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United States Senate

WASHINGTON, DC 20510-3604

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COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

CHAIRMAN
SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT,
GOVERNMENT INFORMATION AND
HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY

CHAIRMAN
SUBCOMMITTEE ON
INCARCERATION AND REHABILITATION

COMMITTEE ON INDIAN AFFAIRS

The Honorable Robert C. Byrd
Chairman
Senate Appropriations Committee
The Capitol, S-131
Washington, D.C. 20510

Dear Chairman Byrd:

As the fiscal year 2008 appropriations season begins, I write to seek your guidance on how the earmarking process will be reformed this year. While I am encouraged by your pledge to "place a moratorium on all earmarks until a reformed process is put in place," I am very concerned that Senate Appropriations subcommittees are actively soliciting earmark requests even though a "reformed process" is not in place. As you know, even though the Senate unanimously passed strong earmark transparency requirements, no earmark reforms have yet been enacted. The American public demanded greater transparency and accountability in earmarking, yet nothing has been done to shed more light on this process.

Section 103 of S.1 requires the disclosure of several types of information related to earmarks, including the name of the Member requesting the earmark, the name and address of the intended recipient of the earmark, the purpose of the earmark, and a certification that the requesting Member and his or her spouse have no financial interest in the requested earmark. Although the Senate was unanimous in its support of these disclosure requirements, several earmark solicitation forms recently sent by Senate Appropriations subcommittees do not require the disclosure of many required items.

For example, the fiscal year 2008 earmark solicitation form sent by the Energy and Water Development Appropriations Subcommittee does not require the disclosure of the name or address of the intended earmark recipient, nor does it require certification that the requesting Member has no financial interest in the requested earmark. The fiscal year 2008 earmark solicitation forms from the Interior Appropriations Subcommittee and the Agriculture Appropriations Subcommittee neglect to require the disclosure of these same items. Furthermore, as far as I can determine, the only requirement of the Labor, Health and Human Services, and Education Appropriations Subcommittee is that earmark requests be placed by April 13, 2007.

I am extremely disappointed and troubled by the fact that Senate Appropriations Subcommittees are soliciting earmarks but not complying with the basic requirements of Section 103 of S.1. In the absence of final Senate enactment of meaningful earmark

reform, the Senate Appropriations Committee has the ability to make earmark information public immediately. The Committee's failure to make earmark information public would make a mockery of recently passed earmark reforms and would suggest to taxpayers that the Senate wants to continue to earmark funds in secret. In addition, pursuant to Section 103 of S.1, I believe that the Committee should immediately require all Members who request earmarks to certify in writing that they have no financial interest in the requested earmark. Following the imprisonment of a Member of Congress for selling earmarks in exchange for bribes, the American public needs to know that its elected officials are not using public office for private gain.

While I am pleased by your announced moratorium on earmarks and encouraged by your willingness to tackle such a difficult problem, I am worried that many wish to avoid any new transparency requirements. Please let me know how I can help you to reform the current process. Like you, I want to implement an "accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress." Your experience and institutional knowledge are invaluable, and I look forward to working with you to ensure that all taxpayer dollars are expended in a fully transparent and responsible manner.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom U. Coburn", with a stylized flourish at the end.

Tom Coburn, M.D.