



# washington dc update

November 17, 2010

## The Emerging Earmark Moratorium Bureau of Reclamation Earmarks in FY10

If you are a connoisseur of the political process, it doesn't get better than the current earmark moratorium policy that is working its way through the Republican caucuses in the House and Senate. The legislative process is a complicated machine with lots of moving parts. Here is an update on the latest developments with regard to this process:

The House Republican caucus has adopted a "no earmark request moratorium" for the 112<sup>th</sup> Congress. The House Democratic caucus will not. The Senate Republican caucus yesterday approved a similar moratorium and challenged their Democratic colleagues to do the same. So far, it appears unlikely that Senate Democrats will take such a step.

And now it gets really interesting. With a few exceptions, House Members usually obey the decisions of their caucus. Senators are different beings and many reserve for themselves more individual discretion than is available for their House colleagues. Perhaps the best way to express this is the verse: "And this is good old Boston, the home of the bean and the cod, where the Lowells talk only to Cabot's. And the Cabots talk only to God." In the DC political universe, Senators are Cabots.

So far, Senator Lisa Murkowski has announced that she will not be bound by the no earmark rule of any caucus and will continue to request projects for Alaska if she prevails in her write-in campaign for re-election. Senator Lindsey Graham has taken the "no earmark" pledge but has indicated that he will break with this commitment if national security or the jobs of his constituents in South Carolina are threatened. Ranking Senate Republican on the Environment and Public Works Committee also says he will continue to submit earmarks on behalf of Oklahoma.

So what is the bottom line here? House Appropriations and authorization bills in the 112<sup>th</sup> Congress almost certainly will not contain earmarks because of Republican control. But the Senate is still in Democratic hands and these Democrats, along with probably several Republican Senators, will likely produce bills with earmarks. How does one conference such bills between a Democratic Senate and a Republican House? And will President Obama, despite his support for the earmark moratorium, veto bills that are produced by his Democratic allies in Congress? This is at the moment unknowable.



On a second issue, yesterday we sent a report and an attachment that documents all of the FY10 funding both for the Bureau of Reclamation. This included both those requested by the President and also those added as Congressional earmarks by Members of Congress.

We've since crunched the numbers on this spending and have come up with the following:

- There were 179 total projects funded in the FY10 Energy and Water Appropriations bill, Bureau of Reclamation.
- Of this number, 138 projects funded at \$627,567,201 were requested by the President.
- 41 projects funded at \$40,634,000 were added by Members of Congress.
- That's an average of \$4,547,884 for presidentially requested projects and \$991,073 for earmarked projects not requested by the President.
- Earmarks represent about 6.5% of the amount and Presidential requests 93.5%.
- If there had been a strictly enforced no-earmark Energy and Water Appropriations bill in FY10 that means that \$40,634,000 would have remained within the Bureau to be allocated by the Federal agency and not by Members of Congress.

WESTCAS members can revisit the attached list we sent yesterday, pages 116-119 and decide for themselves the impact if the projects listed never received federal support

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