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Fixing the U.S. Congress by Embracing Earmarks

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Republicans’ Gift to President Obama

- 2010 Republican pledge to eliminate earmarks
- 2011 Republicans make good on their promise
- Goals:
  - Reduce spending
  - Reduce deficits
  - Reduce corruption
- Motivated by Tea Party influence
Earmarks Debate

• Republican-led effort

• Bipartisan support and opposition

• Involved legislative & constitutional concerns
Sen. Inhofe, Earmark Defender

“An across-the-board ban has the unintended consequence of eliminating useful spending.”

“To be clear, there are many earmarks that should be defeated. But we should defeat them based on their substance — not because they are earmarks.”

“Instead of ceding Congress’s constitutional authority to the president, we should hold Obama accountable and be responsive to our constituents.”

Overview of Talk

I. What are earmarks? Politics and Policy
II. The value of earmarks
III. An earmark ban: problems and consequences
IV. What an earmark ban means for Nevada
V. Conclusion
A History of Earmarks

• A tradition as old as the Republic
• Exist at the local, state and federal levels
• Earmarks can be Congressional or Presidential
• The New Deal & the expansion of government
• 1980s-2000s, Congress gets addicted
• Mid-2000s-Present, earmarks are vilified
Purpose of Earmarks

• Target funding for local concerns
• A way to employ legislators’ understanding of public needs
• Credit claiming & the electoral connection
• A means of restraining executive power
Earmarks and Corruption

- Kickbacks for elected officials and interests
- Self-serving earmarks
- Advantages within each chamber of Congress
The Politics of Earmarks

• Congressional earmarks
  – Provisions within bills
  – Provisions within amendments
  – Provisions within committee reports
  – Formal versus informal earmarks

• Executive/Presidential earmarks
  – White House influence
  – Appointee influence
Who Benefits from Earmarks?

- Congressional earmarks
  - Senior members
  - Small state senators
  - Vulnerable incumbents
  - Party leaders
  - Committee chairs
  - Public
Who Benefits from Earmarks?

• Presidential Earmarks
  – Swing states
  – Key constituencies
  – Home states
  – Policy constituencies
  – Me!
What Earmarks are NOT!

- Automatic budget growers
- Automatic deficit growers
- Automatically corrupt
- Automatically waste, fraud and abuse
- Bad for America
Everyone Should Embrace Pork!
The Democratic Value of Earmarks

- Responsiveness to local concerns
- Connects the public to their legislators
- Addresses public needs with public funds
- Can overcome bureaucratic challenges
- Helps voters assess their elected officials
The Legislative Value of Earmarks

- Helps coalition building
- Can break gridlock
- Forces negotiation, coordination, communication
- Links legislators by similar interests, efforts
- Unites members across parties
The Budgetary Value of Earmarks

• Clear divisions of funding

• Incentives to limit budget growth

• Motivates Congressional oversight
The Fallout of an Earmark Ban

The Legislative Branch

- Slows or stops the legislative process
- Less attention to appropriations process
- Stifles cooperation & collaboration
- Has no effect on budgets or deficits
- Weakens Congress’ constitutional role
The Fallout of an Earmark Ban

The Executive Branch

– Empowers the president
– Empowers appointees
– Empowers “unelected bureaucrats”
– Dramatically reduces transparency
– Dramatically affects who gets what and when
Earmark Bans Can Hurt States

• State need varies
• State capacity varies
• Some states struggle with competitive processes
• Earmarks can overcome state-level dysfunction
• The earmark ban can hurt states like Nevada
The Importance of Earmarks for Nevada

• Direct help from Congressional delegation
  – Senate Majority Leader
  – 2 members in the House majority
  – 1 House majority member in a swing district

• Helps Senator Reid move legislation
  – Increases opportunities for additional benefits
The Importance of Earmarks for Senate Leaders

• Coalition building is difficult in any legislature
• Coalition building is particularly difficult in the US Senate
• Senate Leaders tend to hail from small states, where earmarks are of particular use
Earmarks: Just What the Dr. Ordered

• Congress must eliminate the earmark ban
• Reform the earmarks process
  – Increase transparency
  – Ban earmarking when conflicts of interest are present
  – Engage public on benefits and risks of earmarks
  – Empower the Appropriations Committees to play a central role
Earmarks: Just What the Dr. Ordered

• Earmarks are a small price for an improved legislative environment
• Is it pretty? No.
• Is it better than the current situation? Anything is.
• Earmarks won’t fix everything that is wrong with Congress, but it certainly cannot make it worse.