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Sommario/riassunto	<p>During the 110th Congress, the House of Representatives, the Senate, and the George W. Bush Administration have defined terms like congressional earmark, congressionally directed spending item, and earmark, and have provided some direction for how congressionally originated earmarks, according to these definitions, are to be handled. This report focuses on Bush Administration policy regarding earmarks originated by Congress and related issues. Specific definitions for the term earmark (and related terms, like congressional earmark, presidential earmark, and others) vary considerably and are controversial. Nevertheless, all of the terms relate to the use of discretion to allocate particularized benefits to one or more specific purposes, entities, or geographic areas. Some earmarks have the force of law, and others do not. Practices like earmarking have been used for decades, if not centuries, to make decisions regarding the allocation of public resources, but concerns also have been expressed. At the same time, Congress, its Members, and Presidents have asserted the prerogatives of their constitutional and statutory authorities and pursued their budget policy preferences. In January 2008, the President announced he would veto future appropriations bills that did not cut the number and funding of Administration-identified earmarks by half,</p>

relative to FY2008. The President also issued Executive Order (E.O.) 13457, which directed that agencies "should not" fund non-statutory earmarks, except under some conditions. These are the latest in a series of developments that began in January 2007, when the President proposed that Congress should (1) cut the number and funding of congressionally originated earmarks by at least half for FY2008 appropriations, relative to FY2005, and (2) place them only in statutory text, not report language. In January 2007, the Administration issued its own definition of earmark, whose language (and perhaps meaning) evolved over time in Office of Management and Budget (OMB) memoranda. A final definition appears to have been established in E.O. 13457, but its meaning probably is informed by the evolution and contents of previously articulated definitions. Later, OMB established an "Earmarks" website, containing a database of Administration-identified earmarks, to track congressional action. Potential related issues for Congress involve, generally, roles and responsibilities for Congress, the President, agencies, and the public in the U.S. political system; defining, identifying, and overseeing earmarks; the executive order; the "Earmarks" website and database; and potential representational consequences. This report emphasizes analysis of E.O. 13457. For a legal analysis of E.O. 13457, see CRS Report RL34373, Earmarks Executive Order: Legal Issues, by Thomas J. Nicola and T.J. Halstead. This report will be updated as events warrant.

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Autore	Golasiski, Marek
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