



Earmarks Disclosed by Congress: FY2008-FY2010 Regular Appropriations Bills

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Summary

In 2007, both the House and the Senate established new earmark transparency procedures. They provide for public disclosure of approved earmarks and the identification of their congressional sponsors. These procedures currently are contained in House Rule XXI, clause 9, and Senate Rule XLIV. Under both chambers' rules, an earmark is a provision in legislation or report language that is included primarily at the request of a Member, and provides, authorizes, or recommends a specific amount to an entity or to a specific state, locality, or congressional district.

This report summarizes the earmarks disclosed for the 12 regular, annual appropriations bills for each of FY2008, FY2009, and FY2010. For these bills, a list of earmarks was typically included in the explanatory statement accompanying the final version of the bill under the heading "Disclosure of Earmarks and Congressionally Directed Spending Items." This report does not pertain to any earmarks disclosed in supplemental appropriations or authorizing legislation.

This report directly analyzes the data in the earmark disclosure lists, without additions or deletions. For individual earmarks, the disclosures typically identify the federal agency, project name, amount, and requester. In some cases, other information also has been included, such as an account within an agency, or the purpose or location of the earmark.

In FY2010, Congress identified 11,320 earmarks with a total value of \$32.0 billion. Some appropriations bills account for more earmarks than others (**Table 2**). For instance, about four-fifths of the 11,320 earmarks in FY2010 are in five of the 12 appropriations bills. The Energy and Water Development and Related Agencies appropriations bill contains the greatest number of FY2010 earmarks—2,293, about 20% of the total number of earmarks.

The distribution of the value of earmarks is more concentrated, with about \$27.5 billion, or 86%, of the value of earmarks in four of the appropriations bills. The Military Construction and Veterans Affairs and Related Agencies appropriations bill contains the greatest value of FY2010 earmarks—\$14.5 billion, about 45% of the total value. Some appropriations bills account for fewer earmarks but have a greater share of the value, or vice versa.

House and Senate rules do not require congressional disclosure of presidentially requested earmarks. However, nine appropriations bills in FY2010 list the President as a requester, either solely or with a Member of Congress, for 2,039 earmarks worth \$21.8 billion (18% of the total number and 68% of the total value of earmarks in the disclosure lists). It is possible that there are more presidential earmarks than those disclosed by Congress. There were 9,281 Member-only earmarks worth \$10.2 billion (82% of the total number and 32% of the total value, **Table 3**).

From FY2008 to FY2010, the total number of appropriations earmarks in all 12 bills decreased 12%, from 12,810 to 11,320. However, the total value of earmarks increased 11%, from \$28.9 billion to \$32.0 billion (**Table 5**). The percentage of the total appropriation that was earmarked decreased from 1.8% in FY2008 to 1.5% in FY2010. Excluding mandatory spending, the percentage of non-mandatory appropriations that were earmarked fell from 2.9% to 2.4%. Both the number and value of President-only earmarks increased since FY2008 (from 819 earmarks worth \$4.2 billion in FY2008, to 1,265 earmarks worth \$9.5 billion in FY2010; up 54% by number and 126% by value). Conversely, the number and value of Member-only earmarks decreased since FY2008, from 11,117 earmarks worth \$12.5 billion in FY2008, to 9,281 earmarks worth \$10.2 billion in FY2010, down 17% by number and 19% by value (**Table 6**).

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Introduction

During 2007, both the House and the Senate established new earmark transparency procedures for their respective chambers. They provide for public disclosure of approved earmarks and the identification of their congressional sponsors, among other requirements. These procedures currently are contained in House Rule XXI, clause 9, and Senate Rule XLIV.¹

While the House rule requires disclosure of “congressional earmarks” and the Senate rule requires disclosure of “congressionally directed spending items,” the terms are defined in the same way. Thus, this report uses the term “earmark” to encompass both a “congressional earmark” as used in the House rule and a “congressionally directed spending item” as used in the Senate rule. Under both chambers’ rules, an earmark is a provision in legislation or report language that meets certain criteria. First, it is included primarily at the request of a Member. Second, it provides, authorizes, or recommends a specific amount of discretionary budget authority, credit authority, or other spending authority (1) to an entity, or (2) to a specific state, locality, or congressional district. However, the rules exclude funding set-asides that are selected through a statutory or administrative formula-driven or competitive award process.²

This report provides information on the earmarks disclosed by the House and Senate for the 12 regular, annual appropriations bills for each of FY2008, FY2009, and FY2010. For these bills, a list of earmarks was typically included in the explanatory statement accompanying the final version of the bill, under the heading “Disclosure of Earmarks and Congressionally Directed Spending Items.”³ The abbreviations in **Table 1** are used to reference the bills.

¹ House Rules are available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_house_rules_manual&docid=110hruletx-78.pdf. Senate Rules are available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_senate_manual&docid=sd001_110-2.pdf.

² This report describes only selected provisions of the earmark disclosure rules. The summary here is derived from CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by Sandy Streeter. That report provides a fuller explanation and comparison of the earmark procedures and requirements in House and Senate rules.

For information on the disposition of points of order raised in the Senate under these rules, see CRS Report RS22733, *Senate Rules Restricting the Content of Conference Reports*, by Elizabeth Rybicki. Further, two CRS companion reports outline the major administrative responsibilities of Members and committees associated with the earmark disclosure rules. They are CRS Report RS22866, *Earmark Disclosure Rules in the House: Member and Committee Requirements*, by Megan Suzanne Lynch and CRS Report RS22867, *Earmark Disclosure Rules in the Senate: Member and Committee Requirements*, by Megan Suzanne Lynch.

³ In requiring disclosure of earmarks in appropriations acts or report language, House and Senate rules apply to earmarks in regular appropriations bills and each bill’s accompanying conference report. Conference reports contain two parts. They include bill language reflecting the conference committee’s proposal for resolving the House and Senate differences on a bill, and the joint explanatory statement that explains the bill language.

For FY2010, the earmark disclosure lists for six appropriations bills are included in the explanatory statement for H.R. 3288 (enacted as P.L. 111-117). That statement is contained in conference report H.Rept. 111-366 available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_reports&docid=f:hr366.111.pdf. The six bills are the Commerce-Justice-Science, Financial Services, Labor-HHS-Education, Military Construction-VA, State-Foreign Operations, and Transportation-HUD appropriations bills. The earmark disclosure lists for the other six FY2010 bills are included in the explanatory statements for H.R. 2997 (P.L. 111-80, Agriculture), H.R. 3326 (P.L. 111-118, Defense), H.R. 3183 (P.L. 111-85, Energy-Water), H.R. 2892 (P.L. 111-83, Homeland Security), H.R. 2996 (P.L. 111-88, Interior-Environment), and H.R. 2918 (P.L. 111-68, Legislative Branch).

For FY2009, the earmark disclosure lists for nine appropriations bills are included in the explanatory statement for H.R. 1105 (enacted as P.L. 111-8). That statement is contained in a committee print of the House Appropriations Committee, available at <http://www.gpoaccess.gov/congress/house/appropriations/09conappro2.html>. The nine bills are the Agriculture, Commerce-Justice-Science, Energy-Water, Financial Services, Interior-Environment, Labor-HHS- (continued...)

Table I. Appropriations Bills

Appropriations Bill	Abbreviation
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Agriculture
Commerce, Justice, Science, and Related Agencies	Commerce-Justice-Science
Defense	Defense
Energy and Water Development and Related Agencies	Energy-Water
Financial Services and General Government	Financial Services
Homeland Security	Homeland Security
Interior, Environment, and Related Agencies	Interior-Environment
Labor, Health and Human Services, and Education, and Related Agencies	Labor-HHS-Education
Legislative Branch	Legislative Branch
Military Construction and Veterans Affairs and Related Agencies	Military Construction-VA
State, Foreign Operations, and Related Programs	State-Foreign Operations
Transportation, Housing and Urban Development, and Related Agencies	Transportation-HUD

Source: CRS.

The appropriations committees began publishing these disclosure lists in FY2008, the first year under the new rules. This report analyzes the data in the lists directly, without additions or deletions, as explained below. The disclosures typically identify the federal agency, project name, amount, and requester. In some cases, other information also has been included, such as an account within an agency, or the recipient, purpose, or location of the earmark.

For FY2008-FY2010, the explanatory statement for the State-Foreign Operations appropriations bill states that neither the bill text nor the accompanying explanatory statement contain earmarks as defined in House and Senate rules. Consequently, most of the discussion in this report focuses on the other 11 appropriations bills, for which Congress disclosed earmarks for each fiscal year.

This report does not address earmarks disclosed for bills other than the 12 regular, annual appropriations bills for FY2008-FY2010. For example, it does not pertain to any earmarks disclosed for supplemental appropriations bills or for authorizing legislation.

Tabulations in this report reflect all earmarks in the FY2008-FY2010 disclosure lists for the 11 appropriations bills, regardless of what information is provided for each entry. For instance, no distinctions are drawn based on the indicated requester. Some of the items identify the requester

(...continued)

Education, Legislative Branch, State-Foreign Operations, and Transportation-HUD appropriations bills. The earmark disclosure lists for the other three FY2009 bills are included in the explanatory statement for H.R. 2638 (enacted as P.L. 110-329). That statement is contained in a committee print of the House Appropriations Committee, available at <http://www.gpoaccess.gov/congress/house/appropriations/09conappro.html>. The three bills are the Defense, Homeland Security, and Military Construction-VA appropriations bills.

For FY2008, the earmark disclosure lists for all appropriations bills except Defense are contained in the explanatory statement for H.R. 2764 (enacted as P.L. 110-161). That statement is contained in a committee print of the House Appropriations Committee, available at <http://www.gpoaccess.gov/congress/house/appropriations/08conappro.html>. The earmark disclosure list for the FY2008 Defense bill is contained in the explanatory statement in the conference report on H.R. 3222 (enacted as P.L. 110-116).

as one or more Members, others note only the President, while still others indicate the President and Members.⁴ Similarly, the counts of earmarks include those items in the disclosure lists for which no funding level was indicated.

Observers of the budget process frequently focus on earmarks that were originated by Congress. However, earmarking is not solely a congressional activity. Observers also have identified earmarking conducted by the President and others in the executive branch during budget formulation and execution, both at their discretion and through interactions with Congress.⁵ There is no source that defines and comprehensively identifies executive branch earmarks. Nevertheless, some of the FY2008-FY2010 congressional disclosure lists identify earmarks as requested solely by the President, or by the President and one or more Members. A discussion of these earmarks disclosed for FY2010 is presented below in the section on “Congressionally Disclosed Earmarks Requested by the President,” and for FY2008-FY2010 in the section on “Recent Earmark Trends: FY2008 to FY2010.”

The tabulations in this report reflect the value of the earmarks in the disclosure lists, although subsequent actions could have altered them. For instance, rescissions of funds might have reduced the amounts identified as earmarked. Additionally, some of the earmarks may not have been provided to recipients who did not comply with conditions or requirements.⁶

The balance of this report provides data on the earmarks disclosed by Congress for the FY2008-FY2010 regular annual appropriations bills. First, a series of tables and graphs depicts data for FY2010, the most recent fiscal year for which data are available for all enacted appropriations bills. Second, another series of tables and graphs compares earmarks for FY2010 with earmarks for prior years back to FY2008, the first year for which Congress published earmark disclosure lists under chamber rules. The tables and graphs contain data on the number and dollar value of the earmarks disclosed for each appropriations bill. They also identify the portion of each bill’s total appropriation and non-mandatory funding that was earmarked.

Data on Congressional Disclosure of Earmarks

Distribution of Earmarks in FY2010

In FY2010, Congress identified 11,320 earmarks worth \$32.0 billion. About 1.5% of the total regular FY2010 appropriation was earmarked, 2.4% if mandatory appropriations are excluded (**Table 2**).

Some appropriations bills account for more earmarks than others. About four-fifths (79%) of the 11,320 earmarks in FY2010 are in five of the 12 appropriations bills (8,896 earmarks in Energy-Water, Labor-HHS-Education, Defense, Transportation-HUD, and Commerce-Justice-Science).

⁴ In addition, the FY2010 disclosure list for the Financial Services bill notes the Judiciary as a requester for five earmarks.

⁵ For related discussion, see CRS Report RL34648, *Bush Administration Policy Regarding Congressionally Originated Earmarks: An Overview*, by Clinton T. Brass, Garrett Hatch, and R. Eric Petersen.

⁶ No source comprehensively tracks subsequent actions that could have altered the number or value of earmarks disclosed by Congress.

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The Energy-Water bill contains the greatest number of FY2010 earmarks (2,293, about 20% of all earmarks; **Figure 1**).

The distribution of the value of earmarks is more concentrated, with about \$27.5 billion, or 86%, of the value of earmarks in four of the appropriations bills (Military Construction-VA, Energy-Water, Defense, and Transportation-HUD). The Military Construction-VA bill contains the greatest value of FY2010 earmarks (\$14.5 billion, about 45% of the combined value of earmarks; **Figure 2**).

Some appropriations bills account for fewer earmarks but have a greater share of the value, or vice versa. For example, Military Construction-VA is ranked sixth in the number of earmarks (with 7%), but is ranked first by the value of earmarks (with 45%). In contrast, five bills are ranked lower by the value of earmarks than their rank by number. Energy-Water is ranked first by number but second by value; Labor-HHS-Education is ranked second by number but sixth by value; Commerce-Justice-Science is ranked fifth by number but seventh by value; Interior is seventh by number but eighth by value, and Agriculture is eighth by number but tenth by value (**Figure 1** and **Figure 2**).

Table 2. FY2010 Earmarks Disclosed by Congress: Number, Dollar Value, and Percentage of Total and Non-Mandatory Appropriations, by Appropriations Bill

Appropriations Bill	Earmarks		Total appropriation in bill		Non-mandatory appropriation	
	Number	\$ million	\$ million	% earmarks	\$ million	% earmarks
Energy-Water	2,293	5,728	33,978	16.9%	33,978	16.9%
Labor-HHS-Education	1,795	1,057	748,724 ^a	0.1%	165,845 ^a	0.6%
Defense	1,719	4,197	636,665	0.7%	636,374	0.7%
Transportation-HUD	1,576	3,071	122,143	2.5%	122,143	2.5%
Commerce-Justice-Science	1,513	781	68,174	1.1%	67,952	1.1%
Military Construction-VA	745	14,525	182,750	7.9%	126,182	11.5%
Interior-Environment	733	710	32,295	2.2%	32,240	2.2%
Agriculture	462	355	121,230	0.3%	23,401	1.5%
Financial Services	291	1,109	46,265	2.4%	25,696	4.3%
Homeland Security	192	420	44,137	1.0%	42,776	1.0%
Legislative Branch	1	0.20	4,656	0.004%	4,656	0.004%
State-Foreign Operations	0	0	48,923	0%	48,764	0%
Total	11,320	31,954	2,089,941	1.5%	1,330,006	2.4%

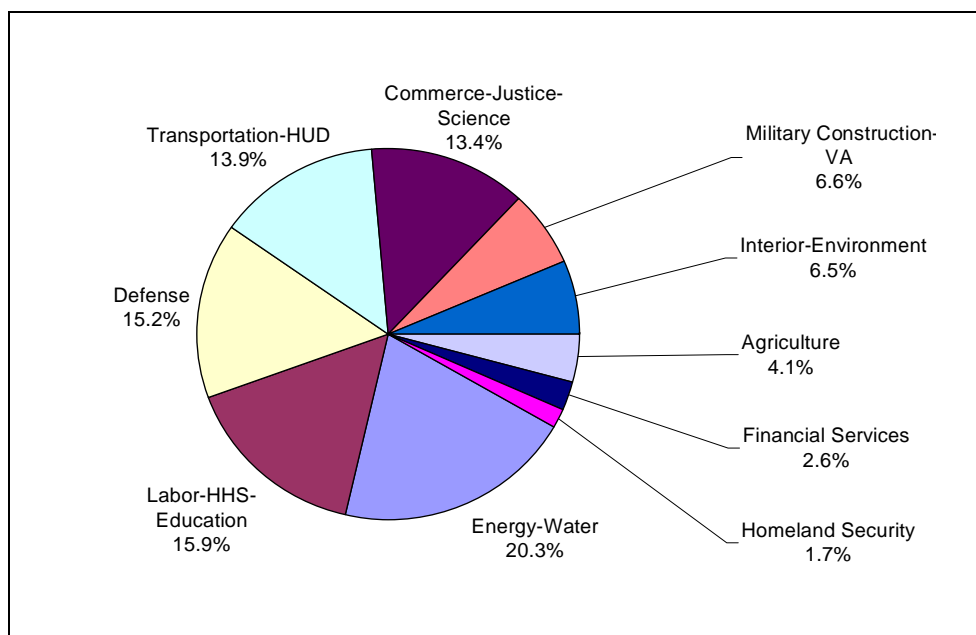
Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118.

Notes: Appropriations bills are ordered by the number of earmarks.

a. These totals do not include \$831.0 million in previously appropriated FY2010 funds for Pell Grants.

Figure 1. Distribution of Number of Earmarks by Appropriations Bill, FY2010

(Total: 11,320 earmarks in congressional disclosure lists)

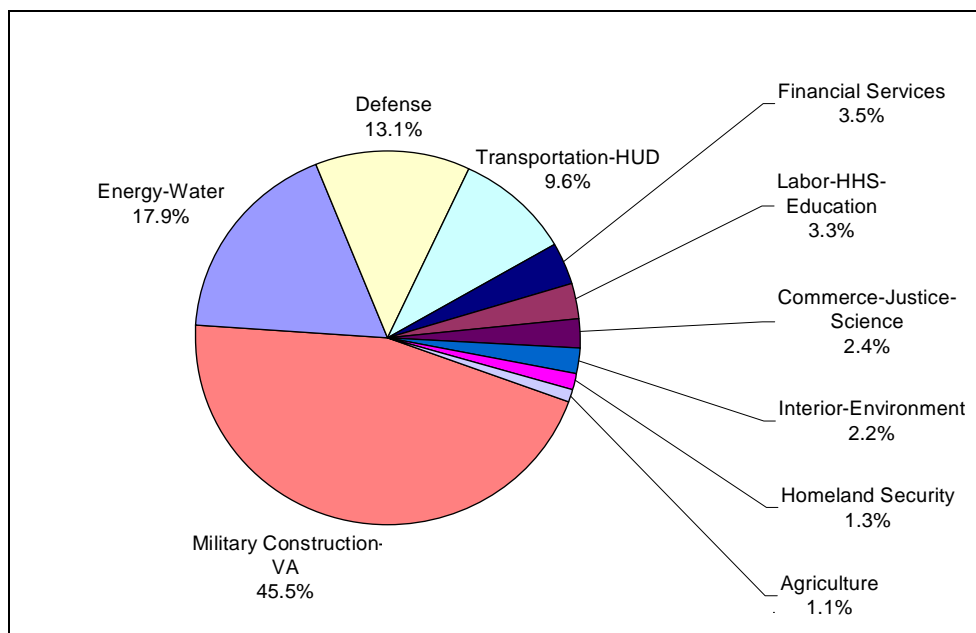


Source: CRS, compiled from the "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118.

Notes: Does not show the Legislative Branch bill (0.01%) or State-Foreign Operations (0%).

Figure 2. Distribution of Value of Earmarks by Appropriations Bill, FY2010

(Total: \$32.0 billion in congressional disclosure lists)



Source: CRS, compiled from the "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118.

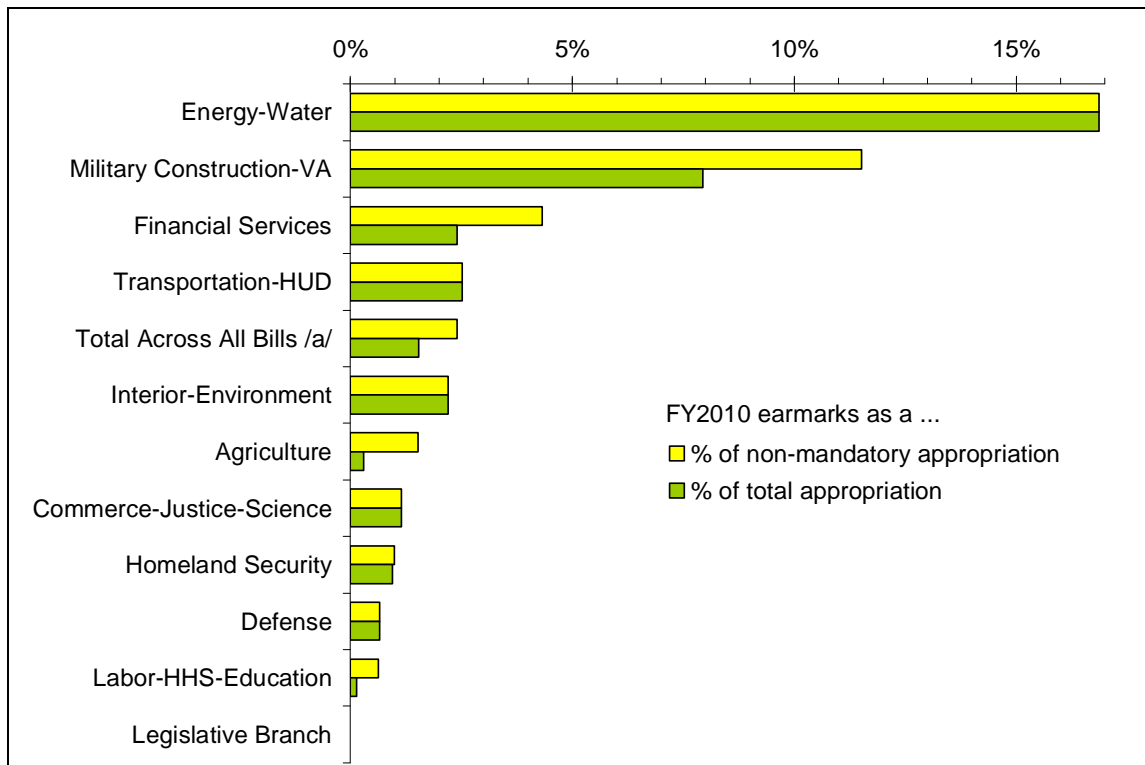
Notes: Does not show the Legislative Branch bill (0.001%) or State-Foreign Operations (0%).

Earmarks as a Percentage of Appropriations in FY2010

Another measure of the magnitude of earmarks is the percentage of the appropriation that is earmarked. There are various types of appropriations totals, but perhaps the two most relevant for this comparison are the grand total and the total of non-mandatory appropriations (**Table 2**).

Earmarks are predominantly, if not exclusively, found in discretionary accounts. All appropriations bills include discretionary spending, and some include mandatory spending. Discretionary spending supports a wide variety of activities. It is controlled by the appropriations acts, which are under the jurisdiction of the House and Senate Committees on Appropriations. Mandatory spending primarily funds entitlement programs. It is controlled by the authorization (or legislative) acts, which are under the jurisdiction of the authorizing committees.⁷

Figure 3. Earmark Values as a Percentage of Non-Mandatory and Total Appropriations by Bill, FY2010



Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118.

Notes: Appropriations bills are ordered by the percentage of non-mandatory appropriations that is earmarked. This figure does not show the State-Foreign Operations bill because it had no earmarks.

/a/ Reflects the percentages of the non-mandatory and total appropriations that were earmarked across all 12 bills (2.4% and 1.5%, respectively).

⁷ CRS Report 97-684, *The Congressional Appropriations Process: An Introduction*, by Sandy Streeter, pp. 15-16.

In addition, the Transportation-HUD bill separately identifies contract authority, which is included in these tables as non-mandatory appropriations. The difference between the total and non-mandatory appropriations can be large for some bills, such as Labor-HHS-Education (which has mandatory funds for Medicare and Medicaid, among other programs) and Agriculture (which has mandatory funds for food stamps and the farm commodity programs).

For all 12 FY2010 appropriations bills combined, 1.5% of the total value of regular appropriation is earmarked, and 2.4% of the non-mandatory appropriation is earmarked.

The percentages of regular FY2010 total appropriations that were earmarked ranged from 0% for the State-Foreign Operations appropriations bill to 16.9% for the Energy-Water appropriations bill (**Table 2, Figure 3**). However, for all of the bills except two (Energy-Water, and Military Construction-VA), the percentages of total appropriations that were earmarked are less than 3%.

When mandatory funds are excluded, the percentages earmarked can change significantly. For example, the percentage of the FY2010 total appropriation earmarked for Military Construction-VA is 7.9%, but it increases to 11.5% of the non-mandatory appropriation (**Table 2, Figure 3**). For Financial Services, the respective percentages are 2.4% and 4.3%; for Agriculture, 0.3% and 1.5%; and for Labor-HHS-Education, 0.1% and 0.6%.

Congressionally Disclosed Earmarks Requested by the President

House and Senate rules do not require congressional disclosure of presidentially requested earmarks. The disclosure lists for some bills, however, include the “President” as a requester. **Table 3** presents the number and value of FY2010 earmarks in the disclosure lists that were requested by the President. It is not clear that Administration earmarks are defined or disclosed consistently across all appropriations bills. Thus, it is possible that there may be more presidentially requested earmarks than are reflected in **Table 3**. The disclosure list for the FY2010 Financial Services bill also identified the Judiciary as a requester for five earmarks.

Nine of the 11 FY2010 appropriations bills with congressionally disclosed earmarks list the “President” (or the “Judiciary”) as a requester of some earmarks, alone or with Members of Congress. The total across all appropriations bills in FY2010 is 2,039 earmarks worth \$21.8 billion (18% of the total number and 68% of the total value). Only the Defense and Legislative Branch appropriations bills did not identify earmarks as requested by the President in FY2010.

- The President is disclosed as the only requester (no Members of Congress are listed) for a subset of earmarks. The 12-bill total is 1,265 earmarks worth \$9.5 billion (11% of the 11,320 total number and 30% of the \$32.0 billion total value). The Energy-Water bill had 768 of these earmarks worth \$2.0 billion; Military Construction-VA is next with 320 earmarks for \$6.4 billion (**Figure 4, Figure 5**).
- The President (or the Judiciary) and Members of Congress jointly requested another subset of earmarks. The 12-bill total is 774 earmarks worth \$12.4 billion (7% of the 11,320 total number and 39% of the \$32.0 billion total value). The Energy-Water bill has 409 of these earmarks worth \$2.7 billion, and the Military Construction-VA bill had 243 earmarks worth \$7.0 billion (**Figure 4, Figure 5**).

The final subset of earmarks are those requested solely by Members of Congress. The total across all appropriations bills in FY2010 is 9,281 earmarks worth \$10.2 billion (82% of the 11,320 total number and 32% of the \$32.0 billion total value; **Table 3**). The Labor-HHS-Education, Defense,

Transportation-HUD, and Commerce-Justice-Science appropriations bills each had between 1,500 and 1,800 Member-only earmarks (**Figure 4**). Among these, Defense accounted for \$4.2 billion of the earmarks, followed next by Transportation-HUD with \$1.2 billion of Member-only earmarks (**Figure 5**).

As implied above, the vast majority of earmarks (82%) are Member-only earmarks, while the value of earmarks is more evenly split among the three categories of requesters. Specifically, the earmarks requested jointly by the President and Members accounted for 39% of the total earmark value, followed by Member-only requests with 32% of the value and President-only requests at 30% of the value.

The relatively large number and dollar value of presidentially requested earmarks for Military Construction-VA and Energy-Water reflect the practices of some agencies within these bills of requesting and managing funds at the project level. Specifically, the Department of Defense typically requests funds for individual military construction projects, and such requests are among those disclosed for the Military Construction-VA bill. Similarly, the Corps of Engineers and the Bureau of Reclamation typically request funds for specific agency projects, and these requests are among the earmarks disclosed for the Energy-Water bill.

Table 3. Congressionally Disclosed Earmarks That Were Requested by the President and Members of Congress, FY2010

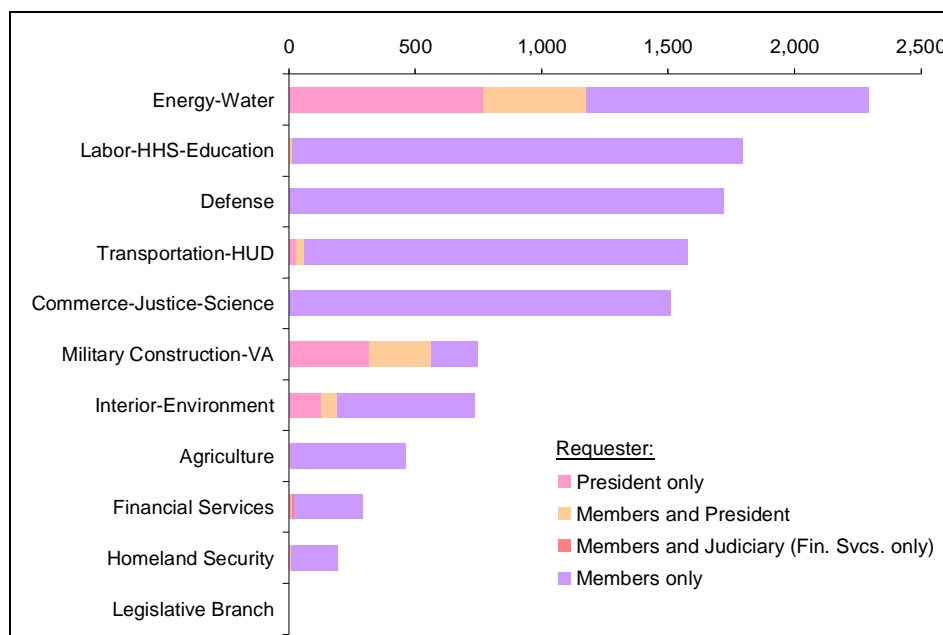
Bill	Number				Value (\$ million)			
	President only	Members and President	Members only	Total	President only	Members and President	Members only	Total
Energy-Water	768	409	1,116	2,293	1,988	2,711	1,028	5,728
Labor-HHS-Education	1	11	1,783	1,795	11	167	879	1,057
Defense	0	0	1,719	1,719	0	0	4,197	4,197
Transportation-HUD	31	29	1,516	1,576	275	1,586	1,210	3,071
Commerce-Justice-Science	2	0	1,511	1,513	67	0	715	781
Military Construction-VA	320	243	182	745	6,379	7,046	1,100	14,525
Interior-Environment	129	62	542	733	212	158	341	710
Agriculture	1	2	459	462	1	3	351	355
Financial Services	10	10 ^a	271	291	506	538 ^a	65	1,109
Homeland Security	3	8	181	192	12	144	264	420
Legislative Branch	0	0	1	1	0	0	0.20	0.20
State-Foreign Operations	0	0	0	0	0	0	0	0
Total	1,265	774	9,281	11,320	9,450	12,353	10,151	31,954

Source: CRS, compiled from the "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118.

Notes: Appropriations bills are ordered by the total number of earmarks.

- a. Contains five earmarks totaling \$282.9 million that were requested jointly by Members and the Judiciary. FY2010 is the first year that the disclosure lists include earmarks by the Judiciary. These earmarks support U.S. Courthouse projects through the General Services Administration (GSA).

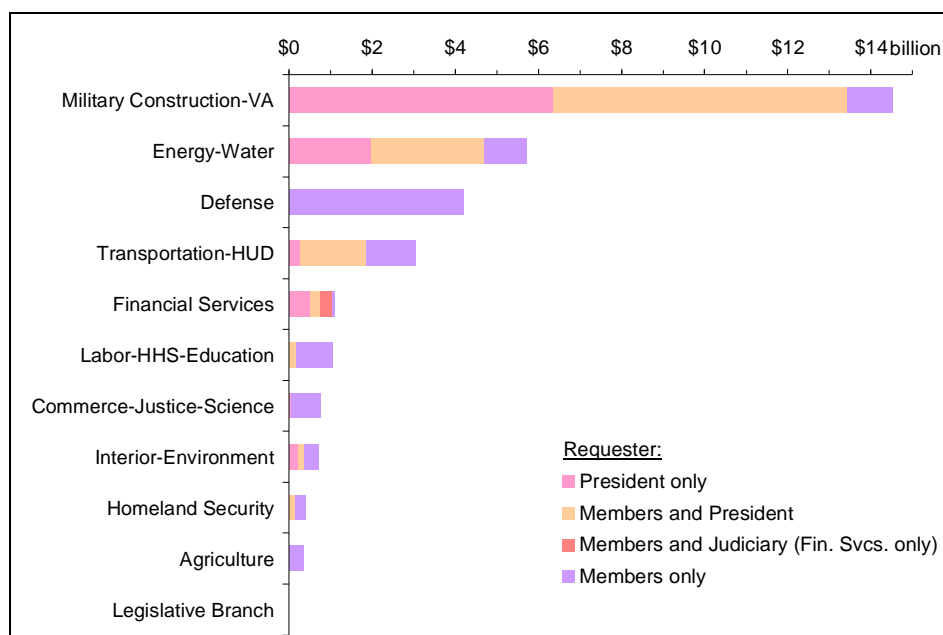
Figure 4. Number of Congressionally Disclosed Earmarks That Were Requested by the President, the Judiciary, and Members of Congress, FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the total number of earmarks. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Figure 5. Value of Congressionally Disclosed Earmarks That Were Requested by the President, the Judiciary, and Members of Congress, FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the total value of earmarks. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Recent Earmark Trends: FY2008 to FY2010

From FY2008 to FY2010, the three years with disclosure lists, the number of appropriations earmarks decreased 12% to 11,320 (1,490 fewer earmarks). However, the value increased 11% to \$32.0 billion (+\$3.1 billion, **Table 4**). Over the same period, total appropriations increased by 31%. Thus, the percentage of the appropriations that was earmarked decreased in FY2010: 1.5% of the total appropriation (down from 1.8% in both FY2008 and FY2009) and 2.4% of the non-mandatory appropriation (down from 2.9% in both FY2008 and FY2009, **Table 5**).

Seven of the 11 bills with earmarks had a decrease in number, including the five bills accounting for 79% of the earmarks (Energy-Water, Labor-HHS-Education, Defense, Transportation-HUD, and Commerce-Justice-Science; **Figure 6**). Two of these bills (Transportation-HUD and Labor-HHS-Education) accounted for 68% of the decline in number (1,019 fewer earmarks). Four bills (Military Construction-VA, Interior-Environment, Homeland Security, and Financial Services) had an increase in the number (372 more earmarks).

Six of 11 bills had a decrease in the value of earmarks, subtotaling a \$1.7 billion decline. Five bills (Military Construction-VA, Transportation-HUD, Financial Services, Interior-Environment, and Labor-HHS-Education) had an increase in the value of earmarks. The Military Construction-VA bill accounts for the magnitude of the increase in the value of earmarks, with a \$4.5 billion (+45%) increase over two years (**Figure 7**). Excluding Military Construction-VA, the value of earmarks for the remaining bills is down 7% (-\$1.4 billion) in the two years since FY2008.

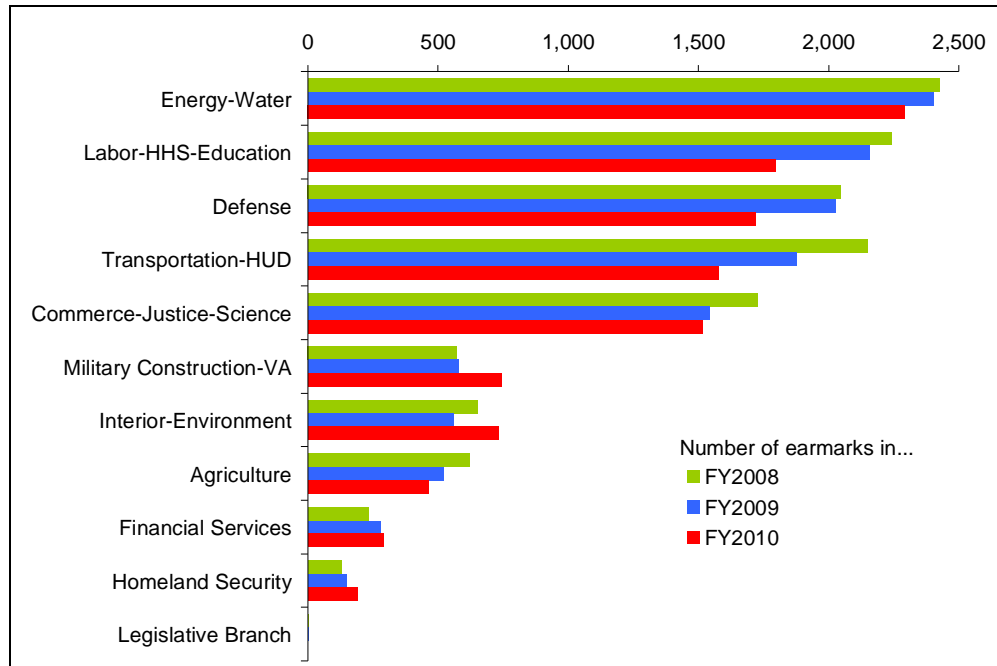
Table 4. FY2008 and FY2010 Earmarks Disclosed by Congress: Number and Dollar Value, by Appropriations Bill

Appropriations bill	Number				Value (\$ million)			
	FY2008	FY2010	Change	% Change	FY2008	FY2010	Change	% Change
Energy-Water	2,427	2,293	-134	-6%	6,595	5,728	-868	-13%
Labor-HHS-Education	2,241	1,795	-446	-20%	1,027	1,057	+30	+3%
Defense	2,049	1,719	-330	-16%	4,982	4,197	-785	-16%
Transportation-HUD	2,149	1,576	-573	-27%	2,954	3,071	+117	+4%
Commerce-Justice-Science	1,728	1,513	-215	-12%	823	781	-42	-5%
Military Construction-VA	573	745	+172	+30%	10,044	14,525	+4,481	+45%
Interior-Environment	651	733	+82	+13%	625	710	+86	+14%
Agriculture	623	462	-161	-26%	402	355	-47	-12%
Financial Services	234	291	+57	+24%	1,001	1,109	+107	+11%
Homeland Security	131	192	+61	+47%	424	420	-3	-1%
Legislative Branch	4	1	-3	-75%	0.40	0.20	-0.20	-50%
State-Foreign Operations	0	0	0	0%	0	0	0	0%
Total	12,810	11,320	-1,490	-12%	28,878	31,954	+3,076	+11%

Source: CRS, compiled from the statements of "Disclosure of Earmarks and Congressionally Directed Spending Items" for FY2008 (P.L. 110-116, P.L. 110-161) and FY2010 (P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118).

Notes: Bills are ordered by the number of earmarks in FY2010. Numbers may not add due to rounding.

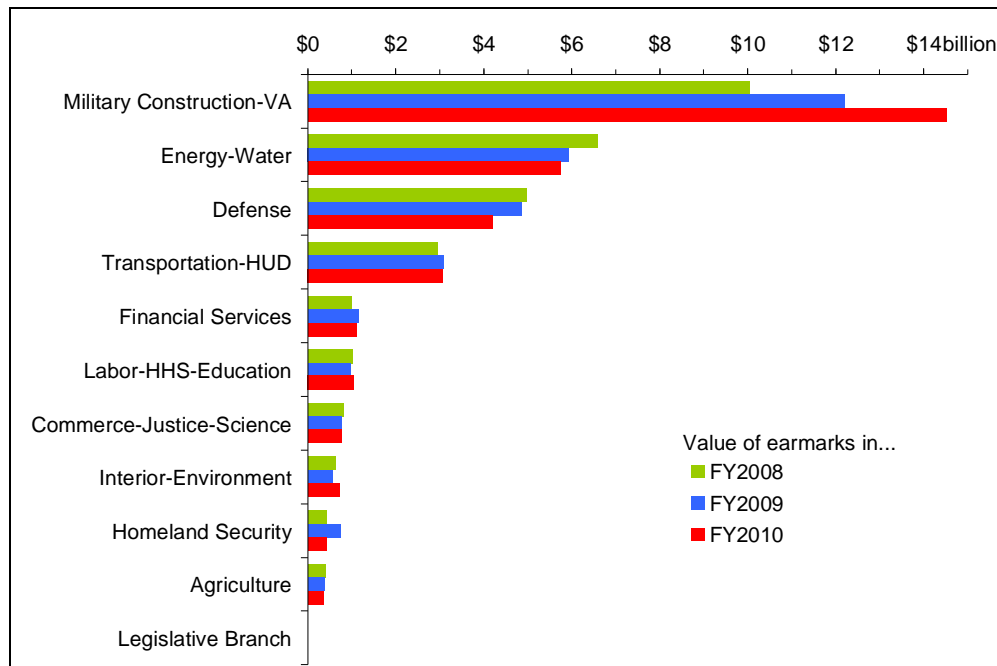
Figure 6. Number of Earmarks by Appropriations Bill, FY2008-FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the number of earmarks in FY2010. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Figure 7. Value of Earmarks by Appropriations Bill, FY2008-FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

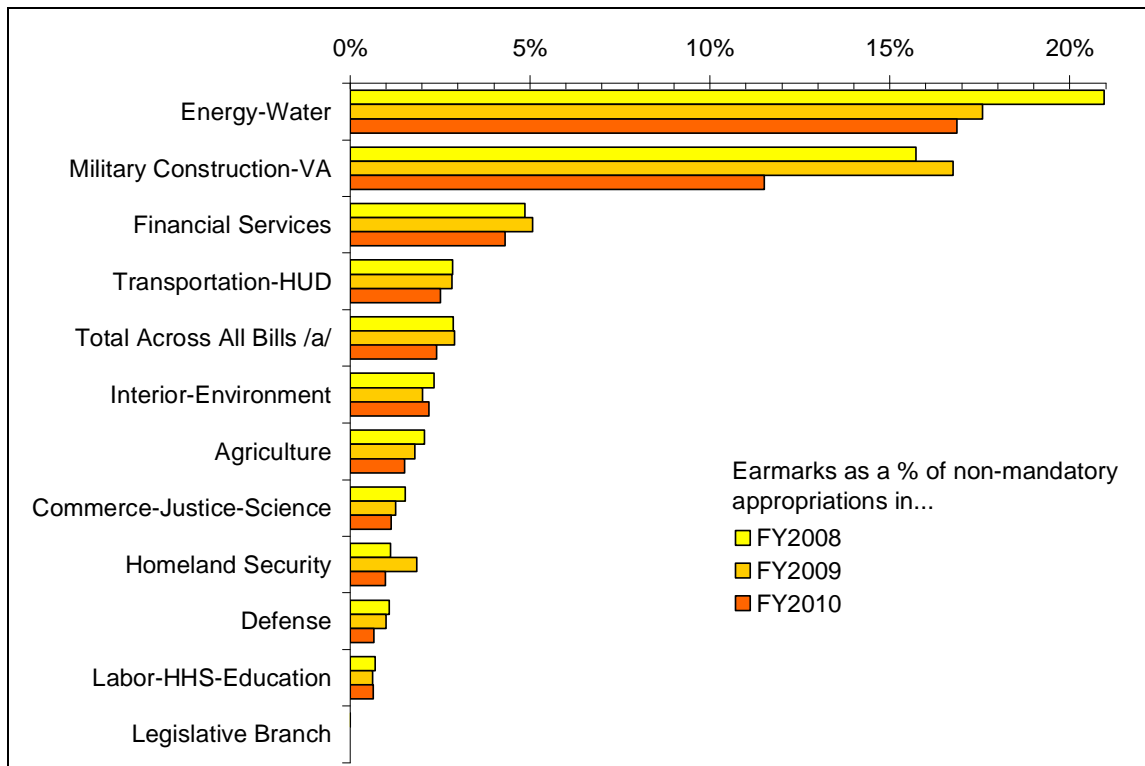
Notes: Appropriations bills are ordered by the value of earmarks in FY2010. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Trends in Earmarks as a Percentage of Appropriations

Table 5 is a multi-year version of **Table 2** that contains data on the earmarked percentage of appropriations from FY2008 to FY2010, as well as the number and value of earmarks.

For each appropriations bill, the percentage of non-mandatory appropriations that was earmarked fell from FY2008 to FY2010 (**Figure 8**). This result occurred despite growth in the value of earmarks in some bills, as discussed earlier, because total appropriations increased by over 30%. For most bills the decline in the percentage earmarked was consistent over the three years, but for three bills the highest percentage was in the middle year. Over all 12 appropriations bills, the percentage of non-mandatory appropriations that was earmarked fell from 2.9% in FY2008 to 2.4% in FY2010 (**Table 5**).

Figure 8. Earmark Values as a Percentage of Non-Mandatory Appropriations by Bill, FY2008-FY2010



Source: CRS, compiled from appropriations totals and earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the earmark value as a percentage of non-mandatory appropriations in FY2010. This figure does not show the State-Foreign Operations bill because it had no earmarks.

/a/ Reflects the percentage of the total non-mandatory appropriation that was earmarked for all 12 bills (2.9% in FY2008 and FY2009, and 2.4% in FY2010).

Table 5. FY2008-FY2010 Earmarks Disclosed by Congress: Number, Dollar Value, and Percentage of Total and Non-Mandatory Appropriations, by Appropriations Bill

Bill and year	Earmarks		Total appropriation in bill		Non-mandatory appropriation	
	Number	\$ million	\$ million	% earmarks	\$ million	% earmarks
Energy-Water						
FY2008	2,427	6,595	31,466 ^a	21.0% ^b	31,466 ^a	21.0% ^b
FY2009	2,403	5,940	33,795	17.6%	33,795	17.6%
FY2010	2,293	5,728	33,978	16.9%	33,978	16.9%
Military Construction-VA						
FY2008	573	10,044	108,391	9.3%	63,904	15.7%
FY2009	578	12,213	119,608	10.2%	72,865	16.8%
FY2010	745	14,525	182,750	7.9%	126,182	11.5%
Financial Services						
FY2008	234	1,001	43,281	2.3%	20,599	4.9%
FY2009	279	1,153	44,582	2.6%	22,697	5.1%
FY2010	291	1,109	46,265	2.4%	25,696	4.3%
Transportation-HUD						
FY2008	2,149	2,954	103,579	2.9%	103,579 ^c	2.9%
FY2009	1,879	3,084	109,063	2.8%	109,063 ^c	2.8%
FY2010	1,576	3,071	122,143	2.5%	122,143	2.5%
Interior-Environment						
FY2008	651	625	26,891 ^a	2.3% ^b	26,831 ^{a,c}	2.3% ^b
FY2009	562	554	27,591	2.0%	27,579	2.0%
FY2010	733	710	32,295	2.2%	32,240	2.2%
Agriculture						
FY2008	623	402	91,028 ^a	0.4% ^b	19,527 ^a	2.1% ^b
FY2009	521	380	107,682 ^d	0.4%	21,053 ^d	1.8%
FY2010	462	355	121,230	0.3%	23,401	1.5%
Commerce-Justice-Science						
FY2008	1,728	823	53,735	1.5%	53,507 ^c	1.5%
FY2009	1,545	758	59,845 ^e	1.3%	59,624 ^{c,e}	1.3%
FY2010	1,513	781	68,174	1.1%	67,952 ^c	1.1%
Homeland Security						
FY2008	131	424	38,747	1.1%	37,562	1.1%
FY2009	149	738	41,225	1.8%	39,989	1.8%
FY2010	192	420	44,137	1.0%	42,776	1.0%

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The Constitution of the United States
The Bill of Rights
Amendments XI–XXVII



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Bill and year	Earmarks		Total appropriation in bill		Non-mandatory appropriation	
	Number	\$ million	\$ million	% earmarks	\$ million	% earmarks
Defense^f						
FY2008	2,049	4,982	459,594	1.1%	459,332	1.1%
FY2009	2,025	4,866	488,016	1.0%	487,737	1.0%
FY2010	1,719	4,197	636,665	0.7%	636,374	0.7%
Labor-HHS-Education						
FY2008	2,241	1,027	603,917 ^a	0.2% ^b	148,652 ^a	0.7% ^b
FY2009	2,155	973	633,367 ^g	0.2%	154,977 ^g	0.6%
FY2010	1,795	1,057	748,724 ^h	0.1%	165,845 ^h	0.6%
Legislative Branch						
FY2008	4	0.40	3,970 ^a	0.010% ^b	3,970 ^a	0.010% ^b
FY2009	3	0.38	4,402	0.009%	4,402	0.009%
FY2010	1	0.20	4,656	0.004%	4,656	0.004%
State-Foreign Operations						
FY2008	0	0	35,343 ^a	0%	35,184 ^a	0%
FY2009	0	0	36,777 ⁱ	0%	36,620 ⁱ	0%
FY2010	0	0	48,923	0%	48,764	0%
Total						
FY2008	12,810	28,878	1,599,941	1.8%	1,004,111	2.9%
FY2009	12,099	30,661	1,705,953	1.8%	1,070,401	2.9%
FY2010	11,320	31,954	2,089,941	1.5%	1,330,006	2.4%

Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for FY2008 (P.L. 110-116, P.L. 110-161), FY2009 (P.L. 110-329, P.L. 111-8), and FY2010 (P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118).

Notes: Appropriations bills are ordered by the FY2010 earmark value as a percentage of non-mandatory appropriations.

- This figure reflects an across-the-board reduction as detailed in P.L. 110-161. The percentage of the reduction varies for different bills, but ranges from 0.25% for Legislative Branch to 0.7% for Agriculture, 0.81% for State-Foreign Operations, 1.6% and 0.91% for Energy-Water, 1.56% for Interior-Environment, and 1.747% for Labor-HHS-Education.
- The dollar value of earmarks in the disclosure list *without* the across-the-board reduction is compared to the total appropriation and non-mandatory appropriation *with* the across-the-board reduction. However, this inconsistency does not appear to materially affect the percentages reported because the sizes of both the across-the-board cuts and the value of earmarks as a percentage of appropriations were relatively small.
- The amount of mandatory appropriations was provided by the House Appropriations Committee.
- These totals do not include \$405.0 million in previously appropriated FY2009 supplemental funds that are included in the tables accompanying the FY2009 omnibus appropriations act.
- These totals do not include \$82.6 million in previously appropriated FY2009 supplemental funds that are included in the tables accompanying the FY2009 omnibus appropriations act.

- f. Total appropriations and non-mandatory appropriations reflect scorekeeping adjustments.
- g. These totals do not include \$5.1 billion in previously appropriated FY2009 funds for the Low-Income Home Energy Assistance Program (LIHEAP).
- h. These totals do not include \$831.0 million in previously appropriated FY2010 funds for Pell Grants.
- i. These totals do not include \$3.68 billion in previously appropriated FY2009 supplemental funds that are included in the tables accompanying the FY2009 omnibus appropriations act.

Trends in Congressionally Disclosed Earmarks Requested by the President

Table 6 is a multi-year version of **Table 3** that contains data on the number, value, and percentage of presidential earmarks in appropriations bills from FY2008 to FY2010. **Figure 9** and **Figure 10** are multi-year versions of the earlier figures (**Figure 4** and **Figure 5**) on presidential earmarks.

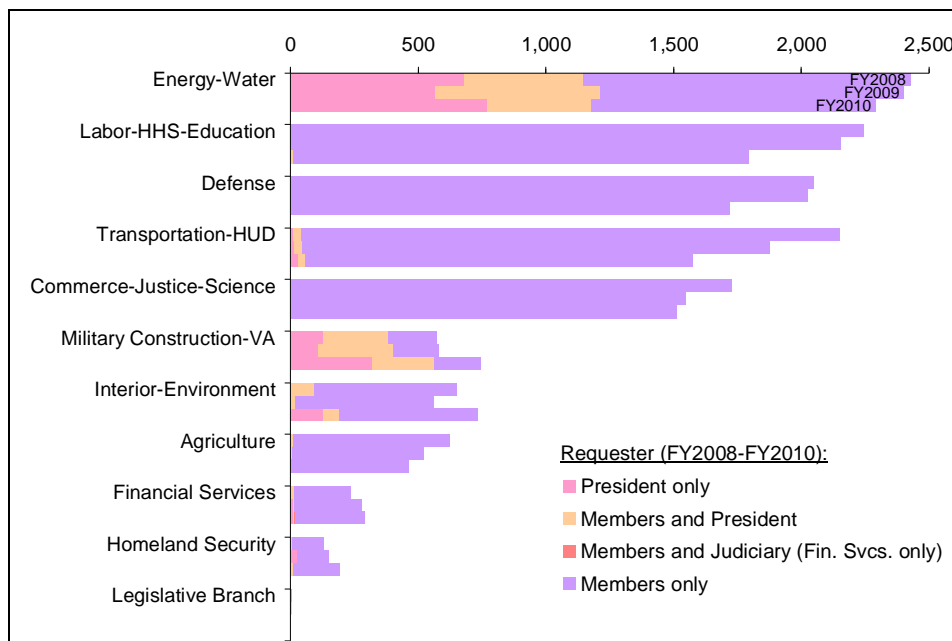
Both the number and value of earmarks requested solely by the President increased since FY2008. The number of such earmarks increased 54%, from 819 to 1,265, while the value increased 126%, from \$4.2 billion to \$9.5 billion. The increase in the number of President-only earmarks is counter to the decrease in the total number of earmarks over the FY2008-FY2010 period (discussed in **Table 4**). The 126% increase in the value of President-only earmarks notably exceeds the 11% increase in the total value of earmarks since FY2008.

Conversely, the number and value of earmarks requested solely by Members have decreased, by 17% and 19% respectively, from 11,117 earmarks worth \$12.5 billion in FY2008 to 9,281 earmarks worth \$10.2 billion in FY2010. This 17% decrease in the number of Member-only earmarks is a larger decrease than the 12% overall decrease in the number of earmarks from FY2008 to FY2010 (**Table 4**). The 19% decrease in the value of Member-only earmarks is counter to the 11% increase in the total value of earmarks since FY2008.

The number and value of earmarks requested jointly by the President and Members of Congress were relatively more steady. The number of such earmarks fell 11% from 874 in FY2008 to 774 in FY2010, while the value of those earmarks rose 1% from \$12.2 billion to \$12.4 billion.

Even if Military Construction-VA earmarks are excluded, the trends are still similar. For the rest of the appropriations bills excluding Military Construction, the total number of earmarks requested solely by the President increased 36%, while the number of Member-only earmarks decreased 17%. In terms of the value of earmarks, the total value of earmarks requested solely by the President increased 70%, while the value of Member-only earmarks decreased 20%.

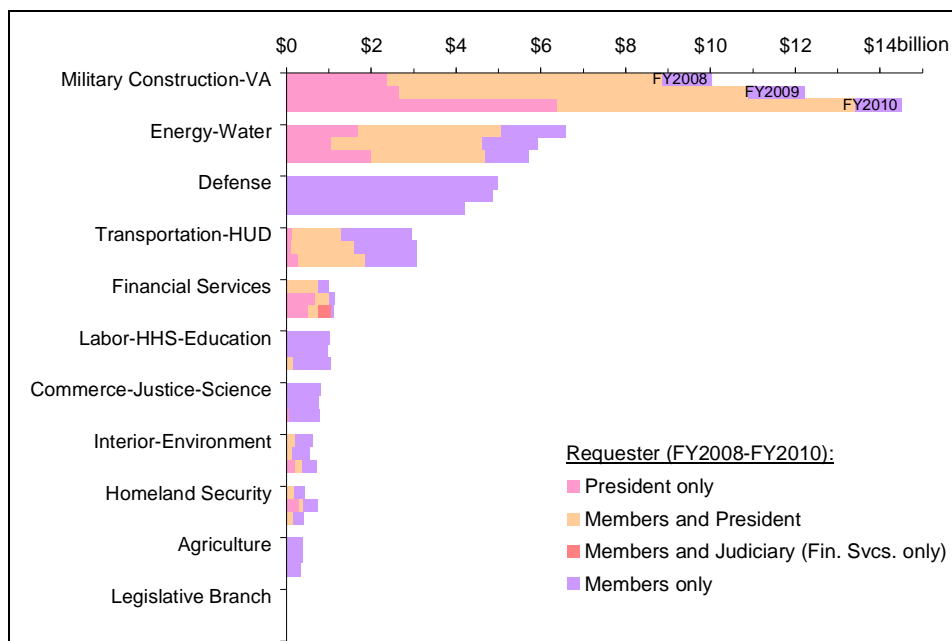
Figure 9. Number of Congressionally Disclosed Earmarks That Were Requested by the President, the Judiciary, and Members of Congress, FY2008-FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the total number of earmarks in FY2010. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Figure 10. Value of Congressionally Disclosed Earmarks That Were Requested by the President, the Judiciary, and Members of Congress, FY2008-FY2010



Source: CRS, compiled from earmark disclosure lists for enacted appropriations acts.

Notes: Appropriations bills are ordered by the total value of earmarks in FY2010. This figure does not show the State-Foreign Operations bill because it had no earmarks.

**Table 6. Congressionally Disclosed Earmarks That Were Requested by the President and Members of Congress,
FY2008-FY2010**

Bill, year	Number							Value						
	President only		Members and President		Members only		Total	President only		Members and President		Members only		Total
	Nbr.	% of total	Nbr.	% of total	Nbr.	% of total		Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	
Energy-Water														
FY2008	680	28%	467	19%	1,280	53%	2,427	1,679	25%	3,389	51%	1,527	23%	6,595
FY2009	565	24%	646	27%	1,192	50%	2,403	1,040	18%	3,578	60%	1,321	22%	5,940
FY2010	768	33%	409	18%	1,116	49%	2,293	1,988	35%	2,711	47%	1,028	18%	5,728
Labor-HHS-Education														
FY2008	0	0%	0	0%	2,241	100%	2,241	0	0%	0	0%	1,027	100%	1,027
FY2009	0	0%	0	0%	2,155	100%	2,155	0	0%	0	0%	973	100%	973
FY2010	1	0.1%	11	1%	1,783	99%	1,795	11	1%	167	16%	879	83%	1,057
Defense														
FY2008	0	0%	0	0%	2,049	100%	2,049	0	0%	0	0%	4,982	100%	4,982
FY2009	0	0%	0	0%	2,025	100%	2,025	0	0%	0	0%	4,866	100%	4,866
FY2010	0	0%	0	0%	1,719	100%	1,719	0	0%	0	0%	4,197	100%	4,197
Transportation-HUD														
FY2008	13	1%	27	1%	2,109	98%	2,149	128	4%	1,181	40%	1,645	56%	2,954
FY2009	13	1%	33	2%	1,833	98%	1,879	108	4%	1,489	48%	1,487	48%	3,084
FY2010	31	2%	29	2%	1,516	96%	1,576	275	9%	1,586	52%	1,210	39%	3,071
Commerce-Justice-Science														
FY2008	0	0%	0	0%	1,728	100%	1,728	0	0%	0	0%	823	100%	823
FY2009	0	0%	0	0%	1,545	100%	1,545	0	0%	0	0%	758	100%	758
FY2010	2	0.1%	0	0%	1,511	99.9%	1,513	67	9%	0	0%	715	91%	781

Bill, year	Number							Value						
	President only		Members and President		Members only		Total	President only		Members and President		Members only		Total
	Nbr.	% of total	Nbr.	% of total	Nbr.	% of total		Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	
Military Construction-VA														
FY2008	126	22%	256	45%	191	33%	573	2,379	24%	6,484	65%	1,181	12%	10,044
FY2009	110	19%	291	50%	177	31%	578	2,666	22%	8,225	67%	1,323	11%	12,213
FY2010	320	43%	243	33%	182	24%	745	6,379	44%	7,046	49%	1,100	8%	14,525
Interior-Environment														
FY2008	0	0%	95	15%	556	85%	651	0	0%	215	34%	410	66%	625
FY2009	0	0%	19	3%	543	97%	562	0	0%	121	22%	434	78%	554
FY2010	129	18%	62	8%	542	74%	733	212	30%	158	22%	341	48%	710
Agriculture														
FY2008	0	0%	10	2%	613	98%	623	0	0%	12	3%	391	97%	402
FY2009	0	0%	4	1%	517	99%	521	0	0%	4	1%	375	99%	380
FY2010	1	0.2%	2	0.4%	459	99%	462	1	0.4%	3	1%	351	99%	355
Financial Services														
FY2008	0	0%	14	6%	220	94%	234	0	0%	755	75%	247	25%	1,001
FY2009	9	3%	4	1%	266	95%	279	667	58%	343	30%	142	12%	1,153
FY2010	10	3%	10 ^a	3%	271	93%	291	506	46%	538 ^a	48%	65	6%	1,109
Homeland Security														
FY2008	0	0%	5	4%	126	96%	131	0	0%	182	43%	242	57%	424
FY2009	23	15%	4	3%	122	82%	149	312	42%	93	13%	333	45%	738
FY2010	3	2%	8	4%	181	94%	192	12	3%	144	34%	264	63%	420

Bill, year	Number							Value						
	President only		Members and President		Members only		Total	President only		Members and President		Members only		Total
	Nbr.	% of total	Nbr.	% of total	Nbr.	% of total		Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	Value (\$ mil.)	% of total	
Legislative Branch														
FY2008	0	0%	0	0%	4	100%	4	0	0%	0	0%	0.40	100%	0.40
FY2009	0	0%	0	0%	3	100%	3	0	0%	0	0%	0.38	100%	0.38
FY2010	0	0%	0	0%	1	100%	1	0	0%	0	0%	0.20	100%	0.20
State-Foreign Operations														
FY2008	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0
FY2009	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0
FY2010	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0
Total														
FY2008	819	6%	874	7%	11,117	87%	12,810	4,185	14%	12,217	42%	12,476	43%	28,878
FY2009	720	6%	1,001	8%	10,378	86%	12,099	4,794	16%	13,854	45%	12,013	39%	30,661
FY2010	1,265	11%	774	7%	9,281	82%	11,320	9,450	30%	12,353	39%	10,151	32%	31,954

Source: CRS, compiled from the statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for FY2008 (P.L. 110-116, P.L. 110-161), FY2009 (P.L. 110-329, P.L. 111-8), and FY2010 (P.L. 111-68, P.L. 111-80, P.L. 111-83, P.L. 111-85, P.L. 111-88, P.L. 111-117, and P.L. 111-118).

Notes: Appropriations bills are ordered by the total number of earmarks in FY2010.

- a. Contains 5 earmarks totaling \$282.9 million that were requested jointly by Members and the Judiciary. FY2010 is the first year that the disclosure lists include earmarks by the Judiciary. These earmarks support U.S. Courthouse projects through the General Services Administration (GSA). Additional courthouse projects are requested by the President and/or Members.

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