A leery Senate contemplates life after earmarks

Republicans hedge as they self-impose earmark moratorium

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In the lead-up to Tuesday's vote by Senate Republicans to self-impose a two-year moratorium on earmark requests, Sen. Lindsey Graham (R-S.C.) released a statement indicating his avowed, albeit somewhat conflicted, support for the idea.

"I respect the spirit in which this moratorium has been agreed to and hope it will lead to a better use of taxpayer dollars," Graham said. "However, I maintain the right to seek funding to protect our national security or where the jobs and economy of South Carolina are at risk. If the Obama Administration and their [Democ]rats in the federal agencies take action against the best interests of South Carolina, I will take swift [action t]o correct their wrongs."

[At the hea]rt of Graham's worries is the Port of Charleston, which must be deepened to stay competitive with [other p]orts along the Eastern seaboard, but it could just as easily stand for the pet project of any senator who [must] worry about ways to ensure, and take credit for, worthy initiatives in his or her state. With the [success]ful passage of Sen. Jim DeMint's (R-S.C.) earmark moratorium among Senate Republicans — and a [fl]oor vote today on the question of whether to do away with earmarks in the next Senate altogether — [the] Republicans (and some Democrats who have signed on as well) are now facing tough choices about [how to] keep spending in check to better serve the national interest while still satisfying their constituents' [short-te]rm needs.

[Man]y of the Republican senators who ultimately signed onto DeMint's proposal, including Senate Minority Leader Mitch McConnell (R-Ky.) — a longtime proponent of earmarks — hardly did so wholeheartedly.

"Make no mistake. I know the good that has come from the projects I have helped support throughout my state," said McConnell during his announcement Monday that he would vote for the moratorium. "I don't apologize for them."

Indeed, for a speech renouncing earmarks, McConnell's remarks struck some observers as odd for devoting long portions to the "truly vital projects" he has supported over the years in Kentucky. But to Steve Ellis, vice-president of Taxpayers for Common Sense, a group that seeks to eliminate wasteful subsidies, earmarks and corporate handouts, such difficulties in adapting to a new earmark-less world seem unlikely to begin and end with McConnell.

"There will be much wailing and gnashing of teeth and rending of garments, I'm sure," Ellis said. "And certainly there are growing pains and adjustments that come with it."

Many senators, who are currently quite comfortable with obtaining funding for their state through simple earmark requests, will now have to devise new ways to successfully advocate for and obtain funds for their states. There are positive and negative channels, experts say, through which this might occur.

"One is under the cloak of darkness or underground attempts at getting the agencies to do what you want them to do," Ellis said. "The other is to work with the executive branch to develop the metrics and systems and create merit-based or competitive formulas for allocating spending."

When House Republicans enacted an earmark ban this March, for instance, all but four members obeyed the new rule — but many found ways around it.

"There are other ways to indicate one's preferences without technically earmarking," said Daniel Schumann, policy counsel at the Sunlight Foundation, which advocates for greater transparency in government. "Members can talk to the federal agencies, write them a letter, and ask them to consider certain companies or folks to do certain things. It's not technically an earmark but it functions in a similar way."

And when the rules applied only to House members, many simply made subtle requests of their senators.

"There are rules against members of the House lobbying members of the Senate, but as a practical matter there are ways to communicate what your preferences are for earmarks," Schumann said. "One way to do it is to put in a request even if it's not granted, because those requests are public. This of course becomes a lot harder if there's a moratorium in both chambers."

Another possibility, however, is that the moratorium will help foster a system in which legislators are forced to focus on drawing up more detailed authorizing legislation in the various committees designed to oversee the federal agencies. "One of the benefits of a moratorium is it concentrates the mind," Ellis said.

Sen. Mark Udall (D-Colo.), who announced yesterday that he was joining Senate Republicans in a self-imposed moratorium on requesting earmarks, remains optimistic about the change.

"I'm hoping to lead by example and show my colleagues that there is life after earmarks," he told reporters on a conference call devoted to explaining his decision to forgo the practice from now on. Udall was soon subjected to tough questions, however, about how he planned to guarantee grants for research initiatives at Colorado State University that had previously enjoyed his blessing though the earmark process.

"You're right that I do support what CSU is doing, and there are many steps that can be taken," Udall said. "I'm going to work with the administration so that when they're drafting their budgets they'll include funding for the state's highways, bridges and roads and I'll redouble my efforts during the federal grants process to advocate for districts and municipalities in the state. I have a senior staffer who works solely on that process. Ninety-nine percent of the state's federal funding comes through federal grants and block grants, and I can write a grant bill if any needs go unmet."

Graham, too, spent the majority of his announcement assuring South Carolinians that he would find alternative ways to address the infrastructure needs of the Port of Charleston, arguing that he still has two options.

"1. Pass Senator DeMint's proposed legislation reforming the way port studies and harbor deepening are funded," he said. "Or 2. Press the Obama Administration to include the necessary funding for the port study in their budget submission to Congress."

If neither of those works, however, Graham made clear he was reserving the right to "use every option at my disposal to ensure funding is made available."

Giving up earmarks might be painful at times, argues Jim Harper, Director of Information Policy Studies at the CATO Institute, but it's necessary if Congress is going to start governing in the national, and not parochial, interest.

"We're a long way down a road that we shouldn't be down, in which Congress gives huge authority to the executive branch to decide where money should be spent," said Harper. "We need bills saying any community with these particular needs should get funding, not my community should get this project."

The project of ending earmarks, in other words, is tied into a much broader project to increase congressional oversight over federal spending and rein it in in the process.

"[Arguing in favor of earmarks] is just saying we don't want to do the oversight," Sen. Tom Coburn (R-Okla.) said on a conference call on Monday. "Bureaucracies can't do the spending unless we allow it. We ought to be

overseeing every penny the government spends everywhere."

It's an ambitious plan, and it just might sink a number of local projects that senators like Graham are still counting on finding a way to get done in their home states.

"Earmarks are the easy, lazy way of doing this stuff," said Ellis. "Maybe the Charleston project is great, but is it the best? Every port along the East Coast wants to deepen and is undergoing this race to the bottom. Charleston is looking over its shoulder at Savannah, which is looking at Baltimore and Philadelphia. The question isn't whether it's in Charleston's interest, but whether it's in the national interest. Maybe, but maybe not."

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