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House Tosses Aside Effort to Curtail Earmarks

By Steven T. Dennis, CQ Staff

Rep. Jeff Flake's crusade against earmarks collided with the appropriations system Tuesday, and the system won, overwhelmingly.

Flake, R-Ariz., sought to delete 12 of more than 400 earmarks in the fiscal 2007 Agriculture appropriations bill ([HR 5384](#)) that he considered to be egregious examples of unnecessary government spending — including a \$180,000 subsidy for hydroponic tomato research and \$6.4 million for wood products. All of his amendments were defeated, most on voice votes and three by better than 3-1 ratios in roll call votes. The Agriculture bill passed, 378-46.

Flake was under no illusions that he would achieve a single victory.

"I don't know what else to do, I really don't," he said, blaming "logrolling," or the practice of threatening members that they will lose their earmarks if they vote to delete someone else's.

"If nothing else, it keeps the process more honest," Flake said, promising to continue the fight on all of the remaining appropriations bills. "Members are saying they are being more careful with their earmarks" because of the threat that Flake in the House, or Tom Coburn, R-Okla., in the Senate, will challenge them on the floor.

The debate was relatively civil compared to the May 19 furor on the House floor over the Military Quality of Life-VA ([HR 5385](#)) appropriations bill, which featured high-volume verbal vitriol between appropriators and members of the conservative Republican Study Committee after Jeb Hensarling, R-Texas, succeeded in ripping \$500 million from the bill on a budget point of order. Appropriators had lashed out at the conservatives for hurting the troops, and

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conservatives responded in kind, blaming appropriators for using a budget gimmick to make room for a bushel full of earmarks.

Points of order automatically strike provisions that violate budget rules without a vote, unless House leaders decide to protect certain provisions from such challenges. The money struck by Hensarling was designated as emergency spending, making it vulnerable to a point of order.

However, the provisions Flake sought to kill did not violate budget rules, so he would have had to muster majority votes to strip out particular projects, a far higher hill to climb. And so appropriators figure to have the upper hand, unless conservatives find another budget maneuver that violates budget rules — and House GOP leaders again decline to protect it.

Stepping Lightly?

Flake said that he has tried not to alienate members by challenging too many earmarks and forcing hundreds of roll call votes. He refrained from offering his amendments May 18 on the Interior-Environment appropriations bill ([HR 5386](#)), after coming back late from a trip with President Bush to Arizona. He said he held back not because he did not have the right to bring his amendments, but because he calculated it would have been counterproductive in the long run to irritate 434 lawmakers already having a late night.

But Flake's rhetoric on Tuesday nonetheless did plenty to stir up his colleagues. Appropriations Chairman Jerry Lewis, R-Calif., smiled thinly even as Flake blasted his committee as a bastion of corruption, quoting disgraced lobbyist Jack Abramoff for calling it an "earmark favor factory."

That prompted a rebuke from David R. Obey of Wisconsin, the ranking Appropriations Democrat, who likened the remark to former Sen. Joe McCarthy, R-Wis. (1947-1957), using innuendo to taint others.

Flake apologized, but argued later that Rep. Randy "Duke" Cunningham, R-Calif. (1991-2005), might have been dissuaded from his earmarks-for-bribes scheme if the process had more sunshine.

After the debate, Lewis went up to Flake.

"You know I don't agree with what you're doing here, but

I'd fight to the death for your right to do it," Lewis said he told him.

Henry Bonilla, R-Texas, chairman of the Agriculture Appropriations Subcommittee, also needled Flake, indirectly suggesting that he was challenging earmarks as a way to gain notoriety, a charge that Flake denied to reporters.

"I've tried to do it privately," Flake said, adding that he did not think congressmen realize the outrage taxpayers feel at having their dollars spent on frivolous items.

But Bonilla and other appropriators also argued that if they did not spend the money on their projects, the money would be spent anyway by bureaucrats who often know less about their districts' needs.

Flake replied that the projects could be cut and the money spent on more needy items, such as body armor or paying down the debt.

Flake also expressed frustration that appropriators had chosen not to name the members who had requested earmarks, even though the House recently voted to do so as part of a lobbying overhaul bill ([HR 4975](#)). He called the earmark process demeaning.

'Grovel for the Crumbs'

"I think that all of us who were elected to this august body had higher aspirations than to grovel for the crumbs that fall from appropriators' tables," Flake said.

Asked about Flake's high-water mark of 92 votes for his amendments, Lewis was magnanimous.

"I thought he did very well," he said, with a twinkle in his eye and a hint of a grin.

The battle will be joined again Wednesday, on the Energy-Water appropriations bill ([HR 5427](#)). Flake said he's more hopeful, because some of the earmarks help out individual corporations.

"We may win one," he said.

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