

**Amendment XXXX — To establish an earmark moratorium for fiscal years 2011, 2012, and 2013.**

**This bipartisan amendment would create a rule to prohibit the Senate from considering any legislation that contains earmarks. The moratorium would go into effect immediately and last through fiscal year 2013.**

**President Obama supported a similar earmark moratorium in 2008 when he was running for president. At that time, he said, “We can no longer accept a process that doles out earmarks based on a member of Congress’ seniority, rather than the merit of the project.”<sup>1</sup>**

**In addition, recently President Obama stated, “We can’t afford Bridges to Nowhere like the one that was planned a few years back in Alaska.”<sup>2</sup>**

**Eliminating Earmarks Would Save Billions in Taxpayer Dollars.**

**Congress spent \$16.1 billion on pork in Fiscal Year 2010. The National Commission on Fiscal Responsibility and Reform’s draft document recommended the elimination of earmarks.**

**A Harvard University Study Reveals Increased Earmarking in a Particular State Leads to Less Private Economic Growth. The study found that as earmarks increase capital investment and expenditures by private businesses decrease, by 15 percent specifically.<sup>3</sup>**

**Pork projects like the Bridge to Nowhere and bike paths divert funds from higher priority projects according to a 2007 Department of Transportation inspector general report.<sup>4</sup>**

**Earmarking is an Unconstitutional Abuse of Power.**

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<sup>1</sup> Griffin, Drew & Bronstein, Scott, “Obama: No earmarks for 2009,” CNN, April 15, 2008,

[http://articles.cnn.com/2008-04-15/politics/obama.earmarks\\_1\\_earmarks-requests-obama?s=PM:POLITICS](http://articles.cnn.com/2008-04-15/politics/obama.earmarks_1_earmarks-requests-obama?s=PM:POLITICS)

<sup>2</sup> “President Obama Calls for Earmark Reform,” The White House Office of the Press Secretary, November 13, 2010, <http://www.whitehouse.gov/the-press-office/2010/11/13/weekly-address-president-obama-calls-earmark-reform>

<sup>3</sup> “Harvard study shows earmarks cost jobs,” Washington Examiner, June 6, 2010,

<http://www.washingtonexaminer.com/opinion/Harvard-study-shows-earmarks-cost-jobs-95637114.html>

<sup>4</sup> Dilanian, Ken, “\$8B in pork clogs U.S. infrastructure plans,” USA Today, September 13, 2007,

[http://www.usatoday.com/news/washington/2007-09-12-earmarks\\_N.htm](http://www.usatoday.com/news/washington/2007-09-12-earmarks_N.htm)

## **Amendment XXXX — To establish an earmark moratorium for fiscal years 2011, 2012, and 2013.**

This bipartisan amendment would create a rule to prohibit the Senate from considering any legislation that contains earmarks. The moratorium would go into effect immediately and last through fiscal year 2013. The Senate could waive the moratorium with a two-thirds majority vote.

President Obama supported a similar earmark moratorium in 2008 when he was running for president. At that time, he said, “We can no longer accept a process that doles out earmarks based on a member of Congress’ seniority, rather than the merit of the project.”<sup>5</sup>

In addition, recently President Obama stated, “We can’t afford Bridges to Nowhere like the one that was planned a few years back in Alaska.”<sup>6</sup>

While the President held back from demanding a permanent earmark moratorium, he said, “In these challenging times, working across the aisle to address this issue [earmarks] will signal the government’s commitment to fiscal responsibility, shine a light on a Washington habit that wastes billions of taxpayer dollars, and take a step towards restoring public trust.”<sup>7</sup>

Congress has focused on parochial interests for far too long, spending more time securing earmarks than doing the business of the American people. The greatest national security threat facing our nation today is our national debt and a Congress that refuses to acknowledge the depth of our challenges. Earmarks are not only wasteful but are terrible distraction for both parties. The sooner we get rid of earmarks the sooner we can go to work on the difficult task of getting our budget under control

### **Eliminating Earmarks Would Save Billions in Taxpayer Dollars.**

Despite claims to the contrary, the fact is earmarks do spend real money. For instance, Congress spent \$16.1 billion on pork in Fiscal Year 2010. If Congress does not do earmarks in 2011, taxpayers could save \$16.1

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<sup>5</sup> Griffin, Drew & Bronstein, Scott, “Obama: No earmarks for 2009,” CNN, April 15, 2008,

[http://articles.cnn.com/2008-04-15/politics/obama.earmarks\\_1\\_earmarks-requests-obama?s=PM:POLITICS](http://articles.cnn.com/2008-04-15/politics/obama.earmarks_1_earmarks-requests-obama?s=PM:POLITICS)

<sup>6</sup> “President Obama Calls for Earmark Reform,” The White House Office of the Press Secretary, November 13, 2010, <http://www.whitehouse.gov/the-press-office/2010/11/13/weekly-address-president-obama-calls-earmark-reform>

<sup>7</sup> “President Obama Calls for Earmark Reform,” The White House Office of the Press Secretary, November 13, 2010, <http://www.whitehouse.gov/the-press-office/2010/11/13/weekly-address-president-obama-calls-earmark-reform>

billion. In no way is Congress locked into shifting that \$16.1 billion to other programs unless it wants to.

In addition, earmarks are the gateway drug to the spending addiction in Congress because they encourage members of Congress to vote for bloated bills they would otherwise oppose, simply because the legislation includes funding for a special project back home. For example, earmarks like the Cornhusker Kickback have been used to push through extremely costly and onerous bills.

The National Commission on Fiscal Responsibility and Reform's draft document echoed this concept when it recommended the elimination of earmarks. The document states, "Many of these earmarks are doled out by members of Congress for parochial interests and as currency with special interest groups. This type of spending is often used as a means to make pieces of legislation more palatable to specific members who would otherwise vote against them."<sup>8</sup>

Plus, as the number of earmarks has exploded so has overall spending. In the past decade, the size of government has doubled while Congress approved more than 90,000 earmarks.

Many earmarks also waste money outright, such as the infamous Bridge to Nowhere and the Woodstock Museum. If Congress stopped earmarking we could reduce spending and curtail many instances of waste and abuse. The Debt Commission's draft proposal provided the following examples of questionable pork barrel projects:

- \$1.9 million for a Pleasure Beach Water Taxi Service in Connecticut;
- \$1.8 million for swine odor and manure management research in Ames, Iowa;
- \$900,000 for a program encouraging Oklahoma students to role play how to make tough choices as members of Congress;
- \$380,000 for construction of recreation and fairgrounds in Kotzebue, Alaska; and

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<sup>8</sup> "\$200 Billion in Illustrative Savings," Fiscal Commission.gov, <http://www.fiscalcommission.gov/news/cochairs-proposal>

- \$238,000 for the Polynesian Voyaging Society of Honolulu, Hawaii, which organizes sea voyages in ancient-style sailing canoes, among countless others.<sup>9</sup>

Additionally, earmarks were rare until recently. In 1987, President Reagan vetoed a spending bill because it contained 121 earmarks. Eliminating earmarks will not balance the budget overnight, but it is an important step toward getting spending under control.

### **A Harvard University Study Reveals Increased Earmarking in a Particular State Leads to Less Private Economic Growth.**

Harvard University conducted an extensive study this year of how earmarks impact states. The researchers expected to find that earmarks drive economic growth but found the opposite. “It was an enormous surprise, at least to us, to learn that the average firm in the chairman’s state did not benefit at all from the unanticipated increase in spending,” said Joshua Coval, one of the study’s authors. The study found that as earmarks increase capital investment and expenditures by private businesses decrease, by 15 percent specifically.<sup>10</sup> In other words, federal pork crowds out private investment and slows job growth.

In addition, earmarks also crowd out funding for higher-priority items. Transportation earmarks are a good example. Pork projects like the Bridge to Nowhere and bike paths divert funds from higher priority projects according to a 2007 Department of Transportation inspector general report.<sup>11</sup> Thousands of bridges continue to be in disrepair across America in part because Congress has taken its eye off the ball and indulged in parochial spending.<sup>12</sup>

### **Earmarking is an Unconstitutional Abuse of Power.**

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<sup>9</sup> “\$200 Billion in Illustrative Savings,” Fiscal Commission.gov, <http://www.fiscalcommission.gov/news/cochairs-proposal>

<sup>10</sup> “Harvard study shows earmarks cost jobs,” Washington Examiner, June 6, 2010, <http://www.washingtonexaminer.com/opinion/Harvard-study-shows-earmarks-cost-jobs-95637114.html>

<sup>11</sup> Dilanian, Ken, “\$8B in pork clogs U.S. infrastructure plans,” USA Today, September 13, 2007, [http://www.usatoday.com/news/washington/2007-09-12-earmarks\\_N.htm](http://www.usatoday.com/news/washington/2007-09-12-earmarks_N.htm)

<sup>12</sup> “Congress Raids the Highway Trust Fund for Pet Projects While Bridges and Road Crumble,” Senators Tom Coburn, M.D.

Nowhere does the Constitution give Congress the authority to do earmarks. The concept of earmarking appears nowhere in the enumerated powers or anywhere else in the Constitution.

Earmark defenders are fond of quoting Article I, Section 9 of the Constitution which says, “No money shall be drawn from the Treasury, but in consequence of appropriations made by law.” They also refer to James Madison’s power of the purse commentary in Federalist 58. Madison said the “power of the purse may, in fact, be the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.”

Yet, earmark proponents ignore the rest of the Constitution and our founders’ clear intent to limit the power of Congress. If the founders wanted Congress to earmark funds to specific recipients, micromanage American society, and ride roughshod over state and local government they would have given Congress that authority in the enumerated powers. They clearly did not.

Our founders anticipated earmark-style power grabs from Congress and spoke against such excess for the ages. James Madison, the father of the Constitution said, “With respect to the two words ‘general welfare,’ I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.”

Thomas Jefferson, in a letter to James Madison, spoke directly against federally-funded local projects. “[I]t will be the source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get the most who are the meanest.” Jefferson understood that earmarks and coercion would go hand in hand.

Also, if earmarks were a noble constitutional tradition, how did we thrive for 200 years without an earmark favor factory in Congress?