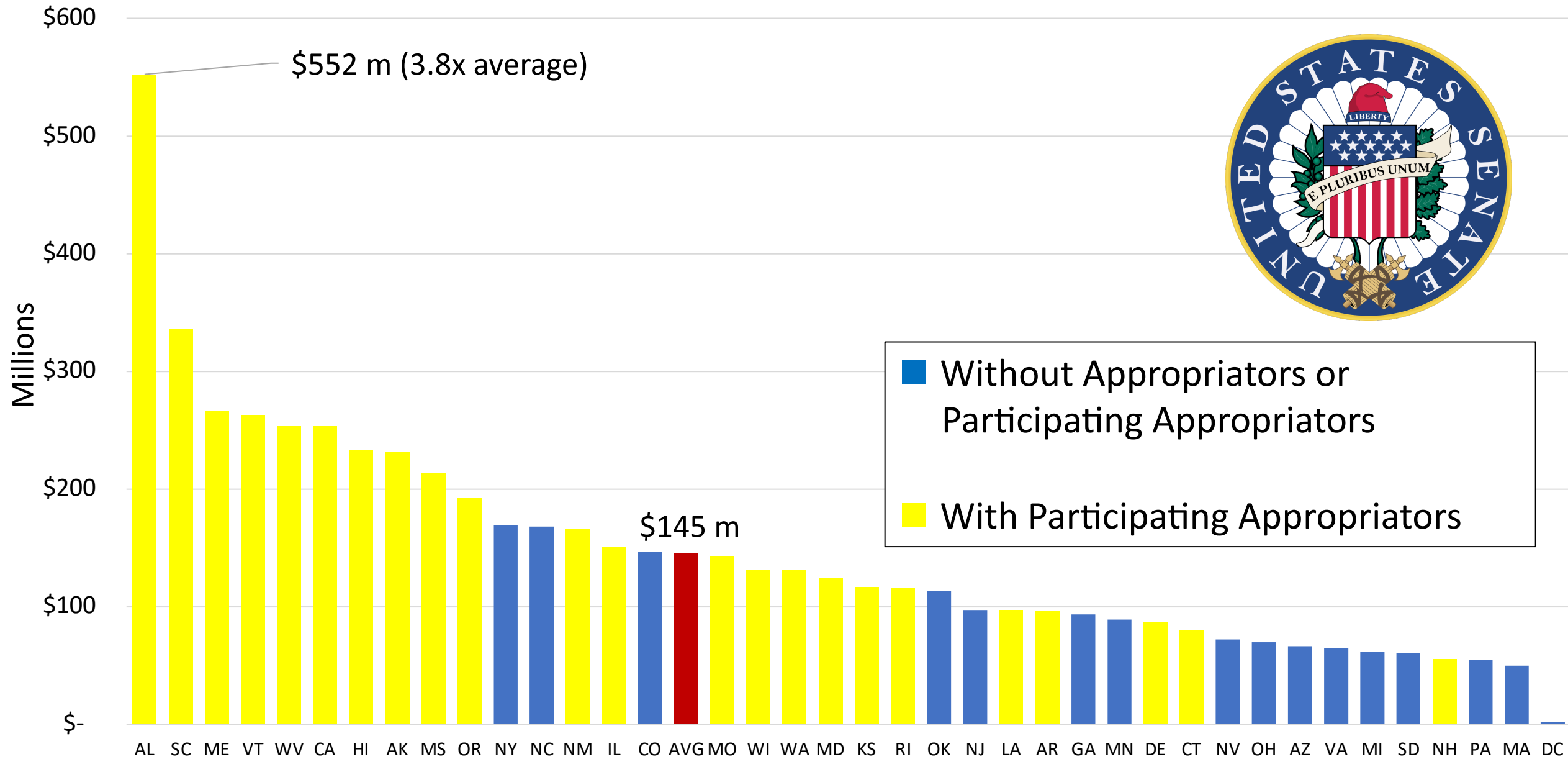
Source: Senate Subcommittee reports on approved requests.

FY 2022 Senate Funded Earmarks by State



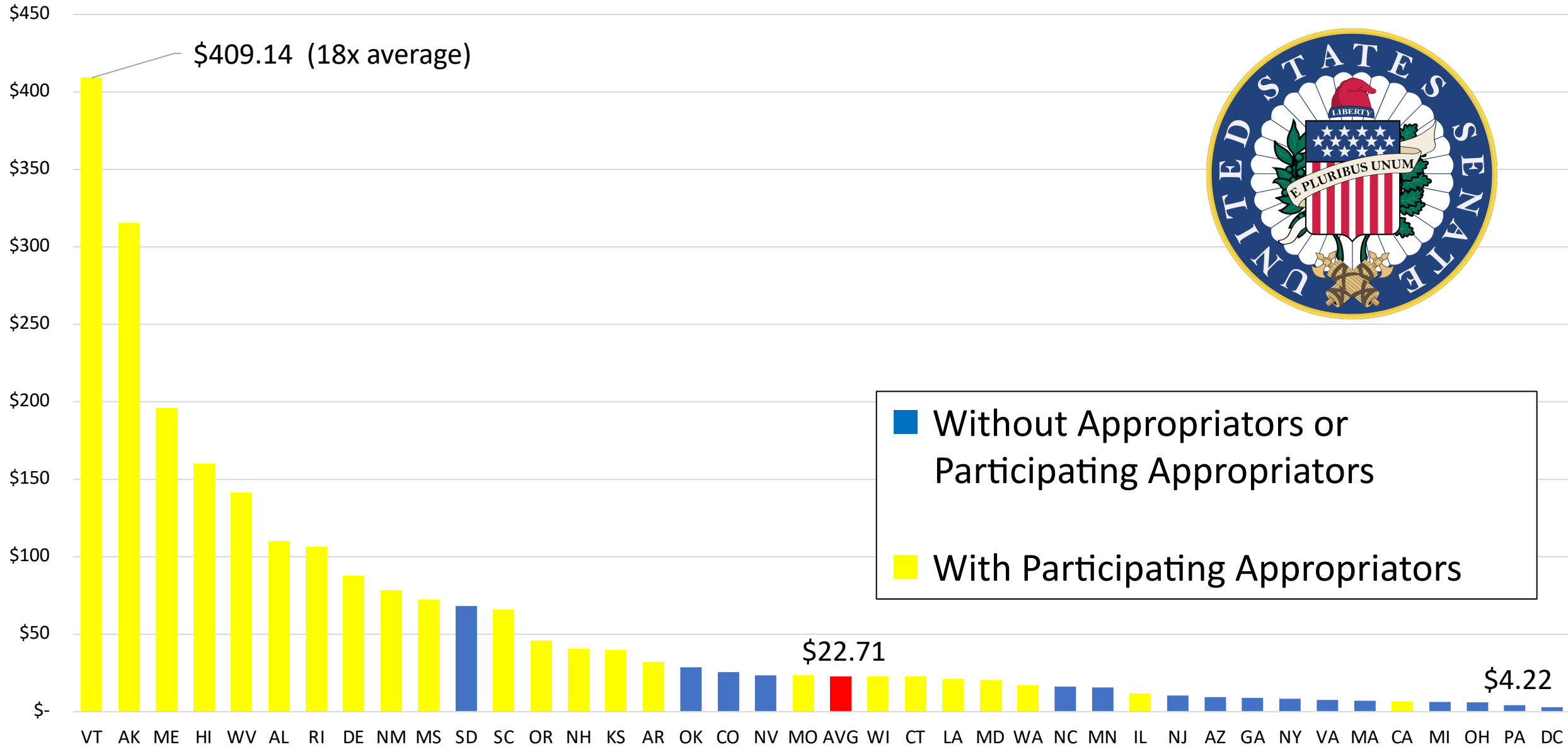
Source: Senate Appropriations Subcommittee reports on funded requests.

FY 2022 Senate Approved Earmarks by State Receiving Funding

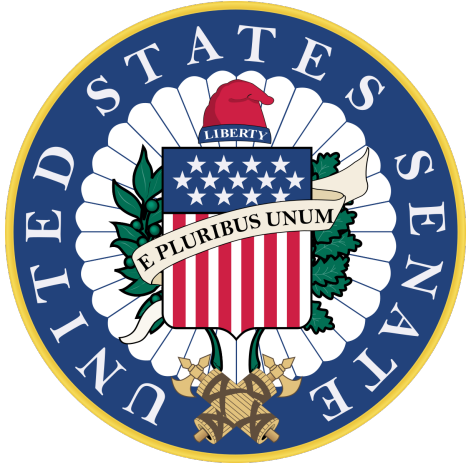


Source: Senate Appropriations Subcommittee reports on funded requests.

FY2020 Senate Earmark Funding Per Capita (2020 Census)



Source: Senate Appropriations Subcommittee reports on funded requests, 2020 US Census.



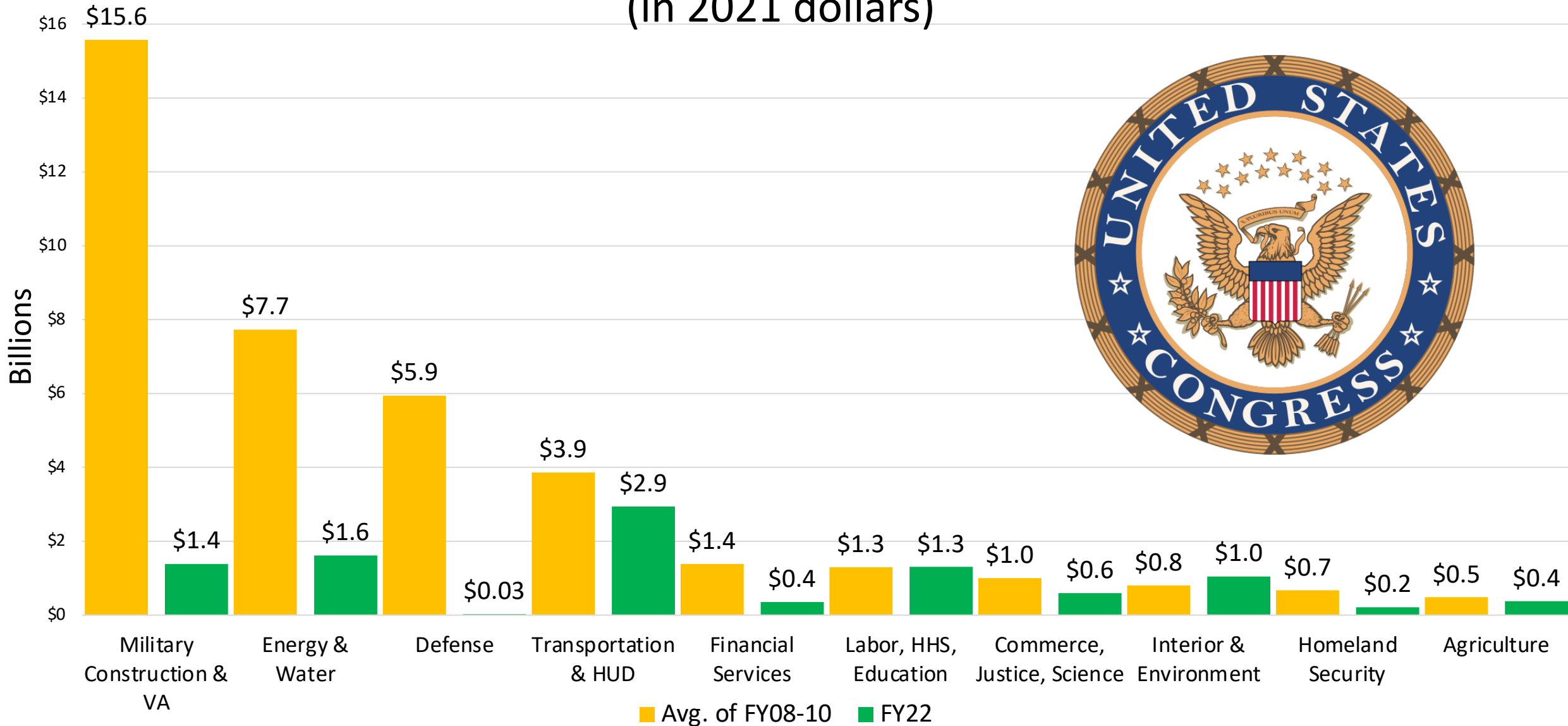
Comparison of Participating Senate Appropriations Committee Members in FY2022 Funded Earmarks

	Senators	Funded earmarks	Average Amount Funded		Average # Funded	Total Funding		Percent
Non-Appropriators	40	1,725	\$	1,365,636	51.6	\$	2,355,722,604	41.5%
Appropriators	24	1,234	\$	2,689,034	70.0	\$	3,318,267,861	58.5%
Total	64	2,959	\$	1,917,536	46.2	\$	5,673,990,465	

Comparisons with Past Earmarks



Funded Congressional Earmarks by Subcommittee Comparison (in 2021 dollars)



Source: "Table 5," in "Earmarks Disclosed by Congress: FY2008-FY2010 Regular Appropriations Bills," CRS, April 16, 2010; Bureau of Labor Statistics; House & Senate FY22 Appropriations Subcommittee reports on funded earmarks.

CONCLUSIONS



- Broad participation helped process
- Spending was kept in check
- Equity increased
- Abuse reforms promising
- Transparency good, but could use improvement in publicizing funding decisions.



- GOP rules undermined broad participation
- Spending was kept in check
- Equity concerns, with appropriators overrepresented and uneven participation
- Abuse reforms promising
- Transparency good, but could use improvement in publicizing funding decisions.