

# WebMemo



Published by The Heritage Foundation

No. 1541  
July 9, 2007

## Earmark Appropriations: Pork—Or Mystery Meat?

*Ernest Istook*

Even minor taxpayer victories are hard to come by in Congress, so each one is sweet. The recent and successful fight to end “secret earmarks” required die-hard tactics from a group of congressional stalwarts who were willing to take heat and ridicule from some of their colleagues. Members of the House Republican Study Committee led the way with days of delaying tactics and a series of floor speeches to spotlight the issue.

An aggressive media strategy brought national attention. The result was success in bringing openness to how taxpayers’ money is used, but fixing Congress’s rules on earmarks is not the same as ending earmarks or ending wasteful spending in general. That fight is just beginning.

**Secret Earmarks.** The fight was over a simple issue: whether taxpayers can find out in advance how Congress plans to spend their money.

The fight was necessary because Appropriations Committee Chairman David Obey (D-WI) had announced that he would decide how billions of dollars would be spent on special projects—but not until *after* the House of Representatives approved each of 12 spending bills. The money to finance those projects was being included in those bills, tucked into what were derided as “secret slush funds.”

Pork had become mystery meat.

Obey’s policy conflicted with House reforms, pushed by his fellow Democrats and adopted earlier this year,<sup>1</sup> that require all earmarks to be listed in

each bill by item and amount, with full disclosure of their political sponsors. Democrats had understandably boasted about this reform when they enacted it in January,<sup>2</sup> yet they supported Obey’s decision that the Appropriations Committee would not follow the new rules.

In response, the Republicans rebelled. Their parliamentary delays kept the House in session until the wee hours of the morning, night after night, until leadership agreed to honor the new rules and block last-second earmarks from being injected during House–Senate conferences.

**Shifting Attitudes.** Not every earmark is a “Bridge to Nowhere.” Though many special projects are worthwhile, that does not necessarily make them a proper use of federal taxpayers’ money, especially when the times demand that spending be curtailed.

The public senses this, but Congress has not changed its ways to match that sentiment. Members of both parties still send out “good news” press releases when they bring home the bacon. That may be one reason why the gap between Congress and the public is widening: The latest Gallup Poll shows that Americans’ approval of Congress has dropped to an all-time low of 14 percent.<sup>3</sup>

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/Budget/wm1541.cfm](http://www.heritage.org/Research/Budget/wm1541.cfm)

Produced by the Government Relations Department

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

The continuing popularity of earmarks is proven by the more than 32,000 requests for them submitted to Chairman Obey's office from the 435 Members of the House.<sup>4</sup> The White House calculates that congressional earmarks now total almost \$20 billion each year.<sup>5</sup>

But attitudes may be changing. Some in Congress have announced that they don't seek earmarks (or won't in the future). Some brag about their earmarks. Others have a high level of skittishness. Many who have promoted a transparent earmark process to keep the public informed recently refused to publicize their own spending requests when cable network CNN asked them to do so.<sup>6</sup>

Presidential candidates are speaking out against pork. New Mexico Governor Bill Richardson told a national debate audience, "I would get rid of the close to \$30 billion in earmarks that Congress does."<sup>7</sup> When Senator John McCain (R-AZ) learned that fellow candidate Senator Hillary Clinton (D-NY) had added almost \$150 million in special

requests to a defense bill, he announced that he would fight to remove them—an unusual promise in the punctiliously collegial Senate.<sup>8</sup>

Even Representative Obey has denounced them, telling the House, "I hate earmarks...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."<sup>9</sup>

**The Current Battle.** The victory against secret earmarks will not directly affect Congress's spending behavior. All that Republicans won is the *chance* to save billions by allowing public scrutiny of earmarks.<sup>10</sup> So far, not a penny has actually been saved, but now any Member can challenge any earmark on the House floor—and force colleagues to vote for or against each project.

Not all of the Members who fought for openness will necessarily oppose the actual earmarks, because they know that if they block someone else's

1. Dr. Tom Coburn, "Earmarxists," *The Wall Street Journal*, June 14, 2007, at [http://coburn.senate.gov/public/index.cfm?FuseAction=LatestNews.Columns&ContentRecord\\_id=2ad9a722-802a-23ad-4359-a3555deddd60&IsPrint=true](http://coburn.senate.gov/public/index.cfm?FuseAction=LatestNews.Columns&ContentRecord_id=2ad9a722-802a-23ad-4359-a3555deddd60&IsPrint=true).
2. Including Speaker-Elect Nancy Pelosi: "We will bring transparency and openness to the budget process and to the use of earmarks...and we will give the American people the leadership they deserve." "American Confidence in Pelosi's Swamp at Historic Low," *Texas Rainmaker*, June 20, 2007, at [www.texasrainmaker.com/2007/06/20/american-confidence-in-pelosis-swamp-at-historic-low](http://www.texasrainmaker.com/2007/06/20/american-confidence-in-pelosis-swamp-at-historic-low).
3. Frank Newport, "Americans' Confidence in Congress at All-Time Low," Gallup, June 21, 2007, at [www.galluppoll.com/content/?ci=27946](http://www.galluppoll.com/content/?ci=27946).
4. "GOP Stalling Tactics May See Payoff," *CQ Today*, June 13, 2007, at <http://public.cq.com/docs/cqt/news110-000002531321.html>.
5. Office of Management and Budget, "List of 2005 Appropriations Earmarks by 110th Congress Subcommittee," May 31, 2007, at <http://earmarks.omb.gov/Appropriationssummary.html>.
6. During the last week of June 2007, CNN reported this story: "Since Monday, CNN has called—or tried to call—all 100 senators, asking them if they would release their 2008 earmark requests. More often than not, calls were immediately sent to voice mail and never returned. Only six senators gave us their requests and six said they made no earmark requests. Eighteen said they would not give us their requests and 70 did not return calls. Last week, of 435 members of the House of Representatives, 312 did not respond to our requests. Of the remainder, 47 gave us their requests, 68 said they would not and six said they had not made earmark requests." Drew Griffin and Kathleen Johnston, "Like House Colleagues, Senators Keep Earmarks Quiet," CNN, June 29, 2007, at [www.cnn.com/2007/POLITICS/06/29/senate.earmarks/index.html](http://www.cnn.com/2007/POLITICS/06/29/senate.earmarks/index.html).
7. Bill Richardson, Remarks during New Hampshire Democratic Presidential Candidates Debate, June 3, 2007, at <http://transcripts.cnn.com/TRANSCRIPTS/0706/03/se.01.html>.
8. Michael R. Blood, "McCain Says He'll Fight Clinton's 'Pork,'" Associated Press, June 14, 2007, at [www.boston.com/news/nation/articles/2007/06/14/mccain\\_says\\_hell\\_fight\\_clintons\\_pork/](http://www.boston.com/news/nation/articles/2007/06/14/mccain_says_hell_fight_clintons_pork/).
9. Andrew Taylor, "House Republicans Hope Openness on Earmarks Will Keep Spending Bills Clean," Associated Press, June 14, 2007, at [www.signonsandiego.com/news/politics/20070614-1325-congress-spending.html](http://www.signonsandiego.com/news/politics/20070614-1325-congress-spending.html).
10. This year's reforms are meaningful because they built upon another reform championed by the Republican Study Committee and enacted last year: requiring that earmarks be placed within the text of actual legislation—rather than in accompanying reports. This change allows the possibility of amendment to remove or reduce an earmark.

project, he may gang up with others to kill theirs. Most Members see the recent clashes as concerning the scale and secretiveness of earmarks, rather than the continuation or abolition of earmarking altogether. Nor has the Bush Administration adopted abolition as its goal. There will, however, be a show-down on earmarks this year.

Perhaps coincidentally, the White House's \$20 billion estimate of congressional earmarks nearly matches the difference between President Bush's proposed fiscal year 2008 budget and Congress's budget resolution.<sup>11</sup> Eliminating earmarks and their funding this year (as was done for FY 2007 due to controversies<sup>12</sup>), would close that gap and might change President Bush's announced plan to veto most of the appropriations bills because they exceed his budget.<sup>13</sup>

The prospect of eliminating earmarks for a second straight year is an unlikely one, however. While Democrats have announced plans to cut earmarks in half, as a *Washington Post* headline put it, "In the Democratic Congress, Pork Still Gets Served."<sup>14</sup>

Thus, House Appropriations Chairman Obey has launched a counterattack on the White House. Accompanying each appropriations bill is a list of "White House earmarks"—projects that are itemized in the Bush budget proposal.<sup>15</sup> A White House spokesman gave a two-part response:

*First*, the President does not oppose all earmarks, just those that are secret, excessive, or otherwise wasteful or improper.

*Second*, "It is unfair to compare earmark requests made by the President with requests made by Members of Congress because the projects Bush asks for undergo a rigorous review process that does not apply to congressional requests."<sup>16</sup>

This battle will not be strictly partisan, because the earmark problem is bipartisan. Representative Paul Ryan (R-WI), ranking Republican on the Budget Committee, admitted his party's complicity in earmarking: "Under the Republican majority, earmarks got out of control. Under the Republican majority, waste occurred."<sup>17</sup>

He's right. As I know from being part of the problem during my years in Congress, only if those involved will reverse course can things be fixed. There are signs that the GOP is trying to do that, yet it is easy to look good by comparison when the majority tries to throw money at most issues.

One sign that Republicans want to return to their fiscally conservative roots is the letter signed by 147 of the GOP House Members—one more than needed to sustain a veto—telling President Bush that they will uphold his vetoes of most of the spending bills.<sup>18</sup> (It is expected that he will veto nine of the 12 bills.) Representative John Campbell (R-CA) led the effort to recruit signers for the letter.

President Bush set the stage for this fiscal battle in his State of the Union Address,<sup>19</sup> resurrecting a clear goal that's been lacking for too long in Washington: Don't just reduce the deficit, but balance the budget, and do it without raising taxes.

11. Congress's proposed budget is \$954 billion, and the President's proposed budget is \$932.8 billion, for a difference of \$21.2 billion. Scott Cox, "Spreatt and Conrad Announce Budget Conference Agreement," *Gallery Watch*, May 16, 2007, at <http://us.gallerywatch.com/news/pressreleasedisplay.gw?prtype=USBA&prdocid=201847>.
12. Press release, "Democrats File Joint Funding Resolution for FY 2007," House Appropriations Committee, January 29, 2007, at [http://appropriations.house.gov/News/pr\\_070129.shtml](http://appropriations.house.gov/News/pr_070129.shtml).
13. Robert Novak, "Bush's Veto Strategy," *The Washington Post*, June 18, 2007, at [www.washingtonpost.com/wp-dyn/content/article/2007/06/17/AR2007061700942.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/06/17/AR2007061700942.html).
14. John Solomon and Jeffery H. Birnbaum, "In the Democratic Congress, Pork Still Gets Served," *The Washington Post*, May 24, 2007, at [www.washingtonpost.com/wp-dyn/content/article/2007/05/23/AR2007052301782.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/05/23/AR2007052301782.html).
15. Alexander Bolton, "Bush Called Out for His Earmarks," *The Hill*, June 28, 2007, at <http://thehill.com/leading-the-news/bush-called-out-for-his-earmarks-2007-06-28.html>.
16. *Ibid.*
17. Representative Paul Ryan, "Department of Homeland Security Appropriations Act," *Congressional Record*, June 13, 2007, p. H.R.2638, at [www.govtrack.us/congress/record.xpd?id=110-h20070613-28&person=400129](http://www.govtrack.us/congress/record.xpd?id=110-h20070613-28&person=400129) (June 27, 2007).
18. Jon Ward, "House Conservatives Warn Bush of Immigration's Cost," *The Washington Times*, June 24, 2007, at [www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070624/NATION/106240047/1001](http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070624/NATION/106240047/1001).

Moving toward a balanced budget without raising taxes requires that Congress focus funds on the most pressing priorities while resisting other requests, such as the states' growing thirst for federal dollars. For example, despite having billions in unspent federal grants to states and cities to improve homeland security,<sup>20</sup> states balk at enforcing security standards such as Real ID, claiming that they are not getting enough money from Congress.<sup>21</sup> And the House of Representatives recently approved a measure promoted to hire 50,000 more policemen in America's cities—paid for by federal funds.<sup>22</sup>

In security, health care, transportation, law enforcement, economic development, and another areas, states increasingly expect Washington to pick up the tab for their ever-growing requests. But state governments cannot plead poverty; they're enjoying their best financial condition in many a year,<sup>23</sup> aided in large part by economic growth that followed tax cuts in Washington.<sup>24</sup>

**Why Earmarks Matter.** Will Washington get serious about controlling spending? Earmarks are not the only contributor to out-of-control spending,

or even the leading contributor, but they are a leading indicator of whether progress will be made.

The real test for Congress begins now: As earmarks now come up for votes, thanks to the House's new rules, will they be whittled down to size or not? Will spending bills pass or fail because of pork or because of their merits?

This isn't just another Washington dogfight; it is about the fundamental question of how Washington spends Americans' money, both now and in the future. Winning the fight over disclosure did not win the game, but it did set the rules for it. Elimination of earmarks is not possible because of Congress's constitutional role in spending, but lawmakers should show that they are serious about fiscal discipline by combining openness with dramatic reductions in earmarks and their funding. If they do not, the President should deploy his veto pen.

—Ernest Istook, now Distinguished Fellow at The Heritage Foundation, served in Congress and on the House Appropriations Committee for 14 years.

- 
19. President George W. Bush, "State of the Union Address," January 23, 2007, at [www.whitehouse.gov/news/releases/2007/01/20070123-2.html](http://www.whitehouse.gov/news/releases/2007/01/20070123-2.html).
  20. Mimi Hall, "States' Post-9/11 Grants Unspent," *USA Today*, June 26, 2007, at [www.usatoday.com/news/washington/2007-06-25-state-terror-grants\\_N.htm?csp=34](http://www.usatoday.com/news/washington/2007-06-25-state-terror-grants_N.htm?csp=34).
  21. Eric Kelderman, "States' Rebellion at Real ID Echoes in Congress," Stateline.org, May 9, 2007, at [www.stateline.org/live/details/story?contentId=206433](http://www.stateline.org/live/details/story?contentId=206433).
  22. H.R. 1700, passed on May 15, 2007, by a margin of 381–34; see *Congressional Record*, May 15, 2007, pp. H4985–H4995, at [http://thomas.loc.gov/cgi-bin/query/r?r110:@OR+\(+@1\(H.R.+1700\)++@1\(H.+R.+1700\)++\)](http://thomas.loc.gov/cgi-bin/query/r?r110:@OR+(+@1(H.R.+1700)++@1(H.+R.+1700)++)), and Roll Call Vote No. 348, May 15, 2007, at <http://clerk.house.gov/evs/2007/roll348.xml>.
  23. Jennifer Steinhauer, "States Finding Fiscal Surprise: A Cash Surplus," *The New York Times*, June 11, 2007, at <http://www.nytimes.com/2007/06/11/us/11legislature.html>.
  24. William W. Beach and Rea S. Hederman, Jr., "Make the Bush Tax Cuts Permanent," Heritage Foundation WebMemo No. 956, January 5, 2006, at [www.heritage.org/Research/Taxes/wm956.cfm](http://www.heritage.org/Research/Taxes/wm956.cfm).