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**CDFs American Style: Distributive Policy and Member Items
in New York State**

Summary Paper

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¹Introduction

The State University of New York Center for International Development (SUNY/CID) hosted a workshop on the American version of constituency development funds (CDFs) – known as earmarks or distributive policy – with 38 academics and practitioners from state and local government at the University at Albany’s Rockefeller College on 20-21 May 2010.² CDFs are increasingly popular internationally: politicians believe that bringing home particularistic benefits will strengthen their ties to constituencies, make government more responsive to local interests, and improve their chances for re-election. They do not easily fit into traditional categories of development because policies associated with CDFs cut across sectors to touch on central and local government institutions, development and service delivery, public participation and civil society, and anti-corruption and public accountability of policy makers. SUNY/CID’s project on CDFs emerged from its interest in parliamentary programs, decentralization, policy making, and governance.

Good government reformers in the donor community and civil society are uncomfortable with policies that depart from a rational-technical model to insert political criteria into policy making and service delivery, and argue that CDFs open the door to corruption and misuse of the public trust.³ This skepticism had helped to deter significant descriptive, analytic, or policy attention to CDFs in the past. SUNY/CID’s December 2009 workshop addressed this lacuna through a provisional exploration of policy making on CDFs, their effectiveness as instruments of decentralized development, and their sustainability as institutions of policy and service delivery. The project is describing and analyzing how policy on CDFs is made and implemented, how services are delivered, how CDFs stand up to public scrutiny and are held accountable. It is working with a cross-national policy community on CDFs to conduct research and develop templates for good practices that will transform CDFs from objects of drama and controversy into tools of good policy and development that are accountable to local communities and to supporters of good governance in national governments, civil society, and the donor community.

The December workshop concluded that a fuller understanding of American CDFs – in distributive policy making of earmarks and Member items – could shed light on the

¹ Many thanks to Steve Pampinella and Simone Grant for taking notes at the conference that provided a basis for this summary and to Ned Schneier and Paul Gumper for extensive comments on this summary.

² CDF is the generic name for a policy tool that dedicates public money to benefit specific political subdivisions through allocations and/or spending decisions influenced by their representatives in the national parliament. SUNY/CID employs CDFs as a generic term although such funds go by many other names, such as “electoral development funds” in Papua, New Guinea. This was the second workshop in SUNY’s ongoing project on CDFs. See CID Report #1, Constituency Development Funds Workshop.

<http://www.cid.suny.edu/publications1/CDF%20Albany%20Workshop%20Report.pdf>

³ Albert van Zyl, “What’s Wrong With Constituency Development Funds?” International Budget Partnership Budget Brief III, no. 10: <http://www.internationalbudget.org/resources/briefs/brief10.htm>

dynamics of distributive policy making and operations in other countries. Barry Weingast defined distributive legislation as *divisible*; i.e., projects that are local and varied in size, scope, and dollar amount independently of one another; an omnibus of many divisible projects in a policy area; designed mainly for expenditure or allocation of funds; and making eligible a super-majority of districts for funds.⁴ Research on distributive policy in the US over the past century has focused on how all districts receive something that is instrumental in the reelection efforts of each individual legislator and distributive programs are assumed to confer visible concentrated benefits, whose costs are distributed invisibly across the entire taxpaying public.⁵

Kenneth Shepsle rightly notes that “[e]armarking – the practice of creating a line item in an appropriations bill for a location-specific project – is widely denounced these days, yet widely practiced.”⁶ So it is possible to consider U.S. earmarks against the background of the recent US anti-earmark “movement” that symbolically attributes recent downturns to “selfish” legislative behavior – as if particularistic policymaking is the dominant form of US policy making.⁷ The old and new American media (e.g., press, blogs, and web sites) routinely issue reports on externalities associated with distributive policy making: inefficiency, corruption, unaccountability, favoritism in awards, and the absence of a distinction between public and private goods; all with the implication that earmarks, Member items and pork are too unclean for good, democratic politics.⁸ It was common for politicians to inveigh against earmarks in the 2010 political campaign.⁹

Another perspective views earmarks as central to responsive government in the belief that citizens and their elected representatives know their own communities’ development needs better than do central bureaucrats. In this view, earmarks help bind political representatives to their constituencies by enhancing the responsiveness of central institutions to local needs, by mitigating impersonal bureaucratic forces – as was the case with masters of constituency service and development, such as the late US Senator Robert Byrd.¹⁰

New York State provides an excellent venue to explore distributive policymaking and earmarks in the US from state and federal levels of government. A standard guide to

⁴ “Reflections on Distributive Politics and Universalism,” *Political Research Quarterly* vol. 47, no. 2, pp. 320-321.

⁵ Kenneth N. Bickers and Robert M. Stein, “Response to Barry Weingast’s Reflections,” *Political Research Quarterly*, vol. 47, no. 2, pp. 329-330.

⁶ Kenneth Shepsle, “Dysfunctional Congress?” *Boston University Law Review*, vol. 89 (April 2009), p. 377.

⁷ For one randomly chosen example, see NPR, Morning Edition, December 22, 2010:

<http://www.npr.org/2010/12/22/132205569/to-defenders-some-earmarks-are-sound-politics>. Borrowing from Theodore Lowi, William Zimmerman developed a comparative typology with distributive policy as one of several types of policy making: “Issue Area and Foreign Policy Process: A Research Note in Search of a General Theory,” *American Political Science Review*, vol. 67, no. 4 (1973), pp. 1204-1212.

⁸ Eric Lipton and Ron Nixon, “Companies Find Ways to Bypass Ban on Earmarks,” *New York Times*, July 4, 2010.

⁹ David Weigel, “One Last Bite of Pork,” *Slate*, December 15, 2010:

<http://www.slate.com/id/2278062/pagenum/all/#p2>

¹⁰ The death of Senator Robert Byrd has led many to comment on his service to the people of his home state: “a good many people called it pork, but the people in West Virginia called it needed infrastructure.” See All Things Considered, National Public Radio, July 2, 2010: <http://www.npr.org/templates/story/story.php?storyId=128273042>.

government in New York State points to the evolution of a practice in which the legislature and governor have made budget agreements where hundreds of millions of dollars are “allocated for projects identified by Members of the Legislature with little input from the executive branch, contrary to the normal give-and-take. In return, the governor was allocated a certain amount of funding, for projects deemed important, without the need for legislative approval.”¹¹ Taken together with the concentration of power in the Assembly Speaker, Senate Majority Leader, and Governor this bargain has contributed to the view by advocates of government reform that the New York State Legislature is dysfunctional: a series of reports from the Brennan Institute for Justice at the New York University Law School have argued that “neither the U.S. Congress nor any other state legislature so systematically limits the roles played by rank-and-file legislators and Members of the public in the legislative process.”¹²

SUNY/CID’s two-day workshop in May 2010 on distributive politics in New York State explored distributive policy making from the perspectives of the executive, the state legislature, interest groups and lobbyists, and of local government.¹³ In order to ensure open and frank discussion, the workshop was conducted under the Chatham House Rule in which “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.”¹⁴

As background to the workshop, SUNY/CID introduced participants to the project’s broader goals and presented data that demonstrated the politicized distribution of Member Items in New York State.¹⁵ Each session began with presentations on different aspects of distributive policy making that led to a general discussion. The workshop opened with a general consideration of the dynamics of budgetary earmarks and reforms and with an effort to develop a taxonomy of particularistic legislation, Member items and constituency service. It then addressed distributive policymaking from the perspectives of the legislature and from local government. On Day II, participants asked about lessons of the American experience and the extent to which it was comparable to CDFs in other countries. It concluded with a consideration of research that could help to shed light on distributive policy in the US and comparatively.

This paper summarizes the workshop against the broader context of SUNY/CID’s project on CDFs. It is organized around how distributive policy is made, how “effective” distributive policy is on the ground (in providing services), the evolving “politics” of

¹¹ Robert Ward, *New York State Government* (Albany: Rockefeller Institute of Government, 2006), pp. 105-106

¹² Jeremy M. Creelan and Laura M. Moulton, “The New York State Legislative Process: an Evaluation and Blueprint for Reform,” Brennan Center for Justice at the NYU Law School, 2004, p. vii.
http://www.brennancenter.org/content/resource/the_new_york_state_legislative_process_an_evaluation_and_blue_print_for_refo/

¹³ A thematic agenda is attached to this report as Appendix 1.

¹⁴ See <http://www.chathamhouse.org.uk/about/chathamhouseule/> In addition, the Chatham House Rule holds that - the list of attendees should not be circulated beyond those participating in the meeting.

¹⁵ A more complete version of this report on earmarks in New York State is attached to this report as Appendix 2.

distributive policy-making in New York State, specific lessons from and for New York State's 'system' of distributive policy making against the emerging institutions of Constituency Development Funds. Its summary of the discussion raises further issues of research and possible institutional evolution.

Distributive Policy Making in New York State

In New York State, distributive policy allocations have evolved to enable state government's political leadership (in the two houses and the governor) to avoid conflicts in arriving at a budget and to satisfy a diverse array of local concerns. The current system of distributive policy making developed from the administration of Nelson Rockefeller into a complex set of spending programs that take the form of awarding projects and funds via different budgetary mechanisms. Some Member items are explicitly included in the budget as line items by leadership while others are drawn from lump sums and are distributed solely at the leadership's discretion and are known today as '007' funds. Individual Members make requests for earmarks and fill out forms from the legislative fiscal committees for leadership review. These requests are bundled and put into reports intended for the relevant executive agencies. With the consent of the leadership on a particular item, it is sent to the executive budget office for vetting. An agency might refuse funding if the appropriate reporting was not filed or if agency staff find fault in the proposed project. When Members fail to obtain an item through these channels, they can appeal directly to the leaders of their respective houses, to an Executive Agency or to the Governor for support for these projects. In some recent years, the monetary value of Member Items gained directly from these sources has increased significantly.

The process described above is reflected in provisions for the community projects fund that establishes "in the joint custody of the comptroller and commissioner of taxation and finance," which can have "separate accounts designated pursuant to a specific appropriation...or...sub allocation plan approved in a memorandum of understanding executed by the director of the budget, the secretary of the senate finance committee and the secretary of the assembly ways and means committee. Such sub allocation shall be submitted to the comptroller."¹⁶

In addition to the classic forms of legislative Member-centered distributive spending, the discussion turned to other forms of distributive policy making in the United States that included the following types of programs:

- All policy that involves spending decisions and allocations has distributive implications that favor some groups or regions over others.

¹⁶ New York State Finance Law, 99-d, paragraph 1, pp. 27-28.

- Executive block grants to regions that enable regional governments to determine how the money will be spent. Such grants are commonly given to policy areas, such as education, community services, healthcare, transportation, housing, counterterrorism, etc.¹⁷
- Executive financing of allocations of individual agencies that are made with the concurrence of the Division of the Budget (in New York State).
- Executive provision of funding for the pet projects of individual legislators and their supporters in their districts as a response to the legislative oversight by of agencies.¹⁸
- The location, by executive agencies, of facilities in unusual places that result from bargaining between different groups, as Senator Byrd won funding for a coast guard base in West Virginia, a state with no coastline.

The discussion revealed that New York State policy making on Member Items has considerably evolved over the past generation. In the late 1960s, a decision was made to give an allocation to both the Legislature and to the Governor for discretionary funds at a point just preceding the time that that former Speaker Stanley Fink moved to strengthen the legislative staff's analytic capacity so that the Legislature would cease to be a rubber stamp and offer its own alternatives to the governor's spending proposals. Through the administration of Governor Mario Cuomo there was a supposed agreement on the amounts that the two houses could include as Member items, but the executive lacked the capacity to evaluate the large number of individual Member items that came to the governor's desk in a package that was immune to the line-item veto.

During the Pataki administration, the budget office consolidated what had been eight separate budget "books" into two. Because the legislature had typically closed the books with programs it particularly favored (such as education), then waited for the governor to act on them before funding programs favored by Pataki (such as prisons), a major effect of this change was to complicate the bargaining process enormously. Because the entire budget had to be passed as one single document with every single issue resolved before anything could be passed, a frequent problem of late budgets became both chronic and more protracted, necessitating increased use of emergency funding bills as a means of continuing state operations during budget negotiations. Also at this time, the budget office created a separate "007 fund" containing all Member

¹⁷ See, for example, Kenneth Lovett, "Gov. Paterson doles out \$17 Million in Pork Barrel Spending, Including \$5 million to New Jersey," *New York Daily News*, December 10, 2010: http://www.nydailynews.com/ny_local/2010/12/07/2010-12-07_payouts.html?r=news/politics

¹⁸ As an experienced staffer put it: "When you have people who control your budget, that you have to appear before on an annual basis to ask for funding, you listen to what they have to say," Ron Nixon, "Lawmakers Finance Pet Projects Without Earmarks," *New York Times*, December 27, 2010: http://www.nytimes.com/2010/12/28/us/politics/28earmarks.html?_r=1&scp=1&sq=lettermarks&st=cse

Items in the hopes of both limiting their overall amount and making them more visible (and, from a political perspective, easier to veto or hold out for bargaining purposes). Because the Governor had previously violated an agreement with the legislative leadership and vetoed a number of Member Items, the leaders of the two houses devised a means of avoiding such vetoes by passing all individual 007 items in lump sums on the ostensible grounds that it was administratively impossible to list every Member Item in a single budget. One immediate—and ostensibly inadvertent—result of this change was to make the process considerably more opaque.

Also during the Pataki administration, the Ways and Means Committee in the Assembly was assigned five staff to manage the pork and Member items, and the Budget and Comptroller's offices received additional funding to cover the administrative transaction costs of managing this spending. In some agencies, such as the Office for the Aging, the amount of funding via Member Items actually exceeded the actual operational budget. Some agencies' funding was increased more than the budget allotted by Member Items. Agencies often were forced to adjust institutional policies in order to handle these Member Items. The Speaker also allotted funds for agencies receiving Member Items to scrutinize and negotiate contracts.

As at the national level—where earmarks buried in appropriation bills replaced more overt private Member bills that went through both substantive committees and the appropriations process—the general tendencies in Albany have been toward obfuscation and centralization. So Member Items have increasingly become the tip of a much larger iceberg of discretionary accounts. The 1996 Environmental Bond Fund, for example, provided annual discretionary accounts of \$125 million each to the governor, assembly speaker and senate president.¹⁹ A “Community Enhancement Facilities Program” gave the same threesome \$425 million to split among themselves, along with a \$225 million “Strategic Investment Program” and a \$125 million “Transportation Multi-Media Program,” labeled by one assembly Member as a “re-elect governor Pataki fund.”²⁰ None of these discretionary accounts required any vetting by any other actors in the system and, because they were financed through capital funds, could not be found in the operating budget. The billion dollars appropriated through these funds in 2000 substantially exceeded the \$400 million appropriated for standard Member Items in the legislature. Although some were channeled through or announced by individual Members of the senate and assembly, most appeared to be allocated by the majority party leaders. None of the participants in the conference could estimate to what extent these funds continue to be allocated in this manner, though one recent estimate of the governor's discretionary account put the figure at just \$30 million.²¹

¹⁹ “Enviro-Senate OKs \$6M to cut Dry Cleaner Emissions,” *Albany Times-Union*, December 2, 1998, p. B2.

²⁰ “Pork Barrell in Excess of \$1B,” *Albany Times-Union* July 3, 2000, p. A1.

²¹ James Odatto, “Money Flows to Friends,” *Albany Times-Union*, December 20, 2010, p. A3.

Bringing Light to Heat: the Distribution of Member Items

Participants asked about the steps in the policy process for such politicized distributive policy making and whether it objectively warranted the controversy it generates in the public mind.²² Earmarks make excellent copy along the traditional muckraking themes popular with the reformist press: political corruption, administrative inefficiency, and an unequal distribution of power. However, it turns out that legislative Member items actually constitute a very small percentage of the budget. Sunlight New York reports that legislative Member items constituted only 0.12% of the budget in 2008-2009 and were just 0.11% of the state budget for was dedicated to legislative earmarks in 2009-2010.²³

A number of points can be made from the publically available data:

- The number of Member Items is volatile between 2006 and 2010, while the total spending on Member Items increased almost three-fold in the same period. In the 2006-2007 fiscal year, there were a total of 3,113 Member Items worth \$51,176,965. In 2008-2009, there were 10,036 Member Items worth \$148,122,209. In 2009-2010, there were 8,250 Member Items worth \$148,329,525.
- There is a greater number and amount of Member Items in the Senate than in the Assembly. For example, in 2008-2009, the distribution of Member items expenditures is 58% to the Senate and 42% to the Assembly, which also reflects the dollar amount of financing to Member Items in the two bodies. The partisan leadership of each body receives the lion's share of the financing. In 2008-09, within the Assembly, 80% of funding went to the Democrats and 8% went to the Republicans and within the Senate, 10% went to the Democrats and 89% went to the Republicans. During the one-term of Democratic majority, this changed: in 2009-2010, Democrats controlled 93% of the Member Item spending and Republicans controlled 7% of the spending in the Assembly, and in the Senate, Democrats controlled 85% of the spending and Republican controlled 10% of the spending in the Senate.

²² See for example, *Albany Times-Union*, "Pull the Pork, New York," on Governor Paterson's effort to cut \$193 Million in earmarks for 6,800 projects (at an average rate of \$28,382.35) in a \$135 Billion budget as a means of helping to overcoming the state's \$9 Billion debt, July 1, 2010: <http://www.timesunion.com/news/article/Pull-the-pork-New-York-562936.php>.

²³ See Appendix 2 and <http://www.sunlightny.com/snl1/app/index.jsp> for the raw, uncoded data.

- In policy, almost 1/3 of earmarks went to social services; 16% each to Education and the Department of State; 11% to Environment and Parks; 8% to Health; and 5% to Criminal Services.²⁴
- Regionally, 34% went to New York City; 16% to Long Island; 12% to the Capital Region; 9% to the Finger Lakes; 10% to the Hudson Valley and only 7% to Western New York. As can be seen in the Appendix, when measured against the population from 2000 census, this pattern amounts to a modest redistribution of earmark spending from New York City, Long Island and Buffalo to areas with less population and putatively with less economic development.

These data suggest that policy making on Member Items in New York State resembles that on CDFs abroad: funds are broadly distributed to parties in the majority and minority throughout the state and they help to fill gaps in policy and service missed by centralized administrative allocations and the “normal” budget process.²⁵ The data presented here capture only legislative Member items and do not capture other types of discretionary spending also called “pork” that is not subject to normal legislative review and oversight, such as funds attached to individual agencies and those from the Governor’s Office that are not captured in the data gathered by Project Sunlight.

Workshop participants explored the evolving rules of the “political-administrative market” for discretionary, distributive spending. There are many decision points. Legislative leaders are gatekeepers who distribute funds to individual legislators according to a variety of political criteria. Local and county officials place demands for such programs, as do some private voluntary organizations providing services. The workshop’s discussion also revealed how politicians frequently receive credit for spending in their district for which they did absolutely nothing.

How institutionalized and routinized is such spending? Participants reported that local officials claim both that they have no control over the projects and that there appeared to be no clear set of priorities over what type of projects are desirable or what type of projects are most clearly in the “public interest.” Local officials declare support for a system of competitive applications for funding that would allow local governments to promote their projects to a politically neutral arbiter who would make decisions on the basis of efficient and equitable distribution of spending instead of the current politicized criteria for discretionary spending. However, none of the participants had a solution for exactly how apolitical and technical priorities that can effectively trade off efficiency and equity could be established in a political body as a legislature.

²⁴ See Appendix 2.

²⁵ Mark Baskin, Constituency Development Funds (CDFs) as a Tool of Decentralized Development, “Overview Paper, 56th Commonwealth Parliamentary Association Conference, Nairobi, Kenya, 10-19 September 2010: http://www.cid.suny.edu/resources_publications.cfm

The current arrangements leave room for enterprising local and county managers to shop projects around – e.g., for urban renewal or delivery of an essential service — to political representatives in the State Assembly, State Senate, US Congress and relevant state and federal agencies for funding. They often work together with community-based non-profit organizations in this search. They make requests for funding throughout the year in the expectation of awards with the adoption of the budget. It is no surprise that local leaders resent both the perceived geographic selectivity of Member items and the need for a powerful champion in the Legislature that creates winners and losers among local governments. For example decisions to award grants to Rensselaer County instead of Albany or Schenectady Counties within New York’s capital district, demonstrated the clout of former Senate leader Joe Bruno, who represented Rensselaer County. So there is no doubt that decision making on Member items is both personal and partisan, and that, at the micro level, it sacrifices the principle of regional equity for those of seniority and access to powerful players in allocating spending.

Do local and county officials look a gift horse in the mouth? Workshop participants admitted that local officials rarely turn down such financing and that they employ Member Items to demonstrate their own effectiveness to the voters – even when they have little control over the spending and/or know that Member Items are unreliable as a source of operational funding over the medium-term. It is possible to create “win-win coalitions” when groups of representatives coalesce in support of regionally significant public institutions, such as the Bronx Zoo, under the leadership of a powerful political leader. However, it was noted both that such cooperative pooling of effort depends on the stability of coalition politics and that Member Items can also promote competition among constituencies for funding in the absence of obviously prominent institutions.

Participants outlined how earmarks are designed to strengthen ties of individual Members to key constituencies. Partisan political leaderships view earmarking and Member Items as programs that are designed to help build legislative coalitions that can command a majority.²⁶ Such spending creates mechanisms to diminish conflicts within the two political conferences and between legislators and the executive in the absence of bi-partisan support for program funding. It provides a basis for a “live and let live” system of administration that feathers nests on both sides of the aisle. So when some services, such as a legal aid clinic in Albany or a free health clinic in Schenectady, were not included in the New York State budget and had no local financing, individual Members supported these services.²⁷ But it may be the case that for each free health clinic there is a corresponding cheese museum chasing financing.²⁸ In the nature of this

²⁶ See Diana Evans, *Greasing the Wheels, Using Pork Barrel Projects to Build Majority Coalitions in Congress* (New York: Cambridge University Press, 2004)

²⁷ On funding for the Schenectady clinic, see the political debate for State Senate by Susan Savage and Hugh Farley: <http://capitalregion.ynn.com/content/politics/521652/debate-for-44th-senate-district--farley-vs--savage/> and on the legal clinic, see Paul Grondahl, “Law, Justice Center in Jeopardy,” Albany Times Union, July 27, 2010: <http://www.timesunion.com/local/article/Law-justice-center-in-jeopardy-591729.php>

²⁸ See Danny Hakim, “Is One Cheese Museum Really Enough,” *New York Times* April 10, 2006: <http://www.nytimes.com/2006/04/10/nyregion/10cheese.html> and Michael Cooper, “Albany Leadership Puts Taxes

funding mechanism, Members seek to leave all important constituents happy – both those providing and receiving essential health and legal services and those illuminating the glorious history of cheese in New York State.

How Effective is Distributive Policy Making?

The workshop addressed the “gotcha” media’s central questions: inefficiency, waste, corruption, and equity. An evaluation of the effectiveness of a policy should balance considerations of citizens’ demands, political responsiveness of legislators and the executive, administrative efficiency in completing construction or delivering services, and to the evaluation that the policy has contributed to the general welfare of the community. Participants presumed that “earmark effectiveness” would rest, first, on the efficient employment and equitable distribution of resources; second, on transparency in policy making and oversight of project implementation; third, on outcomes, such as local development that enhanced the quality of life in constituencies; and fourth, and more controversially, a channel for more personal forms of political representation

Effectiveness and Efficiency

The discussion addressed the question of whether distributive policy making was more or less effective than a rational-technical approach to making policy. The construction of minor league baseball stadiums provides an interesting set of examples of pooled finances. Some are well planned and others are not. While the relatively luxurious Joe Bruno Stadium in the Capital District for a Single A minor league team has been rather “successful”, another “stadium for nowhere” built in a rural district as a jobs project closed within two years because of the absence of a fan base in that area. Press coverage of earmarks and CDFs (in Kenya, for example) contain many such references to inefficiencies in matching initial intent with outcomes: clinics built that go unused for want of operational expenses – in part the result of the failure to conduct an objective needs assessment for the project in advance of construction and to coordinate effectively with local government and central ministries.

Participants also suggested that local government and executive agencies both lack sufficient capacity to manage the stream of Member Items. Participants commented that state agencies often lack the bureaucratic capacity to spend money when they get it and that local agencies and organizations lack the technical capacity to employ the Member Items. They added that, every year, a number of Member Items are “recaptured” by the Budget Office because the grantees have been unable to use the funds.

into Pet Projects and private Clubs,” *New York Times*, April 4, 2006:
http://www.nytimes.com/2006/04/04/nyregion/04pork.html?_r=1

Nor is it clear that Member-Item financed programs are sustainable over the medium term.²⁹ To be sure, some projects would benefit from the budget flexibility of “lump sum” pots of financing intended for Member items in times of budget uncertainty. Nonetheless, several participants mentioned that they had turned down initial state financing from Member Items on projects and programs when the discretionary state financing would soon dry up and leave the receiving institution with the burden of financing ongoing operations in the absence of any foreseeable source of revenue down the road. The situation is dire for institutions that have few alternative sources of financing: in 2010-2011, the Syracuse Symphony Orchestra was forced to do without the \$140,000 in Member Items that it had won in the 2009-2010 budget.³⁰ Workshop participants provisionally concluded that Member Items function best as a way to start local or pilot projects whose successes can be replicated by adoption in the state budget. One participant reported the case of child health care clinics throughout New York State. A successful clinic that was funded by a Member Item in one district led to additional funding throughout the state and its inclusion as a line item in the budget.

Transparency and Accountability

In the 2009-2010 legislative session, there were 8,250 Member Items in the New York State legislature, a volume of traffic that would make scrutiny of the process of adoption and implementation of Member Items a daunting challenge in the best of circumstances – far fewer than the 10,036 Member Items in 2008-2009. Participants noted that the practice of lumping items in bundles can increase the opacity of the policy process concerning Member Items. They further emphasized that this absence of transparency can contribute to declining trust in government that is further compounded by the ‘gotcha’ journalism in new and old media who may be less interested in holding Assemblymen and Senators accountable for the effective use of Member Items than in a public drama that aims to demonstrate the putative bad faith and corruption of elected officials. It was noted that other externally driven efforts by non-profit organizations across the political spectrum to increase transparency in the employment of Member Items have not yet been very effective in developing a culture of accountability. Further, there is an increasing tendency to “hide” Member items in capital budget accounts, bond issues, and various authorities; and the growing monetary value of related leadership and gubernatorial accounts have moved the state even further from these standards.

Participants also said that internal checks and balances have not succeeded in bringing light to the process. One academic stressed how the Legislature’s rules do not provide

²⁹ See Grondahl, (fn #20)

³⁰ Melinda Johnson, “Financially Troubled Syracuse Symphony Orchestra Faces the Music,” Syracuse Post-Standard, August 12, 2010: http://www.syracuse.com/news/index.ssf/2010/08/financially_troubled_syracuse.html The 2009-10 budget is \$7.4 million and the fundraising goal for the current year is \$500,000.

internal discipline on the employment of Member items: the size of the state budget and large number of Member Items render unrealistic the employment of internal checks, such as an ‘official objector’ within the Legislature. It would be impossible for an objector or her staff to keep track of the hundreds of items and make a judgment on whether or not each is valid.³¹ The absence of a strong committee system in the New York State legislature makes it virtually impossible to find an effective and transparent mechanism for performing this important function, leaving it by default to the staffs of the party leaders.

The absence of transparency on Member Items opens the door to other forms of malfeasance. One academic reported research demonstrating that Member Items are regularly employed outside of a Member’s district.³² The discussion also touched upon the employment of Member Items by private entities, as well.³³ And there is no shortage of spectacular instances of corruption, for example, where politicians create non-profit organizations, such as health clinics, that employ family Members and provide cash for entertainment and other forms of private consumption.³⁴ However, some participants pointed out that transparency of government has been made more difficult by the decline in media coverage of state and local politics in recent years – a result, in part, of decline in small newspapers and smaller staffs in newspapers that remain profitable.

The first and most successful systematic effort to shed light on the policy process of Member Items in New York State came from the office of the Attorney General with the assistance of former NYPIRG (New York Public Interest Group) legislative director with the establishment of Project Sunlight in 2007.³⁵ Its general mission was to bring the business of state government from behind closed doors into the open for public review. Project Sunlight’s web site offers information on how tax dollars are spent, the work of lobbyists, how political campaigns are financed, and who is getting state contracts.³⁶ One part of the site lists all Member items by county, individual politician, and fiscal

³¹ Official objectors: <http://www.rules.house.gov/archives/98-628.htm> “During the call of the Private Calendar, if two Members object to the consideration of any bill, it is automatically recommitted. Each party appoints official objectors, who are responsible for scrutinizing bills on the Private Calendar and objecting to those they deem inappropriate. Sometimes, a Member of a subcommittee dealing with immigration or claims bills has served simultaneously as an official objector. In practice, instead of objecting, objectors will often ask that a bill be “passed over, without prejudice,” thereby giving sponsors an opportunity to discuss concerns with them informally before the next calendar call.”

³² See Lovett, fn. 17.

³³ <http://documents.nytimes.com/despite-new-rules-for-profit-defense-contractors-still-push-for-earmarks?ref=politics#document/p24> and

<http://www.nytimes.com/2010/07/05/us/politics/05earmarks.html?th&emc=th>

³⁴ See “Albany’s Pork Parade,” *New York Post*, December 10, 2010:

http://www.nypost.com/p/news/opinion/editorials/albany_pork_parade_C8EThZsNfNbEKyPd5xxATJ and “Pedro Espada Charged with Embezzling from NYC Clinic,” *Huffington Post*, December 14, 2010:

http://www.huffingtonpost.com/2010/12/14/pedro-espada-charged-with_n_796802.html

³⁵ Horner returned to NYPIRG in March 2008. See Azi Paybarah, “Horner Leaving Cuomo for N.Y.P.I.R.G.,” *New York Observer*, March 21, 2008: <http://www.observer.com/2008/horner-leaving-cuomo-n-y-p-i-r-g>

³⁶ See Nanette Coleman, Project Sunlight: Access, Reform, Accountability, at Bblogs.Worldbank.org, July 1, 2010: <http://blogs.worldbank.org/project-sunlight-access-reform-accountability>

year. Each listing gives the project title, project description, agency, funding level, sponsoring house, disposition of the contract and whether there is a signed disclosure certificate. This has led other think tanks, such as the Empire Center for New York State Policy, to focus on Member Items, as well.³⁷

These significant steps towards increasing transparency in the policy process for legislative Member Items are only the prologue towards developing a system of accountability in the employment of Member Items in New York State. It is good to recall that Project Sunlight does not capture the substantial gubernatorial discretionary items on which we have almost no data. At the national level, a recent study has concluded that districts receive only about 5% more money when they elect a Member of the president's party, that senior and marginal Members get more, but that there's "no evidence that committee assignments, party leadership positions, or other institutional positions of power bestow an advantage in the geographic distribution of federal spending." Could the same be said for New York?

It remains to analyze the data provided by Project Sunlight and carefully map out the type of projects, the sponsors, and which projects are actually implemented with what results. However, on their own, the data do not lend themselves to an analysis of whether the priorities of such projects actually address real needs of citizens or whether the outcomes of project implementation actually contribute to good local development. Nor do they provide, on their own, a ready means to address inefficiencies in policy making on Member Items. Nonetheless, academic participants at the workshop recognized that this significant initiative provides an important source of data that can set the table to evaluate the effect of Member Items on local development in New York State. It could be that this step can help counteract the putative weakening of citizen trust in government.

Member Items as Technocracy with a Human Face?

A quick survey of the Project Sunlight page on Member items reveals that the overwhelming majority are dedicated to supporting local baseball teams, local hockey leagues, health clinics, legal aid clinics, theaters, historical societies, cultural centers, assistance to military veterans and their families, assistance to senior citizens, support to libraries, community clean-up drives, and many other apparently worthy local initiatives. Among the recipients of these grants are: the Boy Scouts of America, religious organizations and churches, local governments, ethnic associations, community organizations, summer camps for the underprivileged, legal services for prisoners, community sports organizations, museums, and the like. It appears that these Member items are employed to enhance and enrich community life, to give a lift for

³⁷ See the Empire Center for New York State Policy, for example: <http://www.empirecenter.org/>

organizations attempting to strengthen associations, and to provide a safety net for families who require typically expensive legal, health, and educational services.³⁸

Some participants concluded that Member Items help to humanize government, where legislators can enhance community development by working with local government and community-based non-profit organizations to achieve certain goals or provide certain services. Some Member Items are quite substantial, as when 34 Members of the Assembly joined together to provide \$2,285,000 to the Prisoners' Legal Services of New York, Inc. in 2008-2009, service to a population with few assets.³⁹ One participant described in detail the success in obtaining earmarks for renewal and development of an urban business district, a project that required building relationships among business, non-profit organizations, and local and county government.

One general conclusion of the Workshop was that the controversy surrounding Member Items flows from the apparent inequities of an explicitly political process, from the highly public instances of corruption associated with Member Items, and from the absence of routine forms of accountability in the award and implementation of projects. The paradox lies in the inconsistency that Member Items provide popular goods and in an era when good-government reformers promote administrative solutions and legislated entitlements as a more equitable formula for the distribution of goods. There was considerable discussion about the conflict that pits the popular desire for formal legitimacy to the process of distributing resources against some essential services provided by Member items in the New York State legislature. It appears that, especially since the end of Mario Cuomo's administration, New York's political leaderships have employed Member Items to avoid conflicts over policy priorities for New York State Government in the name of a "live and let live" system of distribution in which two political conferences agreed not to engage in genuine legislative policy making. And it is impossible to ignore the political dimensions of that particular choice.

The Politics of Distributive Policy

The workshop addressed the extent to which there is an "electoral connection" to Member Items.⁴⁰ Participants pointed out that Members believe that Member Items strengthen their hands in elections by providing a sense of efficacy and by delivering a clear and positive impact on constituents. But the political leadership in each house controls the distribution of Member Items and it appears as if Members with seniority and who serve in the conference leadership and as committee chairs are first in line to

³⁸ SunlightNY.com: http://www.sunlightny.com/snstaticdocs/html/resources_Member.html. This is quite in line with de Tocqueville's view of local organization and consistent with a view that social capital is an important component of community life. See Robert Putnam, *Bowling Alone*....

³⁹ See See through NY at the Empire Center for New York State Policy: <http://www.seethroughny.net/Expenditures/ReportType/tabid/74/Default.aspx>. Also see <http://www.plsny.org/index.html>

⁴⁰ David Mayhew, *The Electoral Connection* (New Haven: Yale University Press, 1974).

receive such funding. At the same time, the powerful and tenured do not monopolize all the spending: the leaderships also employ Member items to build coalitions among party conferences and maintain the loyalty of subordinate Members. They are also employed to protect politically vulnerable or “marginal” Members of a conference to help them gain reelection – in order to preserve the leadership’s majority within the legislature.

Remarkably, there is little systematic research into the electoral connection and Member items in New York State. There is little research testing the proposition that Member Items strengthen the incumbents in electoral contests in New York State, a state that has been so effectively gerrymandered that the overwhelming number of seats in state politics have been safe until the last two elections.

At the national level, recent surveys have shown that roughly three-quarters of the respondents rate “getting projects for the district” as an extremely important part of the job of both senators and representatives; but that only twenty percent could recall anything specific that his or her representative had done. Three quarters of the respondents also rated “working on legislation” as extremely important, compared with only half who put a high priority on “helping people.”⁴¹ What is striking about these numbers is that they fly in the face of a strong scholarly consensus that the supposedly growing re-election rates of incumbents is tied to their growing ability to deliver particular benefits to their districts. Recent research indicates, moreover, that this argument is simply wrong. Although representatives have clearly been putting more resources into such activities, Jeffrey Stonecash shows that when one analyzes actual voting returns from a partisan perspective there “is little evidence for the argument that their advantage is increasing. It also suggests that some of the concern about representation may need to be reconsidered.”⁴² Neither Stonecash nor any other scholar we know of has isolated the direct electoral impact of district projects, but his data leave little room for significant variations based on forces other than party and issue variables.

One participant mentioned that earmarks may not contribute effectively to the re-election efforts of Members especially in the current atmosphere of reform and that the electoral effects are rather small. Another participant pointed to a key difference between the two major parties: Democrats appear to gain more support from earmarks than Republicans because of the latter party’s ideological opposition to state spending. It would appear that these present interesting empirical questions that deserve systematic study.

⁴¹ Jonathan S. Krasno, *Challengers, Competition, and Reelection: Comparing Senate and House Elections* (New Haven: Yale University Press, 1994), pp. 20-21.

⁴² Jeffrey M. Stonecash, *Reassessing the Incumbency Effect* New York: Cambridge University Press, 2008), p. 116.

A CDF Lens on Member Items

The workshop turned to the comparability and lessons to be shared between New York State's system of Member Items and Constituency Development Funds abroad. The considerations that follow presume Constituency Development Funds significantly differ among themselves cross-nationally.⁴³ And while there are considerable areas where CDFs and Member Items can become more effective tools of development and community building, it seemed clear that more comparative research into these funding mechanisms would be useful. The discussion did address similarities and differences among different types of distributive policy making and identified provisional lessons and practices.

The first issue raised was the structure of decision-making. To what extent is the system of distribution centralized and to what extent does the spending reflect genuine input from the communities themselves? There are many more points of entry for projects in the New York than in many foreign systems. In New York, local actors can appeal to state, federal, legislative, and executive agencies for support in projects; while in some systems, e.g., Kenya, there are multiple funds (CDF, roads, etc.) and the operations of the CDF give local committees a significant place in developing projects. But in less complex versions of CDFs, the Members have a great deal more control over the spending at each stage of project development and local organizations have less recourse to alternative sources of financing for local projects. Some participants observed that Member Items could reinforce paternalism and clientelism in New York State Government, especially in places that do not have effective administration.⁴⁴

The termination of distributive projects also differs: in New York State, budget constraints often terminate programs of necessity, while in Kenya, a electoral turnover can signify the end of a project as the newly elected Member of Parliament favors a different agenda and a different set of local actors with whom to cooperate. Project termination following elections is potentially no small problem in systems with high turnover rates with each election. In all systems, reformers call for a playing field with technical and non-political considerations as if these were inherently more reflective of a just process. The preference of good government advocates is for administrative decentralization and de-concentration of power from narrow elites via a system of competitive grants that could develop priorities that emerge from the community itself – and that win support from its elected officials.

The types of projects supported by distributive spending differ significantly in New York State from those in the governments of developing countries with CDFs. CDFs in Africa and Asia fill holes left by ineffective central administrations and provide basic services,

⁴³ See Baskin, fn. 22.

⁴⁴ On such developments in Africa, see Nicolas van de Walle, "The Democratization of Political Clientelism in Sub-Saharan Africa," for delivery at European Conference on African Studies, Leipzig, Germany, June 4-7 2009

such as clinics and schools. Members from the New York State Legislature fill holes with support to small projects that help to strengthen community development (local sports leagues, libraries, etc.) and/or support to controversial projects that cannot win support from the legislature (e.g., legal aid, and health services) in the current political climate. It would be interesting to see if CDFs are addressing services at a more basic level and more essential services than do Member Items in New York State.

There is no shortage of criticism of distributive spending everywhere, including in New York State. The responses to charges of corruption and inequity differ. New York State's Project Sunlight is run out of the Office of the Attorney General and comprehensively covers all such spending. But the publication of information does not necessarily lead to the accountability of the individual Members and others who implement the projects. Nor does it cover the substantial distributive spending that remains at the disposal of the Governor. Participants with experience abroad noted the important role played by Civil Society Organizations (CSO), such as MUHURI (Muslims for Human Rights) and other institutes such as the Institute for Economic Affairs. Although the effort of these CSOs is neither ongoing nor systematic, it demonstrates how accountability for such spending requires the publication of information and on-the-ground evaluation of projects. A systematic effort at creating a culture of accountability would also include the type of court action that takes place in instances of obvious corruption and could strengthen cooperation between civic groups and government, more generally. And a culture of accountability can provide the bedrock for communities that are integrated more fully into democratic political systems.

Conclusion: SUNY/CID's Research

The Workshop on Member Items confirmed the utility of considering New York State Member Items together with cases of distributive policy making in other countries. In systems with Constituency Development Funds or Member Items, legislators play a role in local development by helping to direct funding for projects in districts they serve in a manner that is outside of a "principled" spending bill. Such policy and practice can help bind constituents to their political representatives, although it raises coordination problems among central, regional and local institutions and among state and private organizations. The central puzzle about these distributive mechanisms may lie in the gaps between their popularity, the extent to which they provide a mechanism for central government to work with local and regional government with non-governmental entities, the many opportunities for malfeasance in operations, and the consequent challenges of making this type of public finance accountable. The Workshop on Member Items addressed a series of issues – effectiveness, efficiency, coordination, transparency, accountability – that also persist in developing countries.

SUNY/CID committed to pursue its agenda of research together with the others in an international policy community that would highlight the emergence and operations of distributive spending mechanisms like CDFs and earmarks, and to develop a set of tools

that would increase transparency and accountability of these institutions. It has commissioned a series of case studies in Kenya, Uganda, India, Jamaica, Indonesia, and the United States. These studies will provide a detailed look at decision making on distributive policies, as well as careful looks at the projects themselves. It would explore the following elements of each government's CDF: background and origins, legal framework, budget history and structure, operations of CDFs in practice, and transparency and accountability. A number of papers will also address the manner in which CDFs affect approaches to the study of political representation and constituency service, to the study of policy implementation, among other issues.

As part of this research, SUNY/CID is committed to working with organizations in the international legislative community to take up the challenge of developing a tool kit for policy makers containing suggested principles, norms, rules, procedures and templates that can be adapted to different settings.⁴⁵ It is our hope that such a tool kit will contribute to the increasing effectiveness of this politicized and participatory development administration in a manner that can genuinely help strengthen the responsiveness of government to the real needs of individuals and groups in their own communities.

⁴⁵ The International Budget Project is also taking up a project that is exploring CDFs from a critical perspective.

**CDFs American Style:
Earmarks & Distributive Politics in the USA
May 20-21, 2010**

**Center for International Development,
State University of New York**

Thematic Agenda

Chatham House Rules

This workshop is conducted under the Chatham House Rule: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". <http://www.chathamhouse.org.uk/about/chathamhouserule/>

Thursday, May 20, 2010

9:00 am Welcome, Goals and Ground Rules of the Workshop

CDFs and Distributive Politics: background to SUNY CID's project on Constituency Development Funds. What are CDFs and how are they significant? What are the goals of the current workshop?

How can the American tradition of distributive politics be placed in comparative context? What lessons can be derived from the American experience in earmarking? How can US institutions learn from the experience of newly evolving CDFs internationally?

9:30 am **Member Items and Regional Politics in New York**

- How do moral and ethical concerns blend with concerns about development and politics?
- Who are the key actors in distributive politics: executive, legislative leaders, back benchers, lobbyists, citizens?
- How do earmarks answer the needs of constituencies?
- What steps can be taken to improve oversight of earmarks/distributive politics at each stage of the policy process in New York and the US?

10:45 am **Distributive Politics: Towards A Taxonomy of Particularistic Legislation, Member Items and Constituency Service**

- What varieties of constituent service activities do US federal and state legislators engage in?
- Is there a discernible “American” pattern to the types of issues and demands filled by member items?
- What are the different systems of distributive politics in the US? How do earmarks affect the “electoral connection,” the construction of majority coalitions, and local development?
- How closely do elected representatives work with local-level policy makers?
- What has driven changes in earmarks from the provision of infrastructure projects to the emergence of ‘post industrial’ and academic earmarks?

1:30 pm **Distributive Politics & Policy in the Legislature**

- Are Member Items a significant political resource?
- What is the Principle by which Member Items are distributed in the Senate and the Assembly?
- The Satisfied Constituent: constituency service or oversight?
- Is publicity for member items a double-edged sword?
- How do the mass media affect Member Items?
- Can transparency help improve the understanding and therefore the perception of constituency spending?
- Which groups benefits the most from them from Member Items?
- What type of oversight is most effective?
- How significant are earmarks as a percentage of the budget?

3:15 pm **Impact of Member Items: How Local Government Perceives Earmark Politics**

- How do recipients of earmark projects view the process?
- Do earmarks strengthen or undermine local government?
- Do earmarks reflect the needs of the local governments?
- Do earmarks significantly strengthen the re-election prospects of incumbents?

4:45 pm **Discussion: American Perspectives on Distributive Politics**

Brief summary of the day's discussions on main points of interest, new issues to explore and a preview of tomorrow's discussion.

Friday, May 21st

9:00 am **Lessons from the American Experience**

If distributive policies are generally non-controversial, why are earmarks perceived so negatively?

- How does the American case inform a broader exploration of CDFs? What can Americans Learn?
- Which US lessons might travel most easily to other countries?
- What lessons from other countries might travel to the US?
- How can US distributive politics become increasingly accountable to a variety of constituencies?
- What lessons can be applied to the development of CDFs?

11:00 am **Next Steps**

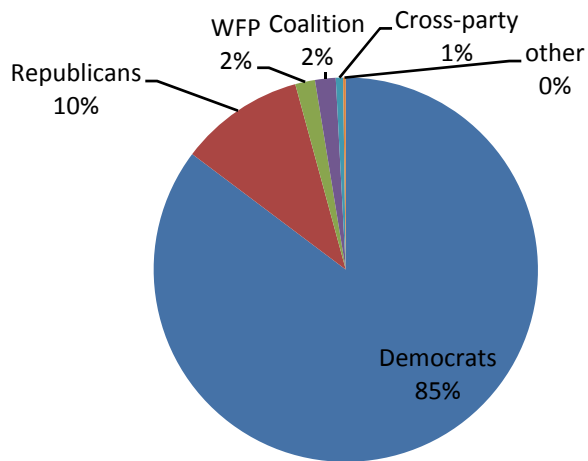
- What type of research on US earmarks would contribute to a comparative understanding of distributive politics and policy?
- What practical “tool box” of rules, procedures and practices could help to improve the functioning of the US ‘systems’ of earmarks?

Appendix 2

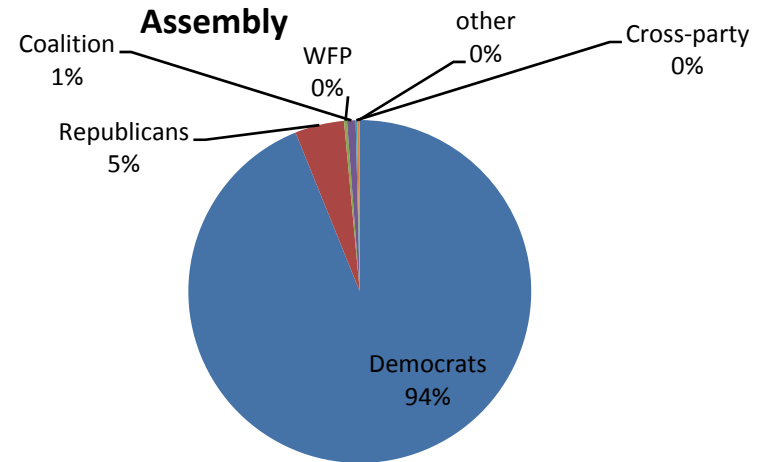
2006-2007 NYS Member Item Party Distributions by House

	Assembly				Senate			
	Items	% of Items	Amount	% of Amount	Items	% of Items	Amount	% of Amount
Democrats	1,129	85.27%	19,639,806	93.87%	551	30.80%	5,483,437	18.12%
Republicans	139	10.50%	972,700	4.65%	1,236	69.09%	24,765,985	81.86%
WFP	22	1.66%	61,050	0.29%				
Coalition	23	1.74%	167000	0.80%				
Cross-party	8	0.60%	28187	0.13%				
other	3	0.23%	52800	0.25%	2	0.11%	6,000	0.02%
Total	1,324	100.00%	20,921,543	100.00%	1,789	100.00%	30,255,422	100.00%

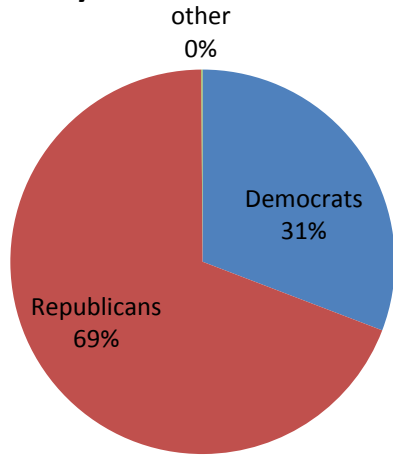
2006-07 Party item distributions in Assembly



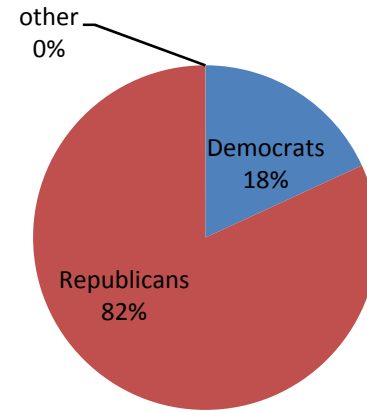
2006-07 Party amount distributions in Assembly



2006-07 Party item distributions in Senate



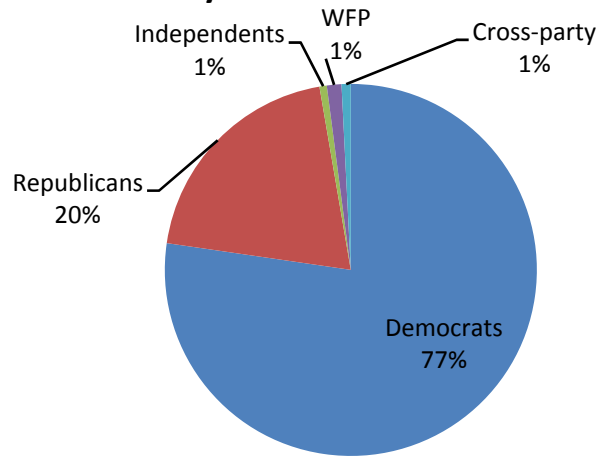
2006-07 Party amount distributions in Senate



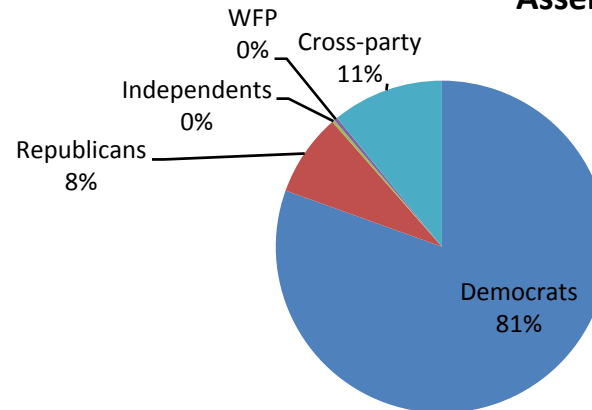
2008-09 NYS Member Item Party Distributions by House

	Assembly				Senate			
	Items	% of Items	Amount	% of Amount	Items	% of Items	Amount	% of Amount
Democrats	3,745	77.30%	50,094,222	80.49%	1,434	27.62%	8,968,800	10.44%
Republicans	969	20.00%	5,000,000	8.03%	3,736	71.97%	76,716,587	89.32%
Independents	31	0.64%	165,000	0.27%				
WFP	61	1.26%	210,000	0.34%				
Cross-party	39	0.80%	6,767,600	10.87%				
Delegations					21	0.40%	200,000	0.23%
Total	4,845	100.00%	62,236,822	100.00%	5,191	100.00%	85,885,387	100.00%

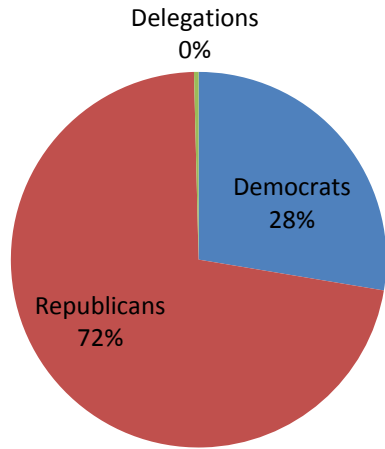
2008-09 Party item distributions in Assembly



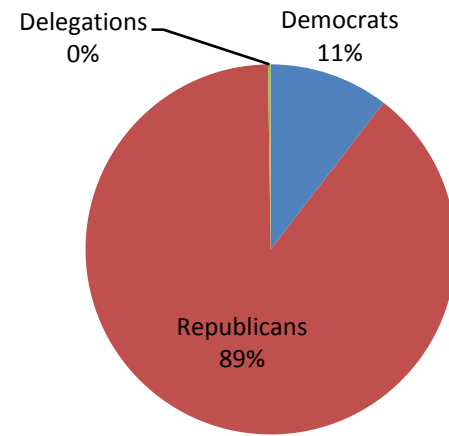
2008-09 Party amount distributions in Assembly



2008-09 Party item distributions in Senate

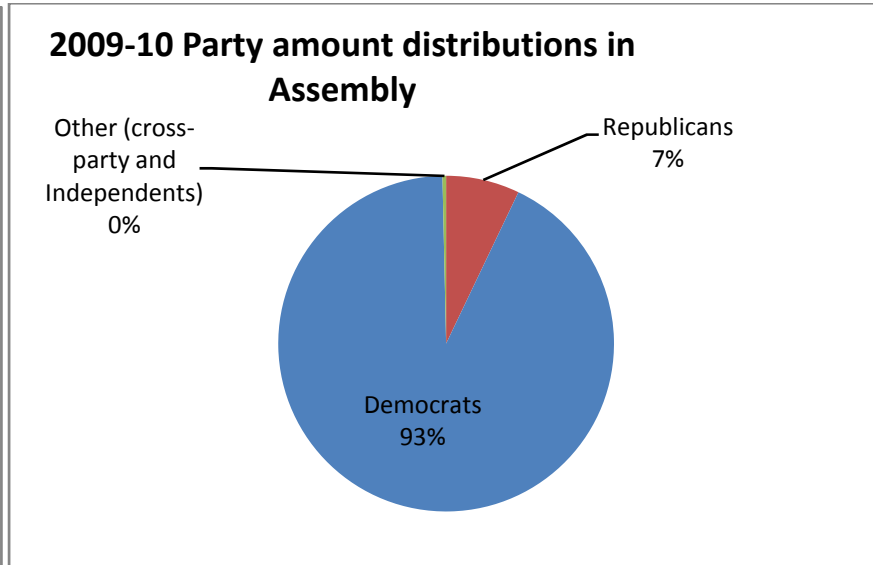
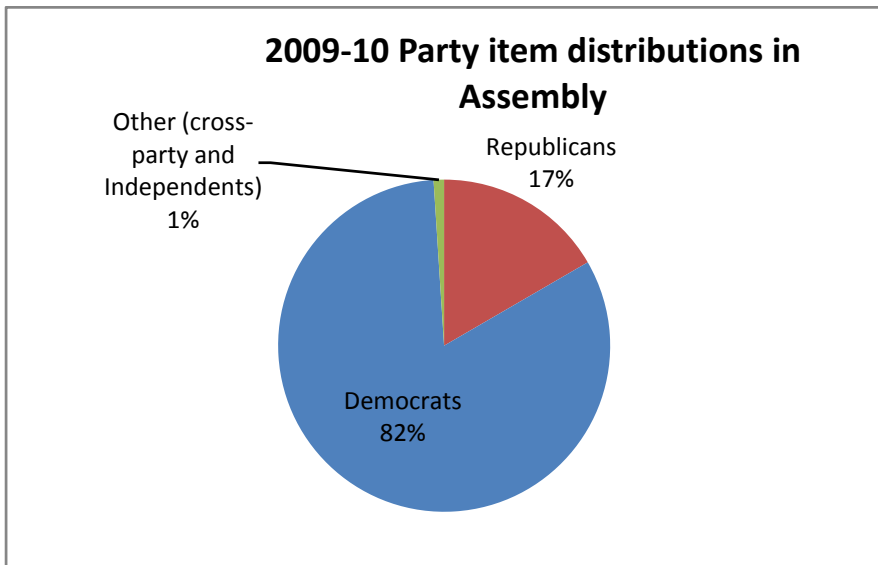


2008-09 Party amount distributions in Senate

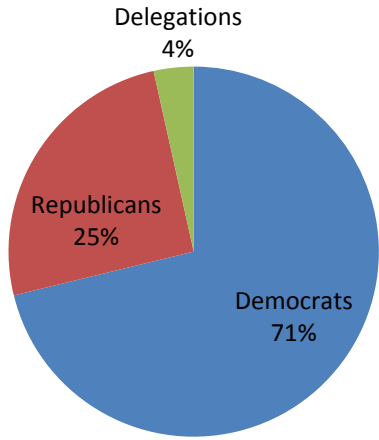


2009-10 NYS Member Item Party Distributions by House

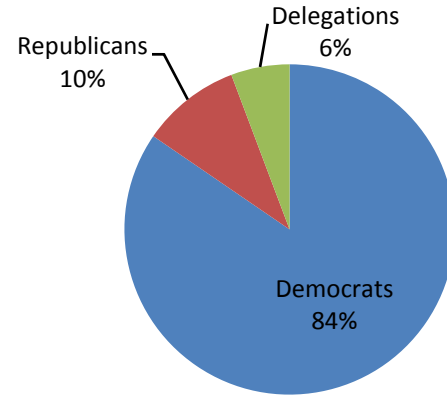
	Assembly				Senate			
	Items	% of Items	Amount	% of Amount	Items	% of Items	Amount	% of Amount
Democrats	3,643	82.35%	58,661,237	92.56%	2,724	71.20%	71,825,000	84.55%
Republicans	736	16.64%	4,497,496	7.10%	969	25.33%	8,253,600	9.72%
Delegations					133	3.48%	4,875,000	5.74%
Other (cross-party and Independence)	45	1.02%	217,192	0.34%				
Total	4,424	100.00%	63,375,925	100.00%	3,826	100.00%	84,953,600	100.00%



2009-10 Party item distributions in Senate



2009-10 Party amount distributions in Senate



New York State Legislative Earmarks, 2006-2007

		Member Items		Funding	
		# of Items	% of Total Items	Amount	% of Total Amount
Politics	Senate	1789	57.47%	\$30,255,422	59.12%
	Assembly	1324	42.53%	\$20,921,543	40.88%
	Total	3113	100.00%	\$51,176,965	100.00%
	Democrats	1680	53.97%	\$25,123,243	49.09%
	Republicans	1375	44.17%	\$25,738,685	50.29%
	Coalition	23	0.74%	\$167,000	0.33%
	Working Families Party	22	0.71%	\$61,050	0.12%
	Cross-party	8	0.25%	\$28,187	0.06%
	Other	5	0.16%	\$58,800	0.11%
	Total	3113	100.00%	\$51,176,965	100.00%
Policy	Criminal Services	70	2.25%	\$3,465,500	6.77%
	Economic Development	117	3.76%	\$2,529,437	4.94%
	Education	492	15.80%	\$8,923,052	17.44%
	Environment and Parks	358	11.50%	\$3,381,017	6.61%
	Health	271	8.71%	\$7,257,050	14.18%
	Labor	21	0.67%	\$964,750	1.89%
	Military	40	1.28%	\$186,669	0.36%
	Social Services	1121	36.01%	\$12,161,825	23.76%
	Department of State	570	18.31%	\$8,726,965	17.05%
	Other	53	1.70%	\$3,580,700	7.00%
	Total	3113	100.00%	\$51,176,965	100.00%
Region	Capital District	244	7.84%	\$6,688,200	13.07%
	Central New York	91	2.92%	\$1,914,296	3.74%
	Finger Lakes	173	5.56%	\$2,911,500	5.69%
	Hudson Valley	260	8.35%	\$4,255,180	8.31%
	Long Island	598	19.21%	\$9,490,497	18.54%
	New York City	1375	44.17%	\$18,923,206	36.98%
	North Country	78	2.51%	\$1,928,000	3.77%
	Southern Tier	70	2.25%	\$1,340,246	2.62%
	Western New York	223	7.16%	\$3,675,840	7.18%
	Other	1	0.03%	\$50,000	0.10%
	Total	3113	100.00%	\$51,176,965	100.00%

Notes:

1. New York State total budget for 2006-2007: **\$112,500,000,000 (NYS DOB)**
Total NYS earmarks funding: **\$51,176,965**
Percentage of earmarks: **0.05%**

2. Total items: **3113**
Average amount of items: **\$16,440**

Min. amount of single item: **500**

Max. amount of single item: **\$1,625,000** (Recipient: EMPIRE STATE DEVELOPMENT CORPORATION.

Funded by delegation. BILINGUAL ECONOMIC DEVELOPMENT AND OUTREACH INITIATIVES. FUNDS ARE FOR VARIOUS COMMUNITY ECONOMIC DEVELOPMENT AND BUSINESS ASSISTANCE PROJECTS).

2008-2009 NYS Member Items

		Member Items		Amount		Population (2009)	Population % of NYS
		# of Items	% of Total Items	Amount	% of Total Amount		
Politics	Senate	5191	51.72%	\$85,885,387	57.98%		
	Assembly	4845	48.28%	\$62,236,822	42.02%		
	Total	10036	100.00%	\$148,122,209	100.00%		
	Democrats	5179	51.60%	\$59,063,022	39.87%		
	Republicans	4705	46.88%	\$81,716,587	55.17%		
	Delegations	21	0.21%	\$200,000	0.14%		
	Cross-party	39	0.39%	\$6,767,600	4.57%		
	Working Families Party	61	0.61%	\$210,000	0.14%		
	Independents	31	0.31%	\$165,000	0.11%		
	Total	10036	100.00%	\$148,122,209	100.00%		
	Policy	Criminal Services	281	2.80%	\$8,001,241	5.40%	
Economic Development		303	3.02%	\$5,835,975	3.94%		
Education		1484	14.79%	\$23,696,682	16.00%		
Environment and Parks		1526	15.21%	\$16,536,700	11.16%		
Health		755	7.52%	\$11,845,212	8.00%		
Labor		70	0.70%	\$7,146,500	4.82%		
Military		90	0.90%	\$416,700	0.28%		
Social Services		3833	38.19%	\$45,036,399	30.40%		
Department of State		1639	16.33%	\$24,478,300	16.53%		
Other		55	0.55%	\$5,128,500	3.46%		
Total	10036	100.00%	\$148,122,209	100.00%			
Region	Capital District	726	7.23%	\$17,551,293	11.85%	1,024,014	5.24%
	Central New York	362	3.61%	\$8,429,754	5.69%	925,124	4.73%
	Finger Lakes	617	6.15%	\$13,934,861	9.41%	1,252,071	6.41%
	Hudson Valley	1094	10.90%	\$14,526,908	9.81%	2,400,327	12.28%
	Long Island	1804	17.98%	\$23,688,205	15.99%	2,875,904	14.72%
	New York City	4365	43.49%	\$49,647,835	33.52%	8,391,881	42.94%
	North Country	181	1.80%	\$3,379,000	2.28%	557,349	2.85%
	Southern Tier	281	2.80%	\$6,968,600	4.70%	636,470	3.26%
	Western New York	605	6.03%	\$9,994,753	6.75%	1,478,313	7.57%
	Other	1	0.01%	\$1,000	0.00%		
	Total	10036	100.00%	\$148,122,209	100.00%	19,541,453	100.00%

Total MI Amount	\$148,122,209
Total NYS Budget	\$121,600,000,000
%	0.12%

2009-2010 NYS Member Items

		Member Items		Amount		Population (2009)	Population % of NYS
		# of Items	% of Total Items	Amount	% of Total Amount		
Politics	Senate	3826	46.38%	\$84,953,600	57.27%		
	Assembly	4424	53.62%	\$63,375,925	42.73%		
	Total	8250	100.00%	\$148,329,525	100.00%		
	Democrats	6367	77.18%	\$130,486,237	87.97%		
	Republicans	1705	20.67%	\$12,751,096	8.60%		
	Delegations	133	1.61%	\$4,875,000	3.29%		
	Cross-party	8	0.10%	\$52,192	0.04%		
	Independents	37	0.45%	\$165,000	0.11%		
Total	8250	100.00%	\$148,329,525	100.00%			
Policy	Criminal Services	252	3.05%	\$13,096,510	8.83%		
	Economic Develop.	182	2.21%	\$5,199,250	3.51%		
	Education	1403	17.01%	\$23,847,481	16.08%		
	Environment & Parks	1184	14.35%	\$12,943,295	8.73%		
	Health	660	8.00%	\$14,168,249	9.55%		
	Labor	65	0.79%	\$3,327,200	2.24%		
	Military	63	0.76%	\$330,200	0.22%		
	Social Services	3439	41.68%	\$54,447,450	36.71%		
	Department of State	960	11.64%	\$14,560,890	9.82%		
	Other	42	0.51%	\$6,409,000	4.32%		
Total	8250	100.00%	\$148,329,525	100.00%			
Region	Capital District	488	5.92%	\$12,724,564	8.58%	1,024,014	5.24%
	Central New York	292	3.54%	\$9,190,000	6.20%	925,124	4.73%
	Finger Lakes	281	3.41%	\$8,058,445	5.43%	1,252,071	6.41%
	Hudson Valley	777	9.42%	\$12,221,868	8.24%	2,400,327	12.28%
	Long Island	1032	12.51%	\$8,258,436	5.57%	2,875,904	14.72%
	New York City	4709	57.08%	\$85,205,296	57.44%	8,391,881	42.94%
	North Country	119	1.44%	\$1,530,800	1.03%	557,349	2.85%
	Southern Tier	131	1.59%	\$1,343,750	0.91%	636,470	3.26%
	Western New York	420	5.09%	\$9,793,866	6.60%	1,478,313	7.57%
	Other	1	0.01%	\$2,500	0.00%		
	Total	8250	100.00%	\$148,329,525	100.00%	19,541,453	100.00%

Total MI	
Amount	\$148,329,525
Total NYS	
Budget	\$131,900,000,000
%	0.11%