

ROLL CALL

Earmark Games

March 28, 2007

It seemed like a relatively simple thing — and definitely salutary — that Congress' new Democratic majority would henceforward fully disclose who is sponsoring earmarks. In practice, it's proving not so simple — and less than fully satisfactory.

For example, as everyone in town knows, the House version of the Iraq-Afghanistan war supplemental was loaded down with dozens of extraneous special-interest items widely referred to as "pork." Some of them benefited specific industries — spinach growers, milk producers, peanut storage facilities and various fisheries — yet they were officially declared not to fit the definition of earmarks requiring disclosure because they were approved by the Appropriations Committee.

Some Members announced their sponsorship, but that does not meet the "disclosure" standard adopted in House rules. When Rep. Jeff Flake (R-Ariz.) challenged non-disclosure of a particular item — funds for "risk mitigation" at a NASA facility in Mississippi widely believed to have been inserted to secure the vote of a single Member — Appropriations Chairman David Obey (D-Wis.) claimed that he was the sponsor and that no further disclosure was required.

It develops that each House committee will be responsible for defining what constitutes an earmark as defined by House rules, and what its disclosure policy will be. Republicans on the Transportation and Infrastructure Committee have decided to disclose all GOP letters requesting earmarks. But Democrats will only disclose sponsorship of earmarks that actually make it into committee reports and request letters will not be available at all — only certificates supplied by Members that they have no conflict of interest in the project.

Meanwhile, exactly what constitutes a conflict of interest or "financial interest" still is a matter being reviewed by the House Committee on Standards of Official Conduct.

That's the House situation. The Senate war supplemental similarly is larded down with special-interest items — \$2 million for the University of Vermont, \$13 million for ewe replacement and retention, and \$6 million for flooded farmland in North Dakota — but there is no requirement for disclosure of sponsorship because the Senate's earmark rules are included in its version of lobbying reform legislation that has yet to pass the House and be signed into law by the president.

In fact, while the House passed significant lobbying-related language as part of its rules package in January — the gift ban, for instance — its full lobbying reform counterpart to the Senate bill has not yet even been released, let alone marked up

and passed. Senate Appropriations aides say that they expect the law to be passed by the time various fiscal 2008 funding bills are considered, but that no disclosure rules have been adopted yet. Republicans plan to move for instant adoption of the lobbying bill's provisions. If they can't win that, it's a sign of trouble to come.

The overall situation is better now than it was before Democrats took control, when the earmark process was purposely opaque. But we still don't have full transparency.