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Earmarks: problem or solution?

by Steve Bakke  June 1, 2021



Have you ever seen more frustrating partisanship and “headhunting” than what’s going on in our government? Consider the cute but sophomoric proclamation: *“What’s wrong with gridlock in Washington? At least they’re not spending my money.”* That’s just the problem, they are still spending a lot of our money, and our grandkids’ money as well.

I want a smooth-running government. Differences of opinion and vigorous debate are healthy, but the process should eventually lead to results with both parties feeling at least some success and a willingness to approach the next legislative challenge with a cooperative attitude. Politicians are so angry at each other they don’t cooperate. Rather, they look for angles to dominate the process. Eliminating the filibuster, packing the supreme court, and federalizing the election process are examples.

“Legislative earmarks” refers to the process of attaching spending allocation “instructions” to bills being passed. This leads to funds being allocated in a manner favoring certain states or legislative districts. In 2010, the House Appropriations Committee implemented rules to ban earmarks because they “had become synonymous with pork-barrel spending and corruption,” according to then House Speaker John Boehner.

Contrary to what was originally expected, the earmark moratorium didn’t reduce spending. Our deficits skyrocketed, even before the pandemic. Bureaucrats are making allocation decisions, eliminating what limited transparency was available in the old earmarks process. However, there appears to be a rebranding of something similar to the old earmarks process, employing what’s described as “member directed projects.”

I read of a presentation to the American Road and Transportation Builders Association, by several current and former congressional staff members. They declared earmarks are on the way back. Any new system would, at least initially, be armed with restrictions against abuse and corruption such as more objective criteria to determine allocation, a cap on overall spending via earmarks, and a reduction in “seniority priority and privilege.”

Passing legislation was once just a “herculean task.” Now, it’s often simply impossible. And unfortunately, use of “presidential executive orders” has increased significantly as a very poor substitute. Did the moratorium on earmarks add to the disappearance of a tradition of

collegiality among our legislators? A growing number of legislators, even those once opposed to earmarks, now are convinced that the earmark ban has made our nation's capital more dysfunctional.

Liberal and conservatives alike have been quietly whispering that the irreconcilable differences that dominate their professional lives would be reduced if some form of legislative earmark process were reinstated. Legislators have lost some of their "purpose" – i.e. advocating for their constituents' "piece of the pie."

Legislators need something to demonstrate to those constituents that they are listening. Struggling with frequent gridlock, they must convince constituents that at least they "tried." But what many really want is an opportunity to actually deliver something other than "emergency and stimulative legislation."

Some from both parties in Congress have been imagining a new bargaining process that might provide an atmosphere in which legislators, rather than being irretrievably opposed to a bipartisan compromise, might be more flexible.

Early in May, the U.S. House quietly voted to lift their ban on selected "earmarks-like" processes. This would provide a coveted bargaining tool to their legislative toolbox. Will the Senate change their rules as well? Should we conservatives support the process, or would it violate the heart and soul of conservative policy making? Would supporting the effort just be "filling up the swamp"? Is this discussion conservative heresy?

On the other hand, would this new and different "tool" give conservatives more influence for guiding legislation back to sanity? Would there be more spending transparency? We'd have to be able to compromise on some of our favorite legislative goals. But could we at least help steer America in a better direction?

Can we agree to support this rule change, while at the same time making sure the process is objective, controlled, transparent, and less corruptible? Should we join in using this process to help reign in everything that's been going in the wrong direction?

If I were a legislator, I'm quite sure I'd say "Yes, count me in." Politics is inherently a bargaining process. We should let it happen. I'm betting we can make it work.