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.”

Source: http://www.politico.com/news/stories/1110/45023.html#ixzz3EwFtUd5q
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.