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Earmarks: Motivation for the U. S. Congress' Continued Use of Omnibus Appropriations Bills in the Budget Process

Mordu Serry-Kamal

Associate Professor of Public Administration and Public Policy, Department of History, Politics, and Social Justice, Winston-Salem State University Winston-Salem, North Carolina, USA

ABSTRACT

Several articles have been written about Congress' continued use of omnibus appropriations bills in its yearly programmatic budget allocations or funding. This congressional behavior started in the 1982 Fiscal Year after its initial, but experimental, introduction to the budget process in 1950. In some of the literature, writers appear to have laid much emphases on what they perceive as negative repercussions emanating from the excessive use of omnibus appropriations bills but without sufficiently delving into the conditions that have motivated this congressional behavior. Given this gap, therefore, an attempt is made, in this study, to establish a direct correlation between Congress' contemporary use of omnibus appropriations bills relative to the underlying political and structural considerations that facilitate or drive this behavior. The specific rationale underlying this effort is to demonstrate that, for as long as Congress-members continue to be confronted by these political and structural factors, over which they may have very little or no control, the use of **omnibus appropriations bills** in the budget process, along with their corresponding multiplicity of **earmarks** will continue into the unforeseeable future.

***Corresponding author**

Mordu Serry-Kamal, Associate Professor of Public Administration and Public Policy.Department of History, Politics, and Social Justice, Winston-Salem State University Winston-Salem, North Carolina, USA.

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Introduction

Given the foundation of this study as depicted above, an attempt is therefore being made to achieve two general goals. First, to analyze the political reasons responsible for the inability of Congress to end, or even regulate effectively, the use of **omnibus appropriations bills** and **earmarks**, despite the negative public connotations that have been attached their use. Second, to state how these political and structural reasons, in the absence of effective campaign finance reform measures, might ensure the permanent congressional use of omnibus appropriations bills and earmarks in the budget process. Therefore, toward the fulfillment of these general goals, this article is structured in the sequential topical manner that follows: **one**, an analytic examination of earmarks in pork-barrel legislations; **two**, an analytic examination of the omnibus appropriations bills in Congress' budget process; **three**, arguments supporting the restoration of earmarks in the budget process; and **four**, concluding remarks regarding the future of the congressional budget process.

Analytic Examination of Earmarks in Pork-Barrel Legislations

An **earmark** is defined as "… the practice through which members of Congress insert into bills language that provides special benefits for their own constituents" [1]. **Pork barrel legislations**, on the other hand, are defined as "… appropriations made by legislative bodies for local projects that are often not needed but that are created to help local representatives win re-election in their home districts" [1]. In other words, for Congress-members to obtain the resources being sought for the benefit of their constituents (pork-barrel) in order to improve their chances of being reelected to Congress for another term of office (the goal), they embark on earmarks without any consideration regarding their actual need and cost. In addition, not only do earmarks provide the means for accomplishing this goal; but also, they speed-up the otherwise sluggish appropriations process or budgetary allocation of resources, given the fact that all members collectively benefit from their implementation.

Thus, because of these benefits, Congress has increased its dependency on earmarks in the past few decades beginning in the 1990's. For example, between 1994 and 2005, there was a dramatic increase in both the number and dollar value of earmarks. As demonstrated by some researchers, "… in 1994, there were 4,126 congressional earmarks added to the annual appropriations bills. In 2005, there were 15,877 earmarks, … an increase of nearly 300%. [In addition], the level of funding associated with those earmarks has more than doubled from $23.2 billion in fiscal year 1994 to $47.4 billion in fiscal year 2005. [Also, even though between 2008 and 2009] "… the total number of appropriations earmarks decreased [by] 6 percent … the total value of earmarks [nevertheless] increased [by] 6 percent from $28.9 billion to $30.7 billion [2].

Case Studies of Criminality and Excesses in the Use of Earmarks

The two cases that follow are examples that show the extent of earmark excesses in the early 2000's [2]. First, Jack Abramoff, a former Lobbyist, was criminally-indicted for having provided gifts to influential lawmakers and their staffs in exchange for the lawmakers' cooperation "… to quietly insert earmarks into legislation for his clients who, in turn, would contribute to these lawmakers' campaigns". Second, Randy "Duke" Cunningham R-Calif., who was also criminally-indicted "… took $2.4 million in bribes, [and] used his position in the Defense Appropriations Subcommittee to earmark millions of dollars for favored defense contractors". In addition, the lack of transparency in the budget process also "…enabled [Cunningham] to slip earmarks in the secret intelligence budget without anyone's knowledge".

Further, even though there were no criminal indictments, the highway bill and the Alaska bridge bill were, nevertheless, two transportation legislations in the **2005 Federal Budget** that deserve mention given the extreme nature of its earmarking excesses [3]. First, the **Highway Bill** contained about 6,000 earmarked projects which had little to do with transportation. In other words, their primary purpose was simply to infuse members' constituencies with federal money in order to "bring home the bacon" that might then improve the legislators' reelection chances. Second, the **Alaska Bridge** was an extravagant project that was apparently the least needed for transportation purposes as the reasons that follow will show. One, the bridge was to have connected a sparsely-populated island to the town of Ketchikan, which had a total population of only 8,000, but at the high cost of $2 billion. Two, the proposed bridge was to have replaced an existing and economically-feasible five-minute ferry ride between the two jurisdictions. Thus, since the economic feasibility of such a project was never really established for it to have warranted funding of this grand magnitude, it can be regarded as an unnecessary and wasteful pork project with strictly political underpinnings. Moreover, because of the secrecy involved in the earmarking process, it continues to be exceedingly difficult to establish the number of cases which might have been similar to, or even worse than, the examples mentioned above.

Case Studies of Conflicts of Interests or Corruption Involving Excesses in the Use of Earmarks

According to an investigative study, conducted by **the Washington Post**, it was discovered that a fairly large number of Congress-members embarked on earmarked projects for personal gain, not necessarily to spiral economic development in their respective constituencies [4]. In this regard, the study arrived at two specific conclusions: one, that lawmakers embarked on earmarked projects that were located … "in close proximity to commercial and residential real estate owned by [them] or their family members …; [and two, that about] "… 16 lawmakers … sent tax dollars to companies, colleges or community programs where their spouses, children or parents work as salaried employees or serve on boards" [4].

There are five factors employed for the purpose of assessing the conflicts of interest cases in the Washington Post study. One, only a small sample of ten, of the plethora of cases listed by the study, are cited below. Two, as was projected in the study itself, a vast majority of the Congress- members listed by name rejected any insinuations that their actions were tantamount to conflicts of interests or corruption [5]. Three, the ten examples listed below are chosen at random. Four, the names, political parties, and the chamber of membership (Senate or House) of the Congress-members involved are excluded deliberately. Five, the constituencies of the lawmakers are also excluded deliberately. Thus, taking these assessment factors into consideration, the ten congressional conflict of interest cases are itemized below.

- A Congress-member is said to have assisted in securing about $440,000 in earmarks for a local university in which his wife served on the university's Board of Trustees.
- A Congress-member is said to have secured $3.3 million in earmarks for a scholarship program at a local University where his wife worked as an Associate Dean.
- A Congress-member is said to have secured a $2.98 million in earmarks to assist in widening a road in the neighborhood in which he owned two homes.
- A Congress-member is said to have secured $1.5 million in earmarks for a local university in which his son worked as a lobbyist.
- A Congress-member is said to have secured approximately $200,000 in earmarks for a middle school program in which his step-daughter and her husband were employed.
- A Congress-member is said to have helped secure $21.9 million in earmarks for six clients of a lobbying firm in which her daughter was an employee.
- A Congress-member is said to have secured $1.82 million in earmarks for an agency in which his son was employed.
- A Congress-member is said to have secured $665,000 in earmarks to help widen a road next to a commercial property which his family partnership was developing.
- A Congress-member is said to have secured $815,000 in earmarks to widen a road which is less than a mile from a medical building that he had purchased.
- A Congress-member is said to have secured about $5.3 million in earmarks for a university system in which her husband was employed.

Case Studies of Interest Group Connections to Earmark Allocations

Examples of specific cases in which interest groups have been the primary targets of earmarks are analyzed in this sub-category. However, before embarking on these limited case studies, three definitions that are applicable to them should be in order. First, **interest groups** are organizations that form to influence the outcome of policies in the Congressional legislative process [1]. Second, the primary measure by which interest groups exert this influence is referred to as **lobbying** which may involve campaign finance contributions made toward the reelection of incumbent Congress-members or the election of new members. Third, an **incumbent** is a person in elected office who is seeking reelection or another term to that office [6].

According to the statistics provided by the **Center for Responsive Politics**, interest groups that make financial contributions to a member's campaign coffers may benefit manifold from the earmarks made on their behalf by such Congress-members. This behavior constitutes a vivid demonstration of the value which Congress-members attribute to financial contributions made toward their reelection bids; especially when it is considered that congressional campaigns are becoming increasingly costly in U.S. elections [5].

There are five assessment factors employed in these congressional-interest group connection cases. One, only a small sample of five, from each chamber, of the congressional earmarks made in FY 2010 are delineated. Two, only the first five cases from the Senate (Senate, OpenSecrets.org: 2) and the first five cases from the House (House, OpenSecrets.org: 2) are chosen. Three, the names and political parties of Congress-members listed are deliberately excluded. Four, partly because the names of the interest groups involved are not mentioned in the study, such names are thus excluded in the examples below. Five, the constituencies of the lawmakers are deliberately excluded. Therefore, taking these assessment factors into consideration, the ten congressional-interest group connection cases are stipulated below.

- A Senator, who received campaign contributions of only $166, 900, responded with $99,203,000 in earmarks to those contributors.
- A Senator, who received campaign contributions of only $166,014, responded with $48,167,700 in earmarks to those contributors.
- A senator, who received campaign contributions of only $141,150, responded with $83,390,000 in earmarks to those contributors.
- A Senator, who received campaign contributions of only $127,540, responded with $$14,405,000 to those contributors.
- A Senator, who received campaign contributions of only $92,025, responded with $$35,995,000 in earmarks to those contributors.
- A member of the House, who received campaign contributions of only $111.850, responded with $36,565,000 in earmarks to those contributors.
- A member of the House, who received campaign contributions of only $105,500, responded with $11,700,000 in earmarks to those contributors.
- A member of the House, who received campaign contributions of only $63,250, responded with $30,600,000 in earmarks to those contributors.
- A member of the House, who received campaign contributions of only $59,800, responded with $28,862,800 in earmarks to those contributors.
- A member of the House, who received campaign contributions of only $51,870, responded with $23,600,000 in earmarks to those contributors.

Prompted Congressional Response to Excesses in the Use of Earmarks

Given these excesses, therefore, Congress which appeared to have been somewhat reluctant at first to address this issue, was ultimately prompted to do so by two pressing factors which follow. One, the total numbers and total costs of earmarks were at their highest levels by 2006 [8]. Two, this manifestation appeared to have generated a public outcry which Congress found very difficult to ignore. The congressional measures and reactions to them, which inevitably emerged, are addressed briefly in the three paragraphs below.

First, the U. S. Congress passed the 2006 Federal Funding Accountability and Transparency Act (FFATA) authorizing citizens, among other measures, to report "allegations of waste, fraud, or mismanagement of federal funds" [9]. One of the major regulatory conditions of the law s to address the **secrecy** aspect of appropriations, since corruption is more likely to take place under such circumstances, by ensuring that the awards of grants and contracts are made more transparent and accountable [10].

Second, in an attempt to impose more **transparency** to the process in the 110th Congress (2007-2009) and the 111th Congress (2009-2011), the House and the Senate decided to strengthen their rules regarding earmarks through two measures [2]. One, lawmakers that request earmarks must first provide written statements to Congress that must include five factors: the name of the member making the request; names and addresses of the earmark recipients or the locations where the intended activities are to be conducted; the identification of the individuals who are expected to benefit from the earmark; and the specific purpose of that earmark. Two, a type of **certification** that would demonstrate that the legislator would have no financial benefit to obtain from the earmark.

Third, in 2011, the Republican Party majority in Congress imposed a **moratorium** which temporarily suspended the use of earmarks. However, given the fact that this temporary measure would have limited the lawmakers' ability to finance projects in their respective constituencies, stiff challenges to this measure inevitably emerged. For example, when Sen. Claire McCaskill (D-Mo), proposed the transformation of the moratorium into a permanent ban through a law, only twelve lawmakers initially supported her proposal [4].

In addition to the refusal to ban the use of earmarks some members, in 2018, advocated for the apparently less excessive and less corrupt "old earmark system". But, under the prevailing circumstances, the call for the reinstatement of any type of earmarks, given its definition, was a clear manifestation of the value, as demonstrated in sub-section 1.5 below, which some members continue to attribute to the use of earmarks. In addition, given the manner in which earmarking has been operationalized, as the case studies above show, there is much doubt as to whether it is possible to restore or reinstate an earmarking system that will be free of corruption or quid pro quos.

Congressional Resistance to Earmark Regulations

For reasons already alluded to, the congressional regulations stipulated above were challenged by several congressional members. Some of the diverse forms of resistance, depicting the value of the earmarking system, are addressed below.

First, the 2011 ban, which had been initiated in the House chamber, had earlier been severely resisted in the Senate as indicated by the response to the McCaskill measure. However, following President Obama's threat, in his 2011 State of the Union address, to veto (declare null and void) any bill or proposal containing earmarks, the Senate eventually agreed to institute its own version of a ban on earmarks [9].

Second, certain Congress-members attempted to by-pass the regulations by employing less transparent means of financing projects in their constituencies. These strategies included the following: one, **letter-marking** – the practice by which lawmakers wrote letters to administrators urging them to fund projects in the members' constituencies; two, **phone-marking** - the practice by which lawmakers called executive branch officials cajoling them to request money for projects to be undertaken in their constituencies; three, **soft-earmarks** – through which lawmakers simply "suggested" to agency officials that money should be spent on certain projects in the members' constituencies; four, legislators **hiking** money from certain budgetary accounts and then aggressively request that the hiked money be spent on the member's pet projects; five, some lawmakers **soliciting funding** for expenditure on projects in their constituencies; and six, lawmakers requesting their constituents to **write letters** to the relevant decision-making authorities in the bureaucracy identifying local projects on which they believe federal money should be spent [9].

Third, the investigative activities of Citizens Against Government Waste (CAGW), which is a private **watchdog** organization that was founded in 1984, contributed greatly in revealing the extent to which Congress had resisted adhering to its own regulations.

This organization's academic studies, published in **Congressional Pig (Pork) Books** that are quoted extensively by a wide array of researchers, monitor Congress' spending policymaking through the its yearly publications that lay emphasis on government waste, abuse, and corruption. Highlights of this organization's assessments, from 2012 (only one year after the imposition of the moratorium on earmarks) to 2018, will demonstrate that, despite all the attempts by Congress to regulate earmarks and secrecy in budget appropriations, the practices still continued unabated. This reaction is evidence that Congress-members have continued to resist by circumventing the rules and regulations which the institution itself had mandated.

In addition, the fiscal years 2012-2018 are chosen deliberately to demonstrate the ineffectiveness of the congressional measures to regulate the excesses in earmarks, especially after the bicameral (two chambers) moratorium of 2011. Moreover, the fiscal year 2013 is excluded from the CAGW studies because of the lack of approval of a formal budget for that fiscal year [11]. Therefore, in conformity with this established approach, the highlights of the CAGW studies are stipulated briefly in the paragraphs that follow below.

One, in its **Congressional Pig Book 2012**, CAGW indicated that, even though there was a reduction in the number and cost of earmarks in the **Consolidated Appropriations Act of 2012 (an Omnibus Bill)**, as compared to the **Consolidated Appropriations Act of 2010 (another Omnibus Bill)**, there were nevertheless 152 earmarks that amounted to $3.3 billion which violated the 2011 moratorium on earmarks [8]. In addition, the publication also identified these difficulties in the appropriations process: (a) there was a false assumption that earmarks did not exist in the bill; (b) because of continued secrecy and a lack of accountability, the names of legislators that were connected to the earmarks could not be located; (c) because of secrecy, where the money was spent and why it was spent could not be determined; (d) there was no list or charting of earmarks in the appropriations bills or reports; and, (e) earmarks were scattered throughout the legislative and report language, which then required much detective work to identify each of the projects [8].

Two, in its **Congressional Pig Book** 2014, CAGW recorded these observations: (a) that even though the cost and number of earmarks of the **Omnibus Appropriations Act of 2014 (an Omnibus Bill)** declined as compared to the appropriations of FY 2012, there were still 109 earmarks that cost $2.7 billion of appropriated funds; (b) that the moratorium of 2011 contributed toward making the process even less transparent since no names of legislators connected to earmarks were found and no list or chart of earmarks was found - all of which made it impossible to determine where and why the money was spent; and (c) that earmarks were scattered throughout the legislative and report language thereby requiring a substantial amount of detective work to reveal each of the projects [12].

Three, in its **Congressional Pig Book 2015**, CAGW made these observations: (a) that even though the number of earmarks decreased, from 109 in FY 2014 to 105 in the **Consolidated and Further Continuing Appropriations Act of 2015 (an Omnibus bill)**, the cost of the earmarks nevertheless increased significantly from $2.7 billion in FY 2014 to $4.2 billion in FY 2015; (b) that the bill contained a lack of transparency and accountability given that there were no names of legislators to be found, no listing or charting of earmarks, and inadequate information regarding exactly where and why the money was to be spent; and (c) that the earmarks discovered were scattered throughout the legislative and report language that made it enormously difficult to account for each project [13].

Four, in its **Congressional Pig Book 2016**, CAGW made a series of observations: (a) that in the **Consolidated Appropriations Act of 2016 (an Omnibus Bill)**, there were increases in both the number and cost of earmarks; (b) that the number of earmarks increased from 105 in FY 2015 to 123 in FY 2016; (c) that the cost of those earmarks also increased from $4.2 billion in FY 2015 to $5.1 billion in FY 2016; (d) that there was a lack of transparency and accountability in the process since there were no names of legislators shown, no list or chart of earmarks, and limited information as to where and how the money will be spent; and (e) that earmarks were scattered throughout the legislative and report language which required substantial detective work to locate each of the projects [14].

Five, in its **Congressional Pig Book 2017**, CAGW made these notations: (a) that there was an increase in both the number and cost of earmarks contained in the **Consolidated Appropriations Act of 2017 (an Omnibus Bill)**; (b) that the number of earmarks increased from 123 in FY 2016 to 163 in FY 2017; (c) that the cost of those earmarks also increased from $5.1 billion in FY 2016 to $6.8 billion in FY 2017; (c) that there was also a lack of transparency and accountability in the process given that there were no names of legislators connected to the earmarks, no list or charting of those earmarks, and insufficient information regarding where and how the money was to be spent; and (d) that earmarks were scattered throughout the legislative and report language of the process that made it exceedingly difficult to identify each of the projects [15].

Six, in its **Congressional Pig Book 2018**, CAGW indicated its findings as follows: (a) that there was an increase in both the number and cost of earmarks contained in the **Bipartisan Budget Act of 2018 (an Omnibus Bill)**; (b) that the number of earmarks increased from 163 in FY 2017 to 232 in FY 2018; and (c) that the cost of those earmarks also increased from $6.8 billion in FY 2017 to $14.7 billion in FY 2018 [16]. In addition, the fact that both the number and costs of earmarks continued to increase dramatically from FY 2016 to FY 2018, despite the moratorium, is a strong indication of the inability of Congress to function legislatively without earmarks.

The CAGW studies above, which spanned fiscal years 2012 to 2018 (excluding 2013), are captured visually in the three diagrams that are depicted below. As stated earlier, these fiscal years are chosen deliberately in order to highlight the congressional resistance to its own self-imposed regulations of especially 2006 and 2011; in addition to limit the scope of the study. In this regard, each of the diagrams shows that, despite attempts to address the excesses in the use of earmarks, both their costs and numbers have, nevertheless, continued to increase.

Table I constitutes a tabular and numeric representation of the increases and decreases in the costs and numbers of earmarks between FY 2012 to FY 2018. [The line graphs, which are described below, constitute separate visual representations of the total costs and total numbers of earmarks between FY 2012 to FY 2018].

Line graph I shows that the restrictive congressional measures may have contributed to the slight decline in the costs of earmarks from FY 2012 to FY 2014. However, the graph also shows a steep increase in earmark costs that started in FY 2014 and continued up to FY 2018 - with the steepest rise taking place between FY 2017 to FY 2018. This very steep rise, in the costs of earmarks from FY 2017 to FY 2018, is a strong indication of the significance which Congress- members have continued to attribute to the use of earmarks regardless of the self-imposed restrictions.

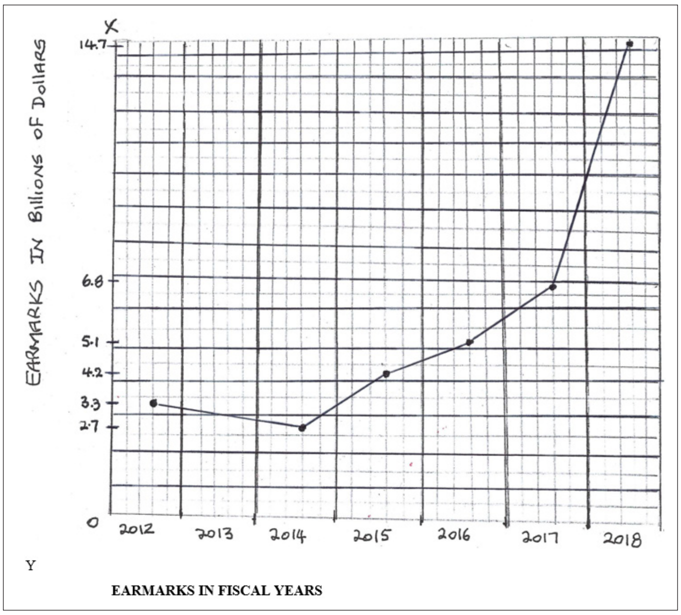
Line graph II shows a decline in the total number of earmarks from FY 2012 to FY 2015, most probably because of the regulations that had been imposed. However, the numbers of earmarks also show a gradual, but steady, increase that started in FY 2015 and continued up until FY 2018. In addition, this rise also reflects the significance which congressmembers have attached to the budget appropriations process as it relates to the expansion of projects into their respective constituencies. Further, even though the number of earmarks increased somewhat gradually, this increase appears to have lagged behind the costs of the earmarks which increased quite substantially within the same period.

Numbers and Total Costs of Earmarks:
FY 2012 – FY 2018
(The Author)

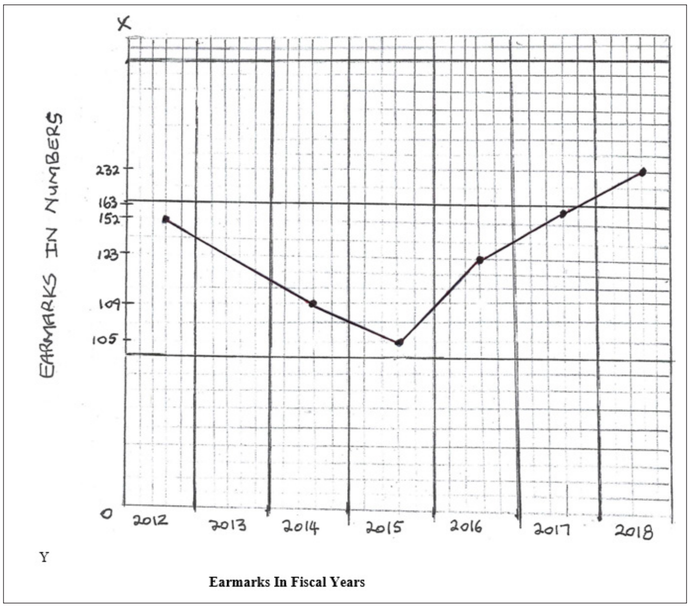
Fiscal Years	Numbers	Costs in Billions of Dollars
2018	232	14.7
2017	163	6.8
2016	123	5.1
2015	105	4.2
2014	109	2.7
2013	-------	-------
2012	152	3.3

Line Graph I

Total Costs of Earmarks:
FY 2012 – FY 2018
(The Author)



Line Graph II
Total Numbers of Earmarks:
FY 2012 – FY 2018
(The Author)



Analytic Examination of the Omnibus Appropriation Bills in Congress' Budget Process

In this segment, certain significant issues are dealt with as they relate to the congressional omnibus appropriations bills. These issues are addressed in this sequence: first, conceptual analysis of what constitutes omnibus appropriations bills; second, the role of Congress in omnibus appropriations bills; three, the role of the president in omnibus appropriations bills; and four; negative public sentiments toward omnibus appropriations bills.

Conceptual Analysis of Omnibus Appropriations Bills

Although there is no firm or generally-accepted definition for an **omnibus appropriation bill**, it can nevertheless be described as a congressional budgeting effort involving "… bundling many important decisions [bills] together in huge packages and passing them quickly, without giving legislators a chance to read the bill, evaluate it, or object to parts of it" [17-18]. A **bill**, on the other hand, is defined as a piece of legislative proposal, that is subject to debate in both congressional chambers, before it can be passed or be rejected through a voting process. However, since the normal legislative process requires that the merits of individual bills or proposals be ascertained through debates prior to voting for or against them, the practice of omnibus bills, which is conducted in secrecy and not subject to either debates or voting, can therefore be regarded as a radical departure from this standard modus operandi of the legislative process.

The Role of Congress in Omnibus Appropriations Bills

The role of Congress regarding the use of omnibus appropriations bills can be understood more thoroughly through an establishment of the direct relationship existing between **omnibus appropriations bills** and **earmarks**; in addition to the impact of their collective use on the budget process. This inextricable linkage or entrenched connection between the two concepts, and their institutional impact, are extrapolated briefly in the two paragraphs that follow.

First, given their lack of transparency, omnibus appropriations bills become the vehicle (bus) that carries all (omni) of the pet projects, that have been inserted secretly (earmarked) into these large pieces of legislation (omnibus appropriations bills), which Congress-members are intent on sending to their respective constituencies, that might otherwise have been rejected if the several projects in the large bill had been discussed and voted on individually and transparently. Therefore, because many Congress-members can obtain a place in this bus (through the secret insertion of their respective pet projects or earmarks), there would be a very high probability that such large bills would pass Congress speedily. Given this situation, therefore, it would make little or no difference to many members whether or not they are allowed enough time to either read or amend such bills. Indeed, some researchers have even claimed that, apparently given their negative public image, Congress-members would usually attempt to criticize omnibus appropriations bills only to continue their use when that effort served their personal political purposes.

Second, the other significant factors that contribute to the continued congressional use of omnibus legislations follow. The first factor is the fear of a government shut-down. A **government shutdown** occurs when participants in the budget process are unable to compromise in order to reach a budget agreement for a given fiscal year. The second factor is that, because omnibus bills are voted on and authorized quickly without much political stalemate, they tend to avoid **gridlocks**. Gridlocks, which are indicative of the inability of Congress to function legislatively because of a lack of compromises, constitute the most extreme forms of congressional stalemates. The third factor is that all the participants in the process become winners, as a result of substantial constituency benefits to be obtained, when they adopt omnibus appropriations bills. In sum, even though there are several problems associated with the use of omnibus appropriations bills, as demonstrated in this article, they nevertheless play a pivotal role in facilitating the congressional budget process.

The Role of the President in Omnibus Appropriations Bills

The president, also the leader of his or her political party, who must sign the omnibus appropriation bill before it becomes law (taking into consideration congressional authority to override presidential vetoes), might be confronted with a political dilemma despite the realization of the waste and corruption that are associated with such bills. These presidential circumstances are delineated below.

First, to bolster the electoral victory of his or her political party, so that it would become the majority party in Congress for the purpose of facilitating party governance after each general election, a president might be sympathetic to certain earmarks that affect especially the electorally-vulnerable members of his or her own political party. Indeed, even though some presidents have, in the past, threatened to **veto** certain omnibus appropriations bills; they had in fact failed to carry out such threats. This behavior is testimony to the significant political role which some presidents have attached to the use of earmarks. For example, apparently because it was loaded with earmarks, former President Donald Trump, who had threatened to veto the **Bipartisan Budget Act of 2018**, suddenly decided to sign the same omnibus appropriations bill into law that he had despised earlier [19].

Second, party leaders in Congress may incorporate certain measures into the large bill, which they know a president needs very badly (as hinted above), as an incentive for him or her to sign the bill into law [18]. These measures may include pet projects; especially in the case of presidents who might be contesting for a second presidential term and are therefore interested in improving their electoral chances along with those of the members of their respective political parties.

Third, if the omnibus bill has strong support in Congress, as it often does (given the fact that everyone can ride in the bus), this may then signify the likelihood that a presidential veto might be overridden by Congress. Therefore, in order to avoid the embarrassment of an overridden veto, in addition to avoiding future difficulties in obtaining political support for presidential initiatives in Congress, a president may decide not to veto an omnibus appropriation bill. To a significant extent, therefore, these considerations might explain some of the reasons it has been quite difficult for presidents to fulfill their threats to veto these types of appropriations bills.

Further, perhaps more than any other president in recent American political history, former President Trump appeared to have compromised himself quite extensively on the use of earmarks. This compromise transpired not only after he had failed to veto the 2018 budget bill as he had promised; but also, he reversed himself radically shortly thereafter by suggesting that some form of earmarks should be reinstated in the budget appropriations process. In order to clarify his decision, the former president made these statements when he met with some members of Congress: "Our system lends itself to not getting things done, and I hear so much about earmarks – the old earmark system – how there was a great friendliness when you had earmarks. But, of course, they had other problems with earmarks. But maybe all of you should start thinking about going back to a form of earmarks" [20]. In his remarks, the president appeared to have recognized that earmarks, if reasonably devoid of flagrant corruption and waste, will facilitate the budget process by diminishing gridlock that has plagued Congress given their restricted or regulated use. But, as demonstrated in this article, it would appear as if the establishment of an earmarking system that will be devoid of any type of corruption and waste may not be possible.

Fourth, the public's realization that the government shutdowns may have been caused by the failure of a president to sign an omnibus appropriations bill, might have negative political repercussions on that president and probably on his or her political party as well. Therefore, to prevent this situation from transpiring, presidents have tended to sign omnibus appropriations bills without necessarily allowing the multiplicity of earmarks in those bills influence their actions. As stated above, President Trump and past presidents have expressed their dislike for certain budget bills but, nevertheless, proceeded to sign them into law. Thus, because both Congress-members and presidents fear the public's chastisement, they have therefore been much more inclined to embark on the use of omnibus appropriations bills in order to facilitate the budget process. Given the information above, it will follow logically that because only the president and Congress, can make decisions regarding reforming the budget system, it would appear as if earmarks and omnibus appropriations bills will remain an integral part of the budget process into the foreseeable future.

Fifth, since 1998, the president no longer possesses a **line-item veto**. This is because of a ruling from the U. S. Supreme Court, in **Clinton v. City of New York (1998)**, that the line-item veto violated the U. S. Constitution [21]. With a line-item veto, the president may simply remove certain wasteful items or pork in an appropriations bill without vetoing the whole bill; thereby minimizing a struggle between Congress and the president that might lead to a government shutdown. However, the lack of a line-item veto would thus imply that the president would have only two available options, either of which would be unpalatable in presidential decision-making. These two options are: one, either sign the whole bill into law and absorb all the wasteful and corrupt earmarks which would annoy some of the voters; or two, veto the whole bill and risk a government shutdown which will disrupt the government thereby annoying most of the voters.

Public Sentiments Toward Omnibus Appropriations Bills

The linkage established above, between earmarks and omnibus appropriations bills, reflects the fact that omnibus appropriations bills are needed for the collective transportation of earmarks. In this regard, earmarks depend on omnibus appropriations bills in order to reach their politically-coveted destinations. Given this fact, therefore, if there is to be a resurgence in the use of earmarks (an issue addressed below) it will logically be inevitable that there will also be a commensurate resurgence in the use of omnibus appropriations bills. Further, given the political considerations, that have already been addressed above, which constitute the driving forces for this resurgence, the use of omnibus appropriations bills in the U. S. Congress' budget process is most likely to persist into the foreseeable future.

However, despite the apparent political and legislative significance of earmarks and omnibus appropriations bills to Congress-members, some criticisms have nevertheless been levied against their continued use. These criticisms, along with the value which some constituents have continued to ascribe to their use, have caused contradictions, paralysis, and uncertainties regarding attempts to reform the congressional budget process. The contradictions illuminate the fact that the same political system, within which there are echoes of criticisms against earmarks also appears to harbor voices that espouse their continued use perhaps for self-aggrandizing reasons. The ensuing paralysis, given the inability of the political system to address these contradictions effectively, might then lead to uncertainties regarding the extent to which challenges in the budget process may be resolved in the future. Below is a small sample of the criticisms that have been levied against the use of omnibus appropriations bills.

First, because of their enormous size (thousands of pages in length), in addition to the insufficient time granted by congressional leaders, rank-and-file Congress-members are practically unable to read and comprehend the omnibus appropriations bills prior to casting their votes [22]. This situation, therefore, appears to imply that most members simply vote in favor of bills for which they may have had very little or no understanding whatsoever.

Second, because they contain a multitude of earmarks, the omnibus appropriations bills are, therefore, said to consist largely of wasteful, inefficient, and inappropriate funding of tens of billions of dollars per fiscal year [23]. Third, because of this enormous amount of money that is spent, not necessarily for investment purposes, omnibus appropriations bills are also regarded as a potential contributing factor to the national debt, which was estimated at approximately $21 trillion by 2018 [24].

Fourth, because omnibus appropriations bills grant enormous powers to a very small number of government individuals such as party leaders, committee leaders, and top executive officials the process is therefore visualized as anti-democratic in many quarters of the macro political environment [2].

Fifth, since final decisions are made behind closed doors, omnibus appropriations bills are thus said to create a kind of secrecy in the legislative process which would be a violation of the principles of openness, responsiveness, and accountability which are reminiscent of a democracy [18].

However, even though some have expressed their concerns regarding the use of omnibus appropriations bills, as demonstrated above, others have regarded them as perhaps a necessary evil. For example, Glen Krutz has stated that "… omnibus bills generally (including omnibus appropriations bills) are one of several tools that allow Congress to get something done when it is otherwise impossible to do so" (Monsters from Congress, 2007: 6). In other words, since all omnibus bills are significant, in the sense that they facilitate the legislative process, their lack of use might contribute to legislative paralysis or gridlock. In this regard, therefore, this expressed sentiment is certainly significant in its implied prediction that the use of omnibus appropriations bills may continue into the future in order to prevent the system from collapsing.

Arguments Supporting the Restoration of Earmarks in the Budget Process

Despite the widely acknowledged waste, misallocation of resources, and corruption that have characterized its implementation (leading to the 2006 FFATA regulatory legislation, the 2011 congressional moratorium, and numerous threats of presidential vetoes), there are still growing demands for the restoration of earmarks. These demands are clear evidence of the fact that factions within the political system continue to disagree over the viability of the use of earmarks in the budget process. In other words, because there are various schools of thought, with apparently irreconcilable views, about the impact of the continued use of earmarks and omnibus appropriations bills in the budget process, there is thus no clear consensus as to how the issue is to be resolved. This intractable situation, thus, constitutes another rationale for Congress' continued use of earmarks in appropriations bills into the very distant future.

In addition, the fact that support for the continued use of earmarks also emanates from some segments of the academic community adds to the issue's complications given the fact that the credibility of academic pronouncements is normally hinged on research objectivity. In other words, since some of those who oppose the continued use of earmarks are academics, as the examples above have demonstrated; while some of those who support its continued use are also academics, as the few examples below demonstrate, the issue has therefore become much more complicated and stalemated. Delineated below is an admixture of academic and non-academic arguments in favor of the restoration of earmarks into the congressional budget process.

First, some authors have claimed that research has demonstrated that a constituent service such as "… procuring pork-barrel projects for local constituencies tends to improve representatives' name recognition, reduce their likelihood of facing a strong challenger, and enhance vulnerable members' reelection chances" [9]. Therefore, as stated earlier, this apparent manifestation constitutes the primary motivation for Congress-members to continue the use of earmarks. However, the fact that another emerging school of thought has disagreed with this conventional wisdom has also contributed to the confusion surrounding whether earmarks do have an incumbency advantage or not [25-26].

Second, other academics have stated that "… many of the criticisms of earmarks miss the mark. For one thing, earmarks are certainly not what is causing deficits to be so large, nor are earmarks a significant part of the long-term budget problems the government faces. Also, many earmarks are for valuable and deserving projects that most people would support. Most members of Congress are unabashedly proud of most or all of their earmarks and are more than happy to publicize them" [21].

Third, others have indicated that pork barrel politics and their earmarks are instrumental in making Congress function effectively as a legislative institution by preventing gridlock. A particular researcher argues that: "Allowing Members of Congress to direct federal dollars to their states and districts can be positive for governance in the U. S. Pork allows Congressional negotiators to include incentives that help build coalitions, pass bills, and grease the wheels of a largely frozen legislative process. Earmarking projects can make support for a given bill more appealing. Earmarking can work across pieces of legislation as well. A project earmark in one bill for one legislator can be complemented with a different earmark in another bill for a different legislator, making support for both bills appealing – a type of legislative logrolling" [27]. This argument might explain the rationale underlying President Trump's appeal for the restoration of earmarks in an apparent attempt at facilitating presidential initiatives in Congress, such as making funds available for the erection of the wall in the southern border of the U.S. as an example.

Fourth, others have made these arguments in favor of Congress' continued use of earmarks [28]. One, only Congress, under powers granted in Article I of the U. S. Constitution, possesses the "power of the purse" or the right to spend money. Two, since earmarks give congressional leaders the power to reward and punish rank-and-file members in the legislature to obtain their support over pieces of legislation, their elimination will therefore make it tremendously difficult for Congress to function legislatively. Three, since earmarks are extrapolated from the cost of the existing bills, they therefore do not constitute additional spending to the budget. In other words, according to John Hudak, "pork barrel politics determines how the pie is cut; it does not decide the size of the pie". Four, the use of earmarks encourages bipartisan cooperation between the two major political parties, thereby preventing gridlock. Five, since the loss of earmarks will translate to the loss of power of party leaders over their members, outside interest groups will act as a replacement by providing Congress-members with the resources they need to be reelected. In other words, power will be shifted from political party leaders in Congress to vested interest groups outside of Congress which will destabilize Congress even further. Six, a curtailment of the use of earmarks in Congress might shift decision-making powers to the president. According to Senator Daniel Inouye (D) Hawaii, … "A ban on earmarks would serve to strengthen the executive branch of government by empowering the president to make decisions that the Constitution wisely places in the hands of Congress" [29].

Concluding Remarks Regarding the Future of the Congressional Budget Process

Based on the findings of this study, it would appear as if Congress will continue to embark on the extensive use of **earmarks** and **omnibus appropriations bills** in the budget process. The general reasons that would reinforce the study's findings above are addressed below.

First, elections continue to be increasingly costly for candidates aspiring for the presidency and Congress. For example, in the 2012 congressional election cycle (including presidential elections), the total costs were estimated at $6,285,557,223; however, in the 2016 election cycle (including presidential elections), the total costs increased to $6,444,253,265[7]. These cost increases would imply that to be competitive in races, presidential and congressional candidates must raise substantial funds from external sources (interest groups) with whom they would proceed to develop quid pro quo political relationships in order to facilitate their incumbency aspirations. Since the incumbency issue is more manifest in Congress, where there are no **term limits** (a fixed number of terms a legislator can serve), this phenomenon might explain the reason for the high rates of **incumbency** (the continued re-election of mostly the same Congress-members) into the House and Senate [30].

Therefore, since this study has demonstrated that politicians hope to maintain this quid pro quo relationship through earmarks, there is thus no incentive for them, and their politically-powerful benefactors, to end a practice which might, in turn, end their lucrative political careers and relationships. In addition, since through **Citizens United v. FEC (2010) and McCutcheon v. FEC (2013)**, the U.S. Supreme Court removed some of the restrictions that had limited donor campaign financing to politicians, one method by which politicians can receive such funds will, therefore, be through the earmarking reciprocity process.

Second, there are certain significant difficulties which follow, that are associated with attempts to reform the earmarking system. One, Congress has demonstrated a consistent reluctance to alter the system for political and self-aggrandizing reasons that are already established in this article. Two, partly because of the congressional reluctance to be transparent, information which external think-tanks might need to decide on recommendations for reforms is not sufficiently available. As a result, analyses cannot be ascertained that would compare and contrast the real benefits of earmarks, from their actual costs, to society. This situation, therefore makes it cumbersome for interested parties to establish a consensus regarding exactly how the problem can be resolved systemically. Finally, because of the mutual interests between Congress-members and their benefactors, in addition to the structure of the electoral system, it will be nearly impossible to establish an earmarking system that will be completely free of corruption.

Third, **political polarization,** or the intractable political disagreements that generate an inability to compromise in resolving problems - thereby facilitating threats of government shutdowns, late budget submissions, and budgeting through continuing resolutions or stop-gap measures - has increased the value of the use of omnibus appropriations bills, along with their multitude of costly earmarks, in order to stabilize the budget process. Therefore, for as long as this political climate continues to be prevalent, it will be extremely difficult to envision the elimination of earmarks in omnibus appropriations bills for fear of a government paralysis.

Fourth, **Article I of the Constitution**, which grants Congress the **power of the purse** (the sole ability to raise and spend money in the national government), does not spell out succinctly how such taxpayer money should be spent thereby allowing Congress to spend money as it wishes. This inadequacy has, as a result, opened the system to a multiplicity of contradictory public pronouncements regarding how Congress should spend this scarce resource responsibly. In addition, because there is no consensus as to exactly what constitutes responsible spending, since responsible spending to one citizen is irresponsible spending to another (a subjective expression), lawmakers have thus continued to spend taxpayer money in the manner they see fit.

In addition, the **Tea Party Movement**, which emerged in the early part of the first Obama presidency, attempted to address congressional wasteful spending by electing "fiscal conservatives" to both chambers of Congress. The idea underlying this political strategy was that the newly-elected "Tea Party Congress Members" would somehow change the character of Congress by transforming it into a posture of so-called "responsible spending". But unfortunately, since these new members were also confronted by the same structural and systemic conditions that had plagued their incumbent counterparts, their behavior proved to be not so radically different as the movement may have envisaged. In fact, as the article has demonstrated, congressional spending and the nation's debt have continued to increase dramatically even during the tenure of these Tea Party Congress-members. In addition, even President Trump, who had campaigned to "drain the swamp" (fiscal conservatism among other strategies) in Washington DC, if elected to office, quickly reversed himself when confronted by these same legislative conditions, by not only signing into law, in 2018, one of the nation's largest budgets; but also, going to the extent of requesting that some form of earmarks in the budget process be restored.

Therefore, unless an amendment to the Constitution is proposed that may impose some amount of discipline regarding the manner in which the money of taxpayers is to be spent by Congress, in addition to the manner in which federal elections are to be financed (that would exclude vested interest group donations), it will then follow that omnibus appropriations bills, along with their respective earmarks, are most likely to remain an integral part of the U.S. Congress' budget process indefinitely. Additionally, the chances that such a constitutional amendment may ever transpire, in addition to efforts to be made by Congress toward a regulation of its beneficial relationships with donors, are extremely remote in both short and long terms [31-35].

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