



Earmarks Disclosed by Congress: FY2008 and FY2009 Regular Appropriations Bills

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Summary

In 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.

This report provides information on the earmarks disclosed by the House and Senate for the 12 regular, annual appropriations bills for each of FY2008 and FY2009. 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.” However, for the State, Foreign Operations, and Related Programs appropriations bill, the disclosures stated that there were no earmarks.

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 FY2009, Congress identified 12,099 earmarks with a total value of \$30.7 billion. Some appropriations bills account for more earmarks than others. For instance, about 83% of the 12,099 earmarks in FY2009 are in five of the 12 appropriations bills. The Energy and Water Development and Related Agencies appropriations bill contains the greatest number of FY2009 earmarks—2,403, about 20% of the total number of earmarks.

The distribution of the value of earmarks is more concentrated, with about \$26.1 billion, or 85%, 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 FY2009 earmarks—\$12.2 billion, about 40% of the total value of earmarks. 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, seven appropriations bills in FY2009 list the President as a requester of 1,721 earmarks worth \$18.6 billion (14% of the total number and 61% of the total value of earmarks in the congressional disclosure lists). It is possible that there are more presidential earmarks than those disclosed by Congress.

From FY2008 to FY2009, the two complete years for which these data are available, the total number of appropriations earmarks decreased 6%, from 12,810 to 12,099. However, the total value of earmarks increased 6%, from \$28.9 billion to \$30.7 billion. Most appropriations bills showed a decrease in both the number and value of earmarks. For both FY2008 and FY2009, 1.8% of the total appropriation for all 12 bills was earmarked, or 2.9% if mandatory appropriations are excluded.

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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 and FY2009. 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 legislation 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 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-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>. (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 both FY2008 and FY2009, the explanatory statement for the State-Foreign Operations appropriations bill states that 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 both fiscal years.

This report does not address earmarks disclosed for bills other than the 12 regular, annual appropriations bills for FY2008 and FY2009. 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 and FY2009 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 as one or more Members, others note only the President, while still others indicate the President and Members. 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

(...continued)

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).

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.⁴ There is no source that defines and comprehensively identifies executive branch earmarks. Nevertheless, some of the FY2008 and FY2009 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 FY2009 is presented below in the section on “Congressionally Disclosed Earmarks Requested by the President.”

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.⁵

The balance of this report provides data on the earmarks disclosed by Congress for the FY2008 and FY2009 regular annual appropriations bills. First, a series of tables and graphs depicts data for FY2009, 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 FY2009 with earmarks for 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 FY2009

In FY2009, Congress identified 12,099 earmarks worth \$30.7 billion. About 1.8% of the total regular FY2009 appropriation was earmarked, 2.9% if mandatory appropriations are excluded (**Table 2**).

Some appropriations bills account for more earmarks than others. About 83% of the 12,099 earmarks in FY2009 are in five of the 12 appropriations bills (Energy-Water, Labor-HHS-Education, Defense, Transportation-HUD, and Commerce-Justice-Science).⁶ The Energy-Water bill contains the greatest number of FY2009 earmarks (2,403, about 20% of all earmarks; **Figure 1**).

The distribution of the value of earmarks is more concentrated, with about \$26.1 billion, or 85%, 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 FY2009 earmarks (\$12.2 billion, about 40% of the combined value of earmarks; **Figure 2**).

⁴ 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.

⁵ No source comprehensively tracks subsequent actions that could have altered the number or value of earmarks disclosed by Congress.

⁶ These five bills account for 10,007 of the 12,099 earmarks disclosed by Congress for FY2009.

Table 2. FY2009 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	2,403	5,940	33,795	17.6%	33,795	17.6%
Labor-HHS-Education	2,155	973	633,367 ^a	0.2%	154,977 ^a	0.6%
Defense ^b	2,025	4,866	488,016	1.0%	487,737	1.0%
Transportation-HUD	1,879	3,084	109,063	2.8%	109,063	2.8%
Commerce-Justice-Science	1,545	758	59,845 ^c	1.3%	57,570 ^c	1.3%
Military Construction-VA	578	12,213	119,608	10.2%	72,865	16.8%
Interior-Environment	562	554	27,591	2.0%	27,579	2.0%
Agriculture	521	380	107,682 ^d	0.4%	21,053 ^d	1.8%
Financial Services	279	1,153	44,582	2.6%	22,697	5.1%
Homeland Security	149	738	41,225	1.8%	39,989	1.8%
Legislative Branch	3	0.38	4,402	0.01%	4,402	0.01%
State-Foreign Operations	0	0	36,777 ^e	0%	36,620 ^e	0%
FY2009 Total	12,099	30,661	1,705,953	1.8%	1,068,347	2.9%

Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for P.L. 110-329 and P.L. 111-8.

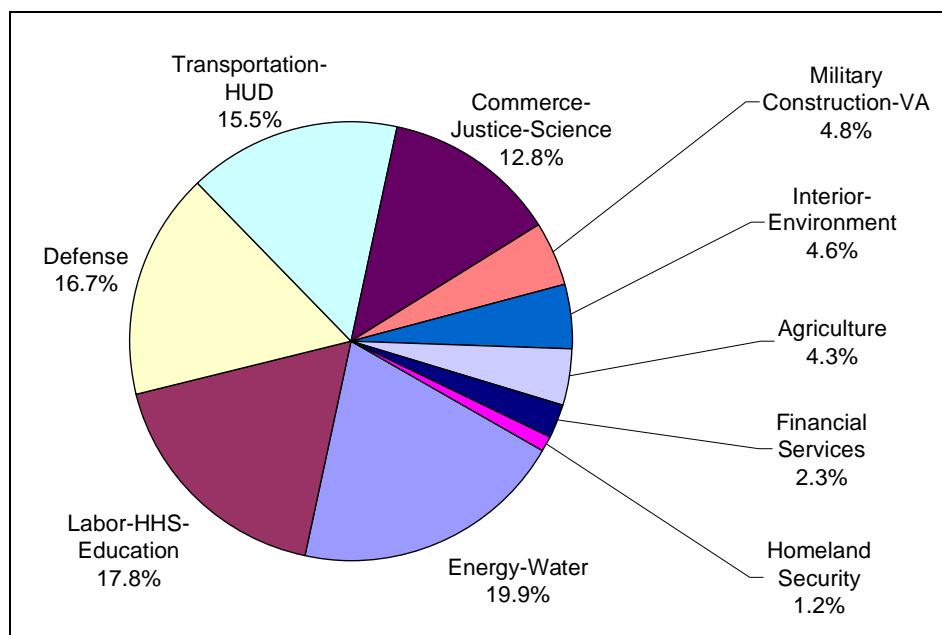
Notes: Appropriations bills are ordered by the number of earmarks.

- a. These totals do not include \$5.1 billion in previously appropriated FY2009 funds for the Low-Income Home Energy Assistance Program (LIHEAP).
- b. Total appropriations and non-mandatory appropriations reflect scorekeeping adjustments.
- c. 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.
- d. 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.
- e. 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.

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 5%), but is ranked first by the value of earmarks (with 40%). 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 ninth by value, and Agriculture is eighth by number but tenth by value (Figure 1 and Figure 2).

Figure 1. Distribution of Number of Earmarks by Appropriations Bill, FY2009

(Total: 12,099 in congressional disclosure lists)

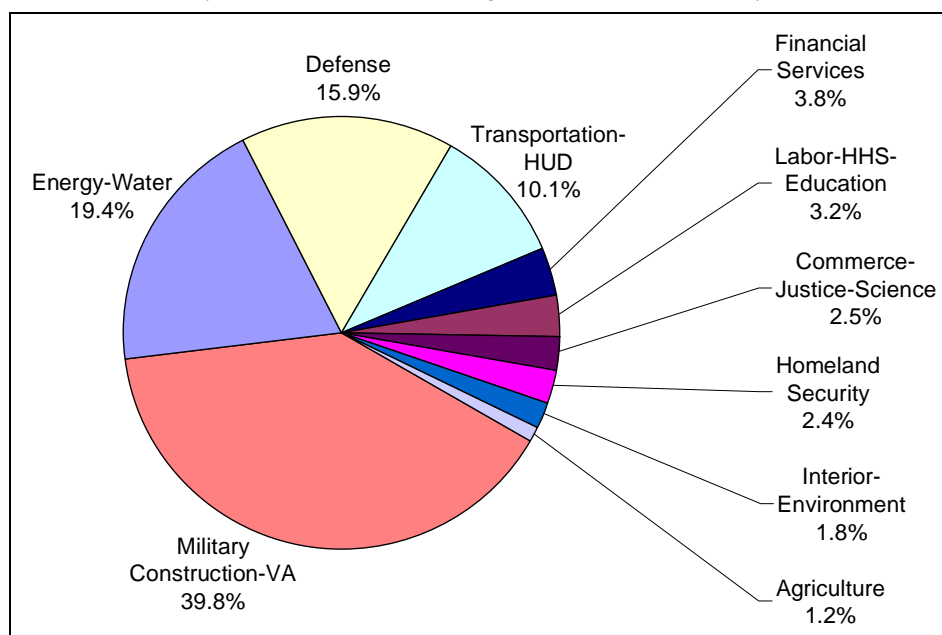


Source: CRS, compiled from the "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 110-329 and P.L. 111-8.

Notes: Does not show the Legislative Branch bill (0.02%) or State-Foreign Operations (0%).

Figure 2. Distribution of Value of Earmarks by Appropriations Bill, FY2009

(Total: \$30.7 billion in congressional disclosure lists)



Source: CRS, compiled from the "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 110-329 and P.L. 111-8.

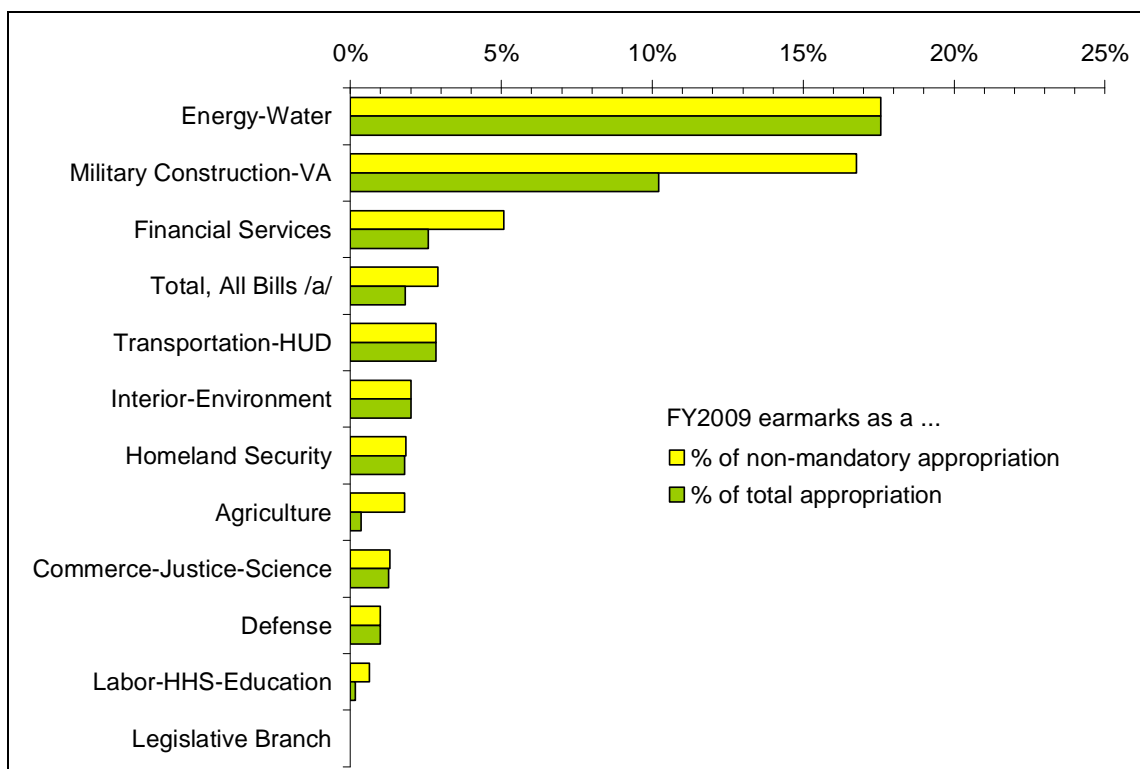
Notes: Does not show the Legislative Branch bill (0.001%) or State-Foreign Operations (0%).

Earmarks as a Percentage of Appropriations in FY2009

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, FY2009



Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for P.L. 110-329 and P.L. 111-8.

Notes: Appropriations bills are ordered by the percentage of non-mandatory appropriations. This figure does not show the State-Foreign Operations bill because it had no earmarks. /a/ Reflects the percentages of the total and non-mandatory appropriations across all 12 bills that were earmarked (1.8%, and 2.9%, respectively).

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

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

non-mandatory appropriation 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 FY2009 appropriations bills combined, 1.8% of the total regular appropriation is earmarked, and 2.9% of the non-mandatory appropriation.

The percentages of regular FY2009 total appropriations that were earmarked ranged from 0% for the State-Foreign Operations bill to 17.6% 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 FY2009 total appropriation earmarked for Military Construction-VA is 10.2%, but it increases to 16.8% of the non-mandatory appropriation (**Table 2, Figure 3**). For Financial Services, the respective percentages are 2.6% and 5.1%; for Agriculture, 0.4% and 1.8%; and for Labor-HHS-Education, 0.2% 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 FY2009 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**.

Seven of the 11 FY2009 appropriations bills with congressionally disclosed earmarks list the “President” as a requester of some earmarks, alone or with Members of Congress. The total across all appropriations bills in FY2009 is 1,721 earmarks worth \$18.6 billion (14% of the total number and 61% of the total value; the left half of **Table 3**). The President is disclosed as the only requester (no Members of Congress are listed as a requester) for a subset of these earmarks. The total across all the bills is 720 earmarks worth \$4.8 billion (6% of the total number and 16% of the total value; the right half of **Table 3**).

Most of these disclosed earmarks requested by the President were in the Energy-Water bill (1,211 earmarks, 50% of the bill’s number) and the Military Construction-VA bill (401 earmarks, 69% of the bill’s number), as shown in **Figure 4**. Most of the value of these earmarks was in the Military Construction-VA bill (\$10.9 billion, 89% of the bill’s total earmark value) and the Energy-Water bill (\$4.6 billion, 78% of the bill’s total earmark value), as shown in **Figure 5**. Four of the 11 bills with earmarks (Commerce-Justice-Science, Defense, Labor-HHS-Education, and Legislative Branch) do not have any congressionally disclosed earmarks that list the President as a requester.

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.

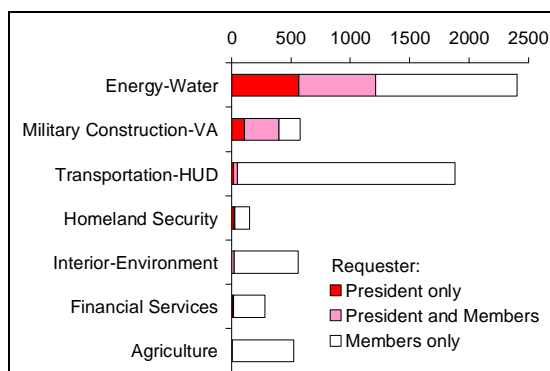
Table 3. Congressionally Disclosed Earmarks That List the President as a Requester, FY2009

Bill	"President" is listed as a requester				"President" is listed as the only requester			
	Number of earmarks	Pct. of total number in bill	Value of earmarks (\$ million)	Pct. of total value in bill	Number of earmarks	Pct. of total number in bill	Value of earmarks (\$ million)	Pct. of total value in bill
Energy-Water	1,211	50%	4,619	78%	565	24%	\$1,040	18%
Military Construction-VA	401	69%	10,891	89%	110	19%	\$2,666	22%
Transportation-HUD	46	2%	1,598	52%	13	1%	\$108	4%
Homeland Security	27	18%	405	55%	23	15%	\$312	42%
Interior-Environment	19	3%	121	22%	—	—	—	—
Financial Services	13	5%	1,011	88%	9	3%	\$667	58%
Agriculture	4	1%	4	1%	—	—	—	—
Total of all bills	1,721	14%	18,648	61%	720	6%	4,794	16%

Source: CRS, compiled from the statements of "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 110-329 and P.L. 111-8.

Notes: Bills are ordered by the number of earmarks in each bill that list the President as a requester. The following four bills did not disclose any presidentially requested earmarks: Commerce-Justice-Science, Defense, Labor-HHS-Education, and Legislative Branch. The State Foreign-Operations bill had no earmarks.

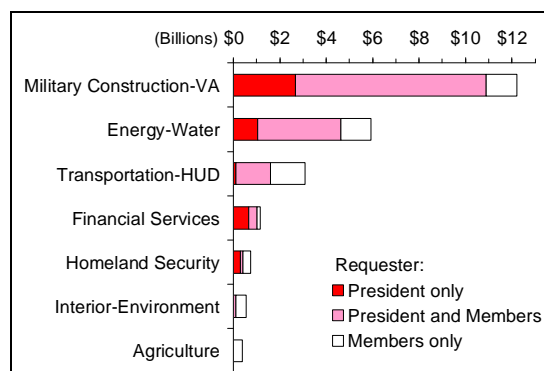
Figure 4. Number of Congressionally Disclosed Earmarks That List the President as a Requester, FY2009



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

Notes: Appropriations bills are ordered by the number of earmarks that list the President as a requester. The following four bills did not disclose any presidentially requested earmarks: Commerce-Justice-Science, Defense, Labor-HHS-Education, and Legislative Branch. The State Foreign-Operations bill had no earmarks.

Figure 5. Value of Congressionally Disclosed Earmarks That List the President as a Requester, FY2009



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

Notes: Appropriations bills are ordered by the value of earmarks that list the President as a requester. The following four bills did not disclose any presidentially requested earmarks: Commerce-Justice-Science, Defense, Labor-HHS-Education, and Legislative Branch. The State Foreign-Operations bill had no earmarks.

Recent Earmark Trends: FY2008 and FY2009

From FY2008 to FY2009, the two complete years for which these data are available, the total number of appropriations earmarks decreased 6% to 12,099. However, the total value of earmarks increased 6% to \$30.7 billion (**Table 4**). Most appropriations bills showed a decrease in both the number and value of earmarks, as discussed below. The percent of the appropriations across all bills that was earmarked remained the same for FY2008 and FY2009: 1.8% of the total appropriations in the bills and 2.9% of the non-mandatory appropriations in the bills.

The 12,099 total number of earmarks in FY2009 is 6% less (711 fewer earmarks) than the 12,810 earmarks in FY2008. Eight of the 11 bills with earmarks had a decrease in number, including the five bills accounting for 83% of the earmarks (Energy-Water, Labor-HHS-Education, Defense, Transportation-HUD, and Commerce-Justice-Science; **Figure 6**). A different subset of three bills (Transportation-HUD, Commerce-Justice-Science, and Agriculture) accounted for 78% of the decline in number (555 fewer earmarks). Only three bills (Financial Services, Homeland Security, and Military Construction-VA) had an increase in the number (68 more earmarks).

While the overall number of earmarks decreased from FY2008 to FY2009, the \$30.7 billion total value in FY2009 is 6% more (+\$1.8 billion) than in FY2008. Nonetheless, seven of 11 bills had a decrease in the value of earmarks, subtotaling a nearly \$1 billion decline. Four bills (Military Construction-VA, Homeland Security, Financial Services, and Transportation-HUD) 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 \$2.2 billion (+22%) increase (**Figure 7**).

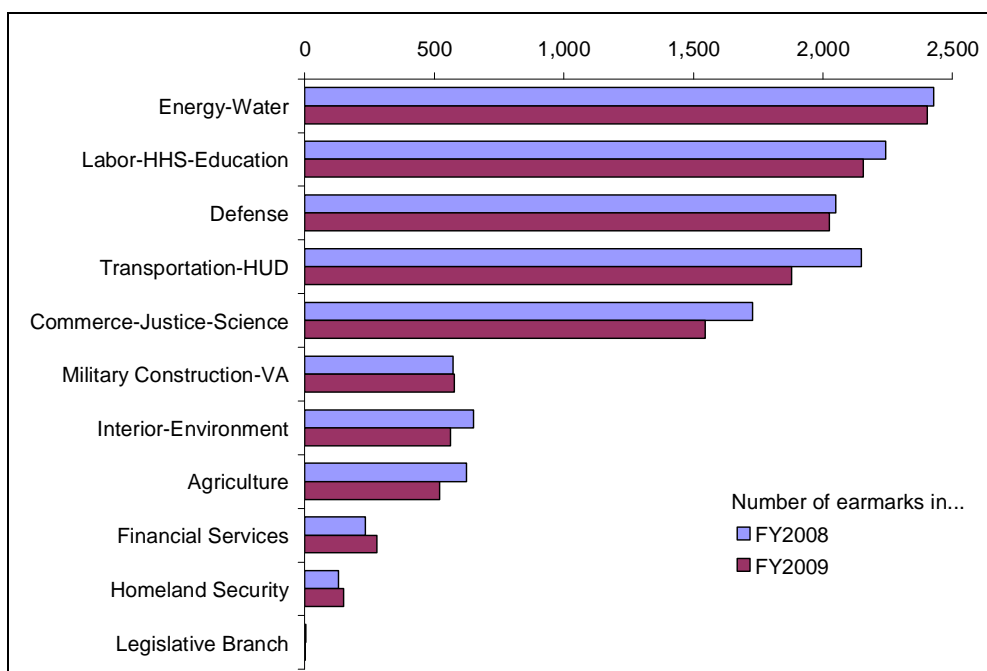
Table 4. FY2008-FY2009 Earmarks Disclosed by Congress: Number and Dollar Value, by Appropriations Bill

Appropriations Bill	Number				Value (\$ million)			
	FY2008	FY2009	Change	% Change	FY2008	FY2009	Change	% Change
Energy-Water	2,427	2,403	-24	-1%	6,595	5,940	-655	-10%
Labor-HHS-Education	2,241	2,155	-86	-4%	1,027	973	-54	-5%
Defense	2,049	2,025	-24	-1%	4,982	4,866	-116	-2%
Transportation-HUD	2,149	1,879	-270	-13%	2,954	3,084	+131	+4%
Commerce-Justice-Science	1,728	1,545	-183	-11%	823	758	-65	-8%
Military Construction-VA	573	578	+5	+1%	10,044	12,213	+2,170	+22%
Interior-Environment	651	562	-89	-14%	625	554	-70	-11%
Agriculture	623	521	-102	-16%	402	380	-23	-6%
Financial Services	234	279	+45	+19%	1,001	1,153	+151	+15%
Homeland Security	131	149	+18	+14%	424	738	+315	+74%
Legislative Branch	4	3	-1	-25%	0.40	0.38	-0.02	-5%
State-Foreign Operations	0	0	0	0%	0	0	0	0%
Total	12,810	12,099	-711	-6%	28,878	30,661	+1,783	+6%

Source: CRS, compiled from the statements of "Disclosure of Earmarks and Congressionally Directed Spending Items" for P.L. 110-116, P.L. 110-161, P.L. 110-329, and P.L. 111-8.

Notes: Appropriations bills are ordered by the number of earmarks in FY2009.

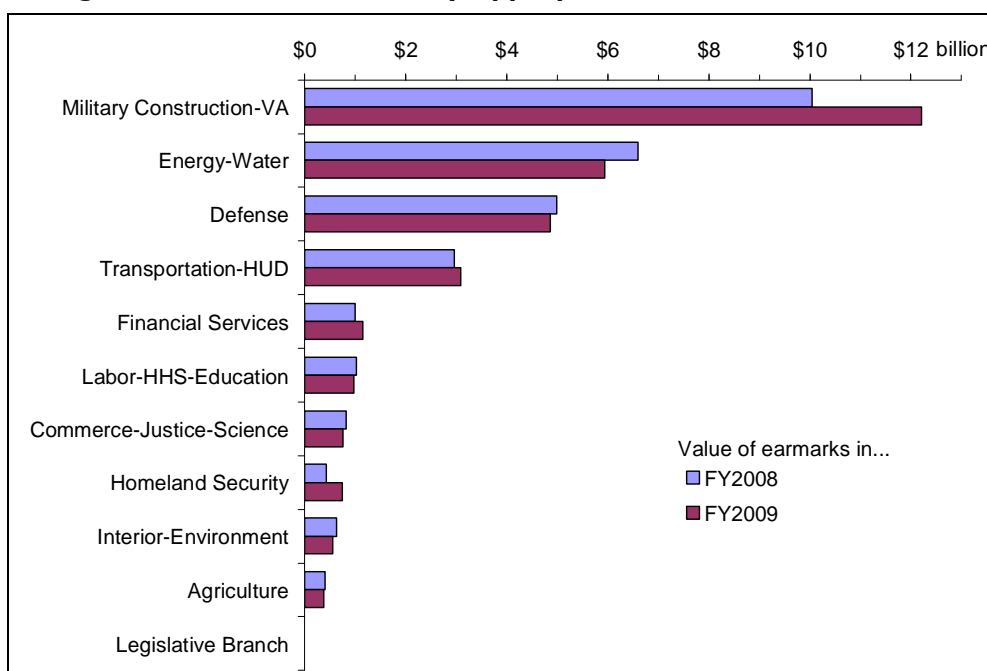
Figure 6. Number of Earmarks by Appropriations Bill, FY2008-FY2009



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

Notes: Appropriations bills are ordered by the number of earmarks in FY2009. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Figure 7. Value of Earmarks by Appropriations Bill, FY2008-FY2009



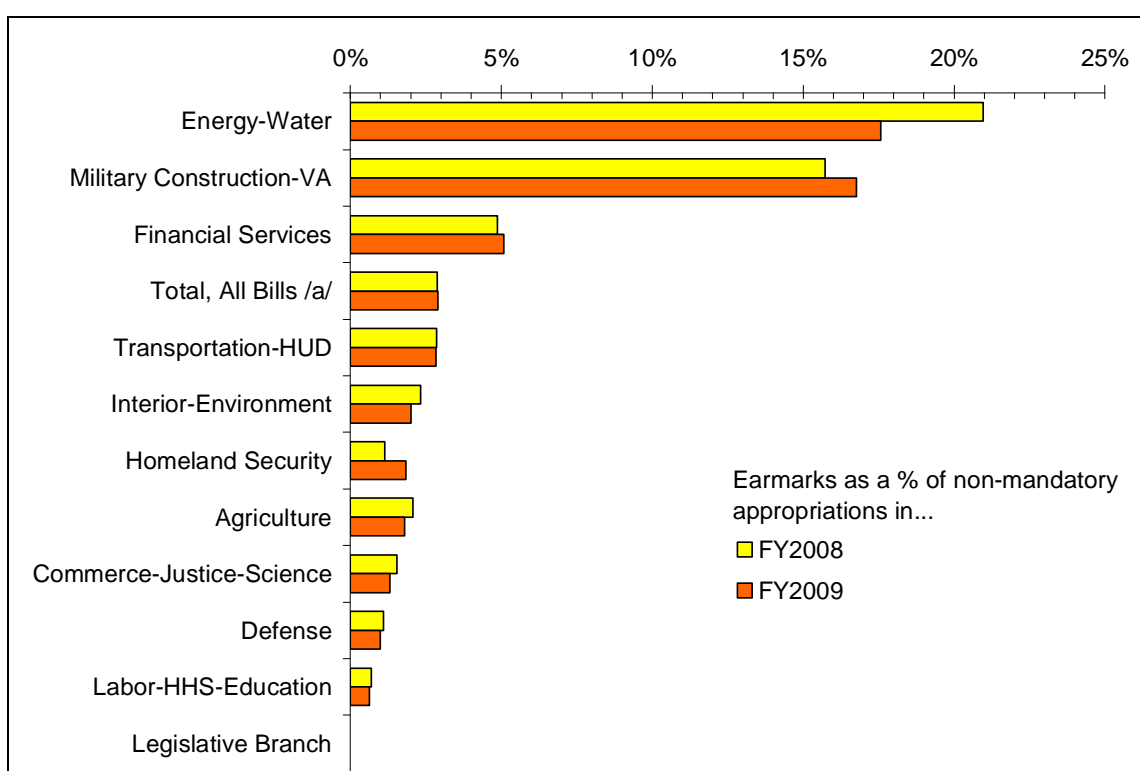
Source: CRS, compiled from earmark disclosure lists in enacted appropriations acts.

Notes: Appropriations bills are ordered by the value of earmarks in FY2009. This figure does not show the State-Foreign Operations bill because it had no earmarks.

Table 5 is a multi-year version of **Table 2** that contains data on the earmarked percentage of appropriations for both FY2008 and FY2009, as well as the number and value of earmarks. Appropriations bills in **Table 5** are ordered by the percentage of FY2009 non-mandatory appropriations.

For seven of 11 bills, the percentage of non-mandatory appropriations that were earmarked fell from FY2008 to FY2009 (Energy-Water, Transportation-HUD, Interior-Environment, Agriculture, Commerce-Justice-Science, Defense, and Labor-HHS-Education; **Figure 8, Table 5**). For three bills, the percentage earmarked rose (Military Construction-VA, Financial Services, and Homeland Security). For one bill, the percentage stayed the same (Legislative Branch, rounded to 0.01%).

Figure 8. Earmark Values as a Percentage of Non-Mandatory Appropriations by Bill, FY2008-FY2009



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

Notes: Appropriations bills are ordered by the earmark value as a percentage of non-mandatory appropriations in FY2009. 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 for all 12 bills that was earmarked (2.9% in both years).

Table 5. FY2008-FY2009 Earmarks Disclosed by Congress: Number, Dollar Value, and Percentage of Total and Non-Mandatory Appropriations, by Appropriations Bill

Bill, 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%
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%
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%
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%
Interior-Environment						
FY2008	651	625	26,891 ^a	2.3% ^b	26,831 ^{a,d}	2.3% ^b
FY2009	562	554	27,591	2.0%	27,579	2.0%
Homeland Security						
FY2008	131	424	38,747	1.1%	37,562	1.1%
FY2009	149	738	41,225	1.8%	39,989	1.8%
Agriculture						
FY2008	623	402	91,028 ^a	0.4% ^b	19,527 ^a	2.1% ^b
FY2009	521	380	107,682 ^e	0.4%	21,053 ^e	1.8%
Commerce-Justice-Science						
FY2008	1,728	823	53,735	1.5%	53,507 ^f	1.5%
FY2009	1,545	758	59,845 ^g	1.3%	57,570 ^g	1.3%
Defense ^h						
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%
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 ⁱ	0.2%	154,977 ⁱ	0.6%
Legislative Branch						
FY2008	4	0.40	3,970 ^a	0.01% ^b	3,970 ^a	0.01% ^b
FY2009	3	0.38	4,402	0.01%	4,402	0.01%

Bill, year	Earmarks		Total appropriation in bill		Non-mandatory appropriation	
	Number	\$ million	\$ million	% earmarks	\$ million	% earmarks
State-Foreign Operations						
FY2008	0	0	35,343 ^a	0%	35,184 ^a	0%
FY2009	0	0	36,777 ⁱ	0%	36,620 ^j	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%	1,068,347	2.9%

Source: CRS, compiled from appropriations totals in detailed funding tables and statements of “Disclosure of Earmarks and Congressionally Directed Spending Items” for P.L. 110-116, P.L. 110-161, P.L. 110-329, and P.L. 111-8.

Notes: Appropriations bills are ordered by the FY2009 earmark value as a percentage of non-mandatory appropriations.

- a. 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.
- b. 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.
- c. Mandatory appropriations were not identified separately. Subsequent information from the House Appropriations Committee does not identify any of the funding as mandatory.
- d. Mandatory appropriations were not identified separately. Subsequent information from the House Appropriations Committee indicates that \$60 million was mandatory.
- e. These totals do not include \$405 million in previously appropriated FY2009 supplemental funds that are included in the tables accompanying the FY2009 omnibus appropriations act.
- f. Mandatory appropriations were not identified separately. Subsequent information from the House Appropriations Committee indicates that \$228.3 million was mandatory.
- g. 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.
- h. Total appropriations and non-mandatory appropriations reflect scorekeeping adjustments.
- i. These totals do not include \$5.1 billion in previously appropriated FY2009 funds for the Low-Income Home Energy Assistance Program (LIHEAP).
- j. 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.

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