



# Texans in Congress want earmarks to boost Houston road, flood projects

By **Dug Begley and Mihir Zaveri** | January 16, 2018 | Updated: January 17, 2018 11:27am

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Photo: Mark Mulligan, Staff

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Dredging work is ongoing along the Houston Ship Channel, in this Nov. 21, 2016, photo. The dredged material was turned into marsh areas in conjunction with containment areas surrounded by levies. ( Mark Mulligan / Houston Chronicle )

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Texas' representatives in Congress and a handful of others are looking to revive earmarks - a now-prohibited congressional perk that led to accusations of patronage and corruption - to address some of Houston's flood and highway project backlog.

Elected leaders in Congress are hoping to spark an earmark revival with a key hearing Wednesday in Washington. Supporters and opponents have both geared up for the discussion, promised when House Speaker Paul Ryan, R-Wis., staved off a closed-door vote in November by the GOP leadership to return to earmarks.

A subcommittee of the House Rules Committee convenes Wednesday to discuss options for congressional funding. The full rules committee is scheduled to meet Thursday.

During the discussion, Rep. John Culberson, R-Houston, plans to revisit earmarks of some sort that would enable Congress to directly prioritize specific, long-sought projects.

"I cannot target money specifically to the Ike Dike, or specifically to Project Brays, or specifically to a third reservoir in northwest Houston," said Culberson, a nine-term Republican who represents western parts of Houston. "It's immensely frustrating."

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Culberson and others want to enable members of Congress to authorize and fund specific flood control and highway projects that have the backing of state or local officials.

The practice of specified funding in congressional appropriations, known as earmarks, was banned by the Republican-led Congress in 2011, after some dubiously chosen projects gave the process a black eye.

"We had members of Congress who went to federal prison for using earmarks," said Rep. Gene Green, a Houston Democrat and supporter of returning to earmarks. Former Rep. Chaka Fattah, a Pennsylvania Democrat, was sentenced to 10 years on federal corruption charges related to earmarks; former California Republican Rep. Duke Cunningham was sentenced to eight years for bribery, accused of using earmarks in exchange for lobbyists' gifts.

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## TRANSLATOR

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Since 2011, officials have used cumbersome, patchwork methods to steer funding that members of Congress simply could have prioritized during the earmark era.

Culberson said the practice could be particularly helpful for the Houston area after Hurricane Harvey.

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Green agreed projects such as dredging the Houston Ship Channel - deepening it to 50 feet is one of the highest priorities for local, state and federal officials - are harder to fund unless elected lawmakers are given discretion in Washington.

"Unless we have earmarks ... I don't know how you do it," he said of the costly channel dredging.

### ***Many projects await***

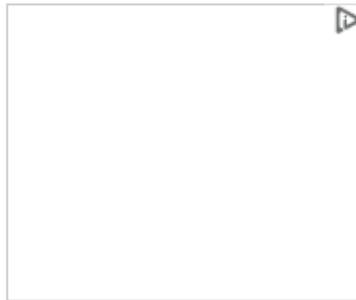
Houston-area officials have plenty of projects that could benefit from direct investment via Congress, but also are wary of wading back into earmarks.

"We all know earmarks are a slippery slope," Brazoria County Judge Matt Sebesta said. "When you go out and build an airport in the middle of nowhere and stick some congressman's name on it, people will say you pissed away some money."

Those cautions aside, there are projects of regional and, perhaps national, significance, long identified but well short of funding. A coastal barrier for Galveston Bay - the so-called Ike Dike

- is a \$6 billion-plus project that is unlikely to generate strong support from the rest of the country.

Dozens of transportation projects, including the planned rebuilding of Interstate 45 north of downtown Houston and from Dickinson to Galveston, are identified on paper but awaiting full funding. Meanwhile, a litany of smaller projects that may have support from the city or a neighborhood also can be found in almost any Houston-area community.



Statewide, Texas transportation officials have identified \$70 billion in needed highway, aviation and public transit spending over the next decade. Officials with the Texas Department of Transportation called any discussion of using earmarks for those projects "premature."

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TxDOT Executive Director James Bass, however, will be in Washington for the Thursday meeting, at the behest of House Rules Committee Chairman Rep. Pete Sessions, a Dallas Republican.

Accelerating some major highway and flood control projects may be welcomed, but doing so via earmarks requires better communication and more flexibility, transportation officials said.

"The difficulty with earmarking in the past, and the reason some of the projects were chosen that became flash-points were everybody got a tiny amount of money and none of it was enough for a major project," said Alan Clark, manager of transportation and air quality programs for the Houston-Galveston Area Council.

The agency's transportation policy council, which Sebesta chairs, doles out federal funds for major transportation projects around the area.

With dollars trickling in, officials had to wait years sometimes to cobble together enough funding for big jobs. Green, however, said that was perfectly in line with how some projects needed help. He noted the dredging of the Ship Channel to 45 feet in the 1990s was funded over several years through earmarks.



"I never requested an earmark I wasn't proud of," Green said, saying work on U.S. 90 at Loop 610 and a bridge over a rail depot in Manchester were built with earmarks, to cheers from local officials.

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Harris County Judge Ed Emmett said he could see benefits and drawbacks to earmarks, but said he believes Houston's bayou projects will be fully funded by Congress, and he is calling on the state to fund a third reservoir.

Clark said if Congress members took a more active role in the planning at local and state levels and then communicated that effectively in Washington in the hopes of securing targeted investment, that could be beneficial, though still difficult.

"They have a chance to come back and lay out a process that is much more effective," Clark said. "Competition, though, would be fierce."

Green, who is not running for re-election, agreed earmarks would leave members of Congress with tough choices, but also an ability to make decisions they cannot now. It would then be up to transparency and common sense limits to keep that power in balance, he said.

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"I don't advocate corruption, but I want members to be able to go to their districts and listen to what are their priorities and do something about it," he said.

### *Opposition remains*

If earmarks were to make an effective return, officials said provisions would need to be strengthened to avoid questionable projects. An Alaskan bridge connecting the town of Ketchikan to its local airport and 50 island residents, dubbed the "bridge to nowhere," famously led to the 2011 ban on earmarks.

The problem with earmarks, said state Sen. Robert Nichols, R-Jacksonville and chairman of the Senate Transportation Committee in Austin, is that while Texas lawmakers to cobble together support for their own priority projects, they need to sway elected leaders from other states seeking support for their own projects in return.

Nichols, a Texas Transportation Commission member during the heyday of earmarks, said the practice also led to political patronage as powerful members picked popular - but often less-important - projects.

"Congress should not be picking transportation projects," he said, recalling his time on the transportation commission, a five-person appointed board that largely sets state highway policy. "You don't want your state legislature to be picking projects, either. What you want is an independent entity that has a matrix of projects."

The process of not prioritizing projects through Congress also gives federal agencies - such as the U.S. Army Corps of Engineers and Department of Transportation - considerable sway in project development.

Michael Strachn, a senior adviser with Dawson and Associates - an infrastructure lobbying and consulting firm - who has served as the legislative liaison for the U.S. Army Corps of Engineers,

said he believes that members of Congress will find a way to roll back the earmark moratorium and include provisions to mandate transparency over what projects are being funded and why.

"Semantics is optics," Strachn said. "Come up with something that gives Congress the authority to direct spending, with proper oversight and proper documentation. I believe there's a growing number of people who realize that the pendulum had just been pushed too far."

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