

FINAL SCORES



Power in the wild cards

■ Saints, Ravens favored over their division-champ opponents. NFL playoffs, 1, 6C

By Kevin C. Cox, Getty Images  
Breese: QB for Saints, favored by 11 points.



'Girlfriend to everybody'

■ Gayle King brings her radio show to best friend Oprah's TV network, 1D



By Jennifer S. Altman for USA TODAY

5 steps to strengthen your finances 1B

Wednesday, January 5, 2011

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Pelosi: Job creation is top priority

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Life: Calorie targets help weight loss

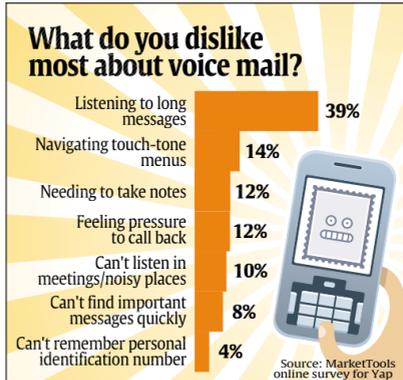
Lifestyle, height, weight, age all affect how many calories you can consume and still drop pounds. 4D.

USA TODAY Pulitzer Center PBS NEWSHOUR Haiti After the shock

One man's mission of faith

■ Every day, Joel Saindon gives all he has to help those with HIV, 3D

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USA TODAY SPECIAL REPORT

'EARMARKS' TO NOWHERE

Lawmakers meant to finance their pet road projects. Instead, more than \$13 billion they set aside remains unspent, often because of their own sloppy mistakes. The result: Rotted highways and bad bridges that states can't afford to fix.



By Garrett Hubbard, USA TODAY

In crisis: Civil engineer Harry Smeltzer checks the crumbling, 96-year-old Heth's Run Bridge, an underfunded project in Pennsylvania that has lost out on \$392 million in road spending because of "orphan earmarks."

By Cezary Podkul and Gregory Korte USA TODAY

WASHINGTON — Almost 13 years ago, Rep. David McIntosh, R-Ind., directed \$375,000 in federal funding "to improve State Road 31" in Columbus, Ind., a city at the edge of his district.

The McIntosh "earmark" seemed routine at the time, like almost 2,000 other congressional pet projects that lawmakers inserted into the 1998 highway bill. But there was a problem: "There is no State Road 31 that travels through Columbus, only U.S. 31," says Will Wingfield, a spokesman for the Indiana Department of Transportation.

The error hurt all of Indiana and has wrapped the earmark in red tape to this day. The money not only remains unspent, but because Congress counts money earmarked for highway projects against a state's share of

federal gas tax revenue, the amount of the earmark reduced what Indiana would have received in federal funding — almost dollar for dollar.

McIntosh's botched attempt at earmarking is one of more than 7,374 congressionally directed highway projects in which at least some money that lawmakers set aside remains unspent, a USA TODAY analysis of state and federal records shows. In at least 3,649 of those earmarks, not one dollar has gone toward its intended purpose, sometimes because of simple, sloppy mistakes, USA TODAY found.

The problem is so pervasive that almost 1 in 3 highway dollars earmarked since 1991 — about \$13 billion — remains unspent, federal data show. "We call them orphan earmarks," says Michael Covington of the South

Cover story

Please see COVER STORY next page ▶

MouseMail traps kids' cyberbullies

By Mike Snider USA TODAY

How it works

- ▶ Parents add children's e-mail accounts into the family profile page on MouseMail.com's portal.
▶ MouseMail checks e-mails against a list of approved contacts and a dictionary of inappropriate words.
▶ E-mails that do not include suspicious words and are sent from approved contacts pass on to the child's e-mail account. Questionable e-mails are sent to parents.
▶ Parents download an app to a child's smartphone and set up the program so that they are forwarded questionable text messages.

Parents will soon have a formidable new weapon in the war against cyberbullying, sexting and other inappropriate messages sent to their kids.

A free filtering program will let parents track both questionable e-mails and cellphone text messages.

MouseMail, which launches Thursday at the Consumer Electronics Show in Las Vegas, filters e-mail for improper words and unknown contacts and forwards dubious messages to a parent's account. Parents can send them on to their child or not.

The system is "designed to help a parent manage their child's relationship with the Internet and their relationship, in turn, to their child," says Les Ottolenghi, chairman of the board of Safe Communications.

MouseMail's free Web-based e-mail features will be available Thursday at MouseMail.com; the free text message filtering applications

will launch that day on most major smartphones, with Apple iPhone expected to add the app soon. Later this month, a premium service will be added (no price set) that monitors social networks and lets parents look for mentions of their kids' names.

MouseMail is not the first software attempt at thwarting cyberbullying; others include CyberBullyAlert.com

and SocialShield.com. But its creators aim to make it the most multifaceted.

While teaching a course at Emory University several years ago, Ottolenghi met students who were being bullied online from across the country. "It became personal to me. . . . I saw the magnitude of it, and then I have got a kid. I don't want them to be under this kind of problem."

As bullying expanded to social networks and websites, he and Safe CEO John Venners expanded their original plan of handling only e-mail. "Cyberbullying has become almost a silent form of terrorism," Venners says.

How will the kids react to such monitoring? "Some kids are going to complain," says James Steyer of the non-profit Common Sense Media.

"But saying 'no' and imposing limits has been an essential element of parenting, and kids have been complaining about their parents a long time and will do so for the next 250 years. There's no simple technology solution that will solve all these issues."

E-book sales hit new highs

Week after holidays, top titles outsell the print versions

By Bob Minzesheimer and Carol Memmott USA TODAY

Millions of gift-wrapped iPads, Kindles, Nooks and other digital reading devices resulted in an unprecedented surge in sales of e-books last week.

USA TODAY's Best-Selling Books list, to be published Thursday, will show digital's new popularity: E-book versions of the top six books outsold the print versions last week. And of the top 50, 19 had higher e-book than print sales.

It's the first time the top-50 list has had more than two titles in which the e-version outsold print.

"Lots of consumers woke up Christmas morning with new e-reading devices ready to load them up with e-books," says Paul Bogaards of Knopf, American publisher for Stieg Larsson's Millennium trilogy, which holds three of the top four spots on the list.

Whether that will continue and what it means for books and bookstores — the physical kind — isn't clear. Michael Cader, founder of Publishers Lunch, a digital newsletter, says: "What's most interesting is what happens next week or over the next month. About 3 million to 5 million e-readers were activated last week. Will the people who got them keep downloading e-books, and at what rate?"

The e-book surge of the past month isn't a "sustainable trend," says Kelly Gallagher of the publishing research firm Bowker, who says sales could flatten this year but still could be twice as high as they were in 2010. (E-books sales account for about 9% of the market.)

Overall, he says, more books, both print and digital, are being sold, but the average hardcover costs \$15.50, while the average e-book is \$8.75. That means "e-books are cannibalizing the print book market."

Bogaards says Knopf sold about 165,000 Larsson e-books and 155,000 print versions last week.

Barnes & Noble, the nation's largest bookstore chain, announced it sold 1 million e-books Christmas Day.

Amazon's Russ Grandinetti says the online bookseller began seeing e-books outsell print best sellers in October, but "our print business continues to grow. We see e-books as an additive more than a substitute."

No matter how the trend toward e-books pans out, "it's good for readers, and reading is good for publishing," says Scott Lubeck of the Book Industry Study Group.

But business models must change, he says. "It's sort of like the transition from the horse and buggy to the auto. Some people will get it, some people won't."

Contributing: Anthony DeBarros and Mary Cadden

Advertisement for Subway Breakfast featuring 'The Biggest Loser Couples' and an Egg White Muffin Melt sandwich. Text: 'YOUR MORNING CRUNCH ROUTINE', 'SUBWAY® restaurants and The Biggest Loser are teaming up to help you start your morning right with the simply delicious Egg White Muffin Melt made just the way you like. Build your better breakfast today. subwayfreshbuzz.com'. Includes Subway Breakfast logo and nutrition info: 35 grams of fat.

# 'Most of this money is doing nobody any good'

Continued from 1A

Carolina Department of Transportation. "They don't have a home."

The federal government treats an unspent earmark like an undated check that could be cashed at any time. It affects the federal budget only if it's cashed. Nevertheless, because lawmakers inserted some of the earmarks into particular sections of transportation bills, many of the orphan earmarks also count against a state's share of federal highway funds and have taken billions of dollars away from state transportation departments across the nation.

During the past 20 years, orphan earmarks reduced the amount of money that states would have received in federal highway funding by about \$7.5 billion, USA TODAY found. That's \$7.5 billion that states could have used to replace obsolete bridges, repair aging roads and bring jobs to rural areas.

Pennsylvania, already coping with a transportation funding crisis, lost out on \$392 million. New York, struggling with the worst budget deficit in its history, lost \$607 million. California, forced to consider a bailout from the federal government, could have had \$568 million more for transportation had it not been for orphan earmarks.

Pennsylvania Gov. Ed Rendell, a Democrat, says that money would go a long way toward plugging his state's shortage of transportation funding. "It shows you what's wrong with the earmark system," he says.

Critics say the numbers show that many earmarks were never intended to fund viable projects. "Once a member puts out a press release, cuts a ribbon and does a victory lap, it's forgotten," says Rep. Jeff Flake, R-Ariz., a leading crusader against earmarks. "Nobody cares what happens after that."

Flake and his GOP colleagues in the House voted to ban earmarks shortly after winning a majority in November. House GOP leader John Boehner called the earmarking process "a symbol of a dysfunctional Congress" and the "fuel line for the culture of spending that has dominated Washington for too long."

Even so, earmarks remain popular on the other side of the Capitol. Last month, the Democratic-controlled Senate introduced, and then withdrew, a spending measure that included 425 highway earmarks worth a total of \$420 million. Many of those earmarks had Republican sponsors.

## An orphaned Obama earmark

Earmarks become orphaned for many reasons: Sometimes, earmarks are meant for projects that later get shelved — such as \$29 million set aside in 1998 for a highway interchange in Virginia. Projects might get mired in red tape, and some earmarks don't provide enough money or come too late to help. Other earmarked money may be spent years or even decades after being set aside.

Some orphan earmarks are leftovers from long-completed projects. In 1991, for example, Congress authorized \$58.1 million "for various transportation improvements in connection with the 1996 Olympics" in Atlanta. The city has \$2.7 million left that, by law, could be spent only on an event that ended more than 14 years ago.

In other cases, a lawmaker's gaffe can turn an earmark into an orphan.

In 2005, then-senator Barack Obama, D-Ill., earmarked \$1 million for a highway underpass in Franklin Park, a Chicago suburb. Rep. Rahm Emanuel, D-Ill., President Obama's future chief of staff, anted up another \$928,000 earmark in the same bill.

"Securing this funding for the Grand Avenue Underpass is the result of the Illinois delegation working together in a bipartisan manner to put the interests of the people of Illinois first," Obama said in a 2005 news release.

The problem: State and local governments already had started building the underpass with other funding before the lawmakers inserted their earmarks. "Earmarks cannot be used after a project has already been approved, and therefore earmarked funds could not be used on the underpass project," explains Olivia Alair, press secretary for the U.S. Department of Transportation.

Worse, rather than bring additional money to Illinois, the Obama and Emanuel earmarks wound up taking it away. Their \$1.9 million in earmarks came out of the Illinois share of federal highway funding, instead of providing "much-needed and long overdue investments in transportation in Illinois," as Obama said in his press release.

"By definition of where this money comes from, it was taking away money from another project for that year," says Chris Holt, the Illinois road engineer who oversaw the project.

White House spokeswoman Amy Brundage declined to comment on the Obama earmark. Ben LaBolt, a spokesman for Emanuel's campaign for mayor of Chicago, says Emanuel did get \$500,000 for the underpass project through a separate earmark in 2004. That earmark, LaBolt says, "allowed construction to move forward and the project to be completed."

Obama's proposed 2011 budget would cancel \$263 million in orphan earmarks that were more than 20 years old.

## Earmarks outlive sponsors

Fixing an orphan earmark is difficult, too. A sitting member of Congress can sometimes correct a typographical error with a letter to the Department of Transportation clarifying his or her intent — or, for bigger problems, insert a new project into a technical corrections bill. But once the earmark sponsor leaves Congress, fixing the problem is almost impossible.

In the case of the Indiana highway, McIntosh left office in 2001 — with the botched earmark still a matter of law. McIntosh, now a Capitol Hill lobbyist, did not return calls seeking comment.

Transportation spokeswoman Alair says the Columbus road improvement project "advanced with state and local funds" but that the federal government has no record of the state seeking to use the McIntosh earmark.

To date, it remains an orphan.

Efforts to get Congress to free up the orphan earmarks have proved fruitless, as former Transportation secretary Mary Peters attests. "We said to Congress, 'Give us the authority to pull this money back in and redistribute it,'" she says. "They said no."

Because highway earmarks hide their true cost — they take money away from a state's share of highway funds — the system is "the enemy of transparency," she says. "It's this damn complicated on purpose. People who know how to play inside baseball on this work the system."



By Garrett Hubbard, USA TODAY

At usatoday.com, see a video of the Heth's Run Bridge and an interview with Pennsylvania Gov. Ed Rendell.

**A "shovel-ready" project:** Civil engineers Harry Smeltzer, left, and Will Lyles examine Heth's Run Bridge, a 96-year-old structure near the Pittsburgh Zoo that is considered "structurally deficient."

## How an earmark becomes an orphan

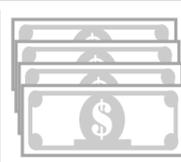
USA TODAY found at least 3,600 earmarks in which not a single dollar has gone toward its intended purpose, sometimes because of basic typographical and procedural errors. Such mistakes have cost states \$7.5 billion in lost funding.

How it happens:



### The pot

Drivers pay gas and excise taxes — such as the 18.3-cent-per-gallon tax on gas — into the Highway Trust Fund.



### The purpose

Through legislation, Congress uses the trust fund to give money to states for road projects.



### The pork

Lawmakers load up bills with pet projects. These so-called earmarks direct money to particular projects — money that often counts against a state's share of the trust fund money.



### The problem

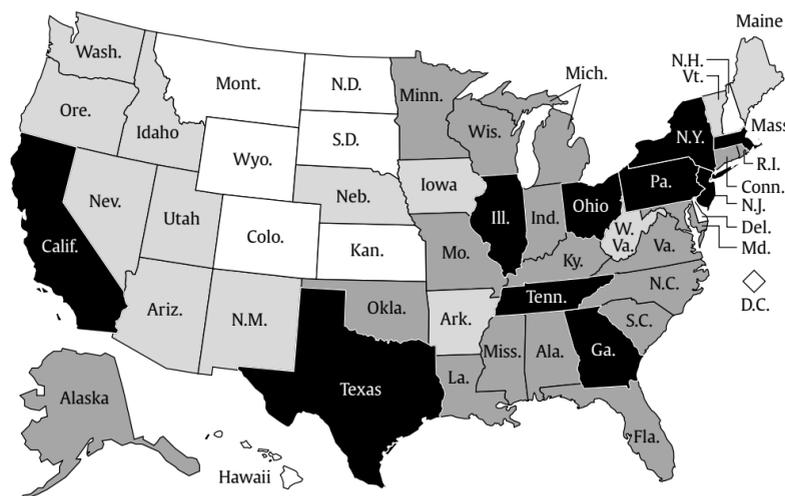
Sometimes lawmakers make mistakes in their earmarks. They might include the wrong name of the project or direct money to projects that cannot be built. That means the earmarks cannot be spent and states lose out on that money.

By Alejandro Gonzalez, USA TODAY

## Lost money, by state

When lawmakers earmark money for pet highway projects, that money often reduces what states receive from the federal government. What states have lost during the past 20 years because of earmarked money that hasn't been spent:

Legend: 0-\$50 million (white), \$51-\$99 million (light gray), \$100-\$200 million (medium gray), Over \$200 million (dark gray)



State-by-state (figures in millions)

|             |         |               |         |                |         |                |                     |
|-------------|---------|---------------|---------|----------------|---------|----------------|---------------------|
| Alabama     | \$186.6 | Illinois      | \$350.4 | Montana        | \$45    | Rhode Island   | \$100.2             |
| Alaska      | \$187.3 | Indiana       | \$150.4 | Nebraska       | \$92.4  | South Carolina | \$101.1             |
| Arizona     | \$92.6  | Iowa          | \$81.6  | Nevada         | \$92    | South Dakota   | \$40.5              |
| Arkansas    | \$66.2  | Kansas        | \$32    | New Hampshire  | \$43.4  | Tennessee      | \$208               |
| California  | \$567.9 | Kentucky      | \$112.1 | New Jersey     | \$229.2 | Texas          | \$417.4             |
| Colorado    | \$32.5  | Louisiana     | \$165.4 | New Mexico     | \$81.5  | Utah           | \$55.6              |
| Connecticut | \$149   | Maine         | \$65.6  | New York       | \$607.3 | Vermont        | \$77.4              |
| Delaware    | \$43.4  | Maryland      | \$101.3 | North Carolina | \$161.9 | Virginia       | \$191.1             |
| D.C.        | \$49.6  | Massachusetts | \$223.1 | North Dakota   | \$0     | Washington     | \$79.3              |
| Florida     | \$170   | Michigan      | \$171.4 | Ohio           | \$212.4 | West Virginia  | \$82.6              |
| Georgia     | \$346.4 | Minnesota     | \$131.3 | Oklahoma       | \$123.9 | Wisconsin      | \$124.4             |
| Hawaii      | \$22.5  | Mississippi   | \$175.6 | Oregon         | \$66    | Wyoming        | \$26                |
| Idaho       | \$55    | Missouri      | \$146.2 | Pennsylvania   | \$392   | <b>Total</b>   | <b>\$75 billion</b> |

Sources: Stabile Center for Investigative Journalism at Columbia University, Sunlight Foundation, USA TODAY research

By Frank Pompa, USA TODAY

Sometimes, orphan earmarks outlive their sponsors. In 1998, Rep. Herb Bateman, R-Va., secured \$29 million for the Bland Boulevard interchange in Newport News. The diamond-shaped interchange would have connected Interstate 64 more directly to the Newport News/Williamsburg International Airport. But after the money was earmarked, the cost of the project skyrocketed.

"We had never seen an interchange cost \$110 million," says Rich Clifton, project manager for the Virginia Department of Transportation. "That was blowing our minds." Clifton said the Federal Highway Administration insisted on design conditions that made the project too costly. DOT's Alair said the federal government approved the project but the state gave up on it.

"For the last half-dozen years, we've given up on them changing their convoluted way of doing things," Newport News City Manager Neil Morgan says. "We would just like to be able to take the money that was committed to transportation needs in Hampton Roads, and use it here."

No luck. Bateman died in 2000, and efforts by local members of Congress to change the orphan earmark have been blocked in the Senate, Morgan says. Virginia has lost as much as \$191 million to orphan earmarks, according to data from the Sunlight Foundation, a non-partisan watchdog group.

Yet the state has such a backlog of transportation needs that Gov. Bob McDonnell, a Republican, proposed a \$4 billion construction plan last month financed mostly with new debt.

## States increasingly concerned

Highway spending bills are passed by Congress and administered by the Federal Highway Administration. But the projects are planned and built by states, so federal highway officials are unable to give a complete accounting of the status of unspent earmarks.

The highway administration also refused a Freedom of Information Act request for a detailed accounting of earmarked funds.

USA TODAY's data come from the Stabile Center for Investigative Journalism at Columbia University in New York, which obtained records from 44 states and the District of Columbia. Six other states — Arkansas, Delaware, Hawaii, New Jersey, North Dakota and Virginia — either refused requests for data or said they didn't have the records.

With state budgets squeezed and the economy in slow recovery, states are increasingly vocal about having money tied up in projects that many never wanted in the first place. They say the money could be better used for shovel-ready projects that would create jobs, replace crumbling bridges and roads and make highways safer.

Rendell, the Pennsylvania governor, offers this fictional example: "What's wrong with the earmark system is a congressman, meaning well, will get \$6 million for the design of a project. And he'll go back home and have a press conference and say, 'I got \$6 million to design ... the Harper Valley Expressway.' And everyone cheers. Well, the problem

is, the Harper Valley Expressway costs \$540 million to build."

"So that money never gets spent," Rendell says. "Most of this money is doing nobody any good."

Last May, Rendell listed 449 bridges and 806 miles of road projects in Pennsylvania that are unfunded because of what he calls a "transportation funding crisis."

Among them: the 96-year-old Heth's Run Bridge near the Pittsburgh Zoo. It's crumbling below the street as school buses and 13,000 other vehicles travel above each day. It's one of 5,646 bridges that the Pennsylvania Department of Transportation considers "structurally deficient."

"That hurts," says Chris Sybo, who owns Trio Trucking, a heavy-equipment hauling business near the bridge. His trucks can't cross Heth's Run — or dozens of other bridges in the Pittsburgh area — because of weight limits. As a result, he pays more for everything from fuel to insurance. He has considered moving his business out of Pittsburgh. "I think it's a disgrace that, with the economy the way it is right now, that since the money is already appropriated, these (projects) are sitting idle," Sybo says.

## Push for accountability stifled

Some earmarked money has been sitting idle for decades.

Data supplied by states show four orphan earmarks totaling \$9.9 million remain unspent from the 1987 transportation bill.

By 1998, Congress moved to treat earmarks in transportation bills differently from other earmarks, deciding that most of the 1,854 highway earmarks in that year's transportation bill be counted against a state's federal highway money allocations. The same process applied to the 2005 transportation bill and most of its 5,611 earmarks.

These earmarks don't bring new money to the state but simply allow members of Congress — and not the states themselves — to decide how states spend federal highway money.

For some congressmen, bypassing the state bureaucracy is the whole purpose of the earmark.

"Member-designated projects play an important role in the federal-aid highway program," Rep. Jim Oberstar, D-Minn., said during one House floor debate on earmarks last year. "They provide constituents with a chance to weigh in directly with their elected officials on their community priorities, and allow members an opportunity to support transportation safety and mobility improvements that may be overlooked by the state department of transportation."

"Yet," Oberstar continued, "it is also necessary to use a common-sense approach to dealing with projects that are complete or no longer viable."

Oberstar, who was chairman of the House Transportation and Infrastructure Committee, was supporting a bill that would have canceled more than \$700 million in orphan earmarks from 1987 on. The bill, sponsored by Rep. Betsy Markey, D-Colo., also would have required the secretary of Transportation to give an annual accounting of unspent earmarks to Congress.

It passed the House, 394-23, and died in the Senate. The lawmakers who pushed it, Oberstar and Markey, lost their seats in the November elections.

Podkul was a fellow at the Stabile Center for Investigative Journalism at Columbia University

## Corrections & Clarifications

USA TODAY is committed to accuracy. To reach us, contact Standards Editor Brent Jones at 1-800-872-7073 or e-mail accuracy@usatoday.com. Please indicate whether you're responding to content online or in the newspaper.

Thursday's Passages on notable deaths misstated when Philadelphia Phillies broadcaster Harry Kalas died. It was April 13, 2009.



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