An ePamphlet on Pork 'n Earmarks: What's Congress Serving the Public?

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I. Preface

You've heard about pork barrel spending and earmarks in the news. Though both terms have been cast with negative connotations, not all earmarks are bad. Pork barrel spending is more troublesome. Both occur during a complex federal budget process that few outside the Washington beltway understand. We'll tell you more about pork n' earmarks and where they creep up in the budget process. The issue with these two types of spending centers around whether pork and earmarks are evaluated and debated in the same way as other spending legislation.

II. Earmarking and The Budget Appropriations Process

Since earmarks and pork barrel spending are creatures of the federal budget process, it's important to learn how the process is manipulated to keep them from the public view. Again, not all earmarks are unfair. Congress is required, by Article I Section 9 of the United States Constitution, to pass legislation directing all appropriations of money drawn from the U.S. Treasury. This provides Congress with the power to earmark funds it appropriates to be spent on specific named projects. Earmarking has become a regular part of the budget process of allocating funds to the federal agencies. Some earmarks that are properly used to fund partnerships between federal and local governments make sense. The primary vehicle for allocating funds to federal agencies is through “appropriations bills”. The actual design of federal programs – detailing what agency is authorized to do or “its programmatic mission” is taken care of through a separate process called “authorizing legislation”. There are committees and subcommittees which are divided by federal agency to allocate funds outlined in the congressional budget resolution. The budget resolution is a summary of congress' budget priorities and overall budget limits for certain government functions and the agencies that oversee those functions. Many earmarks occur in regular appropriations legislation which provides an agency's budget authority for the upcoming fiscal year. Here's a list of the 13 regular appropriations that are passed by Congress:

Agriculture-Rural Development-Food and Drug Administration
Commerce-Justice-State-Judiciary
Department of Defense
District of Columbia
Energy and Water Development
Foreign Operations
Interior Department
Labor-Health and Human Services-Education
Legislative Branch
Military Construction
Transportation Department
Treasury-Postal Service-General government
Veterans Affairs-Housing and Urban Development-Independent Agencies

The Office of Budget and Management (OMB) is an agency in the executive branch of government that provides support to the White House in the budget process. Federal agencies are also part of the executive branch, must answer to the President and support his budget objectives. OMB monitors federal agency expenditures and assists them through the congressional budget process. They also provide information on its website about earmarks contained in subcommittee reports and appropriations legislation that can be viewed by the public.

III. Pork and Earmarks – What are they and Why Should I Care?

There's a lot of fuzzy talk around what earmarks and pork are and why we should be concerned about it. Earmarks come in 3 varieties:

1. Hard Earmarks – written into the language of appropriations and revenue bills which are binding and have the effect of law. Earmarks in appropriations bills direct federal agency funds to specific recipients and/or locations (i.e. certain cities, states or local programs.

2. Soft Earmarks – includes "pork barrel spending" which can be found in the text of Conference Reports and Joint Explanatory Statements which are not subject to the same level of review as a subcommittee report, whose contents are reported (or made part of the public record) and ultimately debated by the full House and Senate.

3. Executive Earmarks – occurs after the congressional appropriations process where administration officials direct funds from an agency's fund towards projects in some key district or state for political gain.