

PERSONALLY SPEAKING

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FULL DISCLOSURE OF EARMARKS WITH LIMITS BEATS

“DON’T ASK, DON’T TELL”

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The derailed omnibus appropriations bill that included thousands of earmarks totaling \$8 billion will return when the new Congress convenes in January. The reason is simple. The federal government cannot function *indefinitely* on a resolution that continues the spending authorized in the FY 2009-10 budget. At some point, Congress must send a budget for FY 2010-11 to President Obama for his signature.

Mayo Research Institute takes no position on whether or not the omnibus bill should have been derailed. Earmarks, however, are an entirely different matter. MRI takes the position that there has to be a better way to handle earmarks than the present practice of “don’t ask, don’t tell” in which members of Congress know full well that their colleagues commonly bury earmarks in bills, and many of them do the very same thing without objection.

Banning earmarks completely has no chance at all for this reason: there is an insatiable demand for them in cities, towns, counties, colleges, universities, community service and economic development organizations, and non-profits across the United States. For example, earmarks in the omnibus bill designated for New Orleans alone included \$250,000 for the University of New Orleans for Pontchartrain basin restoration, \$1,000,000 for the New Orleans Crime Coalition to fight violent crime, and \$3,490,000 to New Orleans for Formosan subterranean termite research. Scanning only a portion of the earmarks in the bill, MRI found 36 sponsored by Senator Landrieu acting alone or with colleagues in the Louisiana congressional delegation.

There is at least one powerful reason to hold on to earmarks. Truly worthy projects have access to funding that otherwise might not be available, and senators and congressional representatives are better able identify the worthy ones than are federal bureaucrats because they are closer to the organizations asking for financial assistance.

On the other hand, there is one powerful reason to denounce them. An earmark may be used by a senator or congressional representative as payback for assistance in an election campaign or in exchange for a favor such as hiring a family member or friend. This kind of abuse cannot be stamped out entirely without banning all earmarks just as ending the abuse of alcohol could not be snuffed out without prohibiting all production, distribution, and consumption of

alcohol. Even so, prohibition did not lead to its intended outcome because bootleggers took over the business of producing and distributing alcohol. In like fashion, a total ban on earmarks would lead to even more devious ways of burying earmarks in the legislative process. Bootlegging, in other words, would take over.

MRI recommends allowing earmarks under two principal conditions. First, all earmarks are listed once a year in a single bill with the full list searchable online by state and sponsor(s). Second, the total amount of funds set aside for the earmark bill would be strictly limited with severe penalties for members of Congress who exceed their personal limits.

The president would set the overall limit on funding in his annual budget message, making it transparent for everyone to see, and would declare a deadline for the bill to arrive on his desk. Congress, of course, could change that limit before submitting the bill for his signature. The final agreed total would be divided equally between the Senate and the House of Representatives. Senators would share equally their half and representatives theirs. Everyone would be allowed to freely add projects to the bill as long as they respect their individual limits. Those who oppose earmarks or don't use up all of their own allotted funds would be allowed to sell their unused share to those who support earmarks and would like to raise their limits. Trading across party lines and from one house of Congress to the other would be permitted. The president may sign the bill or veto it. However, to prevent him from punishing his political enemies, the president could not line out specific projects in the bill.

The advantages to replacing "don't ask, don't tell" with transparency and limits are several. First, equal treatment for all senators and representatives, for all states and congressional districts. Second, one bill where everyone can see who supports earmarks and who opposes them, who wants more earmarked funds than his/her allotted portion and who is willing to share his/her portion. Third, no time wasted trying to insert/hide earmarks in other legislation; no time spent looking for them in other legislation. Fourth, no time wasted trying to defend or condemn earmarks.

Any senator or representative buying earmark allotments would have to transfer monies dollar-for-dollar from his/her own campaign funds to the war chest of the congressional colleague selling earmarked allotments. Thus two more advantages emerge. First, Congress would learn first-hand the difference between the usual horse-trading that goes on behind closed doors on Capitol Hill and how a real-world market works. Second, earmarks forsaken become a source of funds for the next election cycle allowing that senator or representative to spend less time raising funds and more time on the people's business. Or they could be applied to reducing the public debt.

Earmark allotments not used or traded could not be carried over from one budget cycle to the next: *use them, trade them, or lose them*. Anyone trying to slip an earmark into other legislation would have to pay the full amount of that project from his/her own campaign funds or scratch the project and pay the full amount into the U.S. Treasury. Violators who do not have sufficient funds for this purpose would automatically forfeit all of their congressional

retirement benefits.

Banning earmarks completely will not work because like it or not there is widespread support for them across America. Further, there are no assurances that truly clever members of Congress would not find new ways to continue getting earmarks funded. Limiting earmarks with full disclosure is a much more workable alternative to the extremes of a complete ban and “don’t ask, don’t tell.”

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\$ 400,000	1-10 Grand Prairie Highway interchange and frontage road	Landrieu, Vitter
750,000	1-10 Pecue Lane interchange, Baton Rouge	Landrieu, Vitter
2,500,000	Access road for hospital, St. Bernard Parish	Landrieu
800,000	City of Monroe Fourth St. underpass	Landrieu, Vitter
500,000	LA 1 project, phase II design, Golden Meadow, Leesville	Landrieu, Vitter Melancon
1,300,000	Regional planning commission, St. Tammany Parish	Landrieu
	LA 21 widening, New Orleans	
250,000	East Baton Rouge Parish, downtown greenway	Landrieu
1,000,000	1-49 North	Landrieu, Vitter
1,250,000	Union passenger terminal	Landrieu, Vitter, Cao
1,000,000	City of Covington to acquire facilities for community services and economic development	Landrieu
250,000	City of Gonzales for park improvements	Landrieu, Melancon
500,000	City of Gretna for planning and construction of a new Senior center to meet the demands of the elderly population	Landrieu
500,000	City of New Orleans for Federal City urban redevelopment	Landrieu, Vitter, Cao
250,000	Covenant House to acquire land for low-income youth initiative	Landrieu, Cao
750,000	Ctr for Planning Excellence to build capacity in land use Planning and community preservation throughout Louisiana	Landrieu
3,490,000	Formosan subterranean termite research, New Orleans	Landrieu, Melancon
623,000	Diet, nutrition, and obesity research, New Orleans	Landrieu
1,750,000	Phytoestrogen research, New Orleans	Landrieu, Cao, Kaptur
1,000,000	U.S. Agricultural Research Service, Houma	Landrieu, Vitter, Melancon
2,908,000	Shrimp aquaculture, with six other states	no Louisiana sponsor
150,000	Aquaculture	Landrieu, Vitter
526,000	Human nutrition	Landrieu
180,000	Tillage, silviculture, waste management	Landrieu, Melancon

200,000	Wetland plants	Landrieu, Vitter, Melancon
4,841,000	Wood utilization, with ten other states	Landrieu
94,000	Blackbird management	Landrieu
69,000	Disease prevention	Melancon
500,000	Giant salvinia control	Landrieu
500,000	Native plant initiative	Landrieu
137,500	Grambling State University, Expanding Minority Entrepreneurship Regionally Across the Louisiana Delta (EMERALD)	Landrieu
137,500	Regional economic alliance for Green New Orleans	Landrieu
250,000	Neighborhood commercialization revitalization project, New Orleans Redevelopment Authority	Cao
100,000	ULM business incubator renovation	Landrieu, Vitter
2,000,000	Coastal Restoration and Enhancement through Science And Technology, Baton Rouge	Landrieu, Vitter Cao, Melancon
250,000	University of New Orleans, Pontchartrain basin restoration	Landrieu, Vitter
110,000	Jeanerette City Marshall's office, community policing	Melancon
190,000	St. Martin Parish Sheriff, CIT program	Melancon, Vitter
250,000	Caddo Parish District Attorney, NW Louisiana Sexual Predator Task Force	Vitter
125,000	City of Monroe Police, chemical, biological, radiological, nuclear, and explosive incident response vehicle	Vitter
200,000	Grambling State University, Creating Honorable Opportunities that Involve Community, Education, and Service (CHOICES)	Landrieu
500,000	Metropolitan Crime Commission, New Orleans, support, personnel, equipment	Vitter
1,000,000	New Orleans Crime Coalition violent crime reduction initiative	Landrieu, Vitter, Cao
300,000	ZERO TO THREE, Orleans Parish Court Team for maltreated infants and toddlers	Landrieu
300,000	Dillard University eight grade initiative	Landrieu, Cao