



# washington dc update

November 16, 2010

## Trying to Make Sense of the “No Earmark” Rule

We’re not sure that making sense of the “No Earmark” Rule is possible and certainly not in a single report from us. But it is essential that WESTCAS members be informed and educated with regard to this emerging new environment that will characterize the 112<sup>th</sup> Congress. Let us be clear that it is our personal belief that ceding almost complete power over spending decisions to Federal agencies is not a wise step for the Congress to take. Even many of the proponents of “no earmarks” have stated that the 112<sup>th</sup> Congress will serve as a test tube for whether this policy works or not.

While we don’t agree with this emerging policy we also freely admit that elections do have consequences and that it is the responsibility of those elected to public office to set policies and priorities for their tenure of government. And that is the process in which we currently find ourselves. Our goal is for an informed WESTCAS constituency to be able to monitor this process as it plays out over the next two years.

Let’s begin the process of understanding this new world by looking at Bureau of Reclamation funding. Although it is not completely formed yet, the outlines of the new “no earmark” policy would prohibit at least Republican Members of the House and very likely the Senate from requesting individual projects for their States and Districts via directed Congressional spending. We’re presuming that Members could still contact federal agencies like the Bureau in support of projects. But they could no longer seek Congressional line-item funding.

A key to understanding how this would impact the Bureau can be found in the last completed appropriations cycle in FY10. We have attached the document that lists all of the projects in the FY10 Energy and Water Appropriations conference report. Pages 63 through 74 lists projects requested by the President in FY10. You will note that Members of Congress also supported some of these projects and are included on the list.

Now go to pages 116-119. This is a list of projects not requested by the President but instead by individual Members of Congress and funded through the Appropriations process. This funding and these projects would represent the “infamous” earmarks for FY10 Bureau of Reclamation funding.



One grey area of the process is that in many cases the President's budget may request a very modest amount of money for a project but the final funding figure provided by the Energy and Water Appropriations Committee will be far greater. For example, one project we are familiar with received a \$50,000 request from the President but \$2,000,000 in the Energy and Water Conference Report.

It isn't clear to us whether the new "no earmarks" rule will allow Members of Congress to support greater funding for a project that is already in the President's budget. It would seem that the answer would be "yes" but that has not been confirmed yet.

On the other hand, those projects on pages 116-119 represent true Congressional earmarks funded by the Committee but not in the President's budget. We don't see how such projects will survive under the new "no earmark" rule.

In future reports, we will be reviewing other Federal programs that are relevant to the arid west and updating you on how they will be impacted.

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