

# United States Senate

WASHINGTON, DC 20510

January 12, 2010

The Honorable Harry Reid  
Majority Leader  
U.S. Senate  
Washington, DC 20510

Dear Majority Leader Reid,

We write to express our concern over the inclusion of several provisions in the Manager's Amendment to *The Patient Protection and Affordable Care Act*. Since the nearly 400 page amendment was introduced, we discovered over half a dozen provisions that appear to have been included for the primary purpose of benefitting some states in particular. Though your office has referred to these provisions as "a normal part of the legislative process," we are concerned that the inclusion of these items without appropriate disclosure may violate *The Honest Leadership and Open Government Act of 2007*.

*The Honest Leadership and Open Government Act of 2007* (P.L. 110-81) changed Senate rules to enhance transparency in the legislative process. The relevant change requires any amendment sponsor to publicly disclose each congressionally directed spending item and limited tax benefit included in that amendment. The design of this provision was to ensure that the American people know which lawmakers advocated for specific carve outs and earmarks.

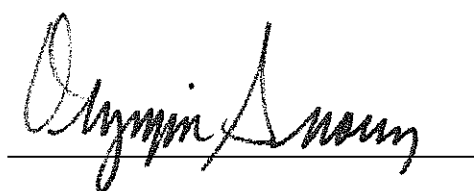
It is clear that the Manager's Amendment, in addition to the underlying bill, includes specific provisions which benefit some states and not others. We therefore ask you, as the sponsor of the Manager's Amendment and underlying bill, to provide a list of all earmarks and congressional directed spending as required by *The Honest Leadership and Open Government Act of 2007*. We request this information be shared with our offices and posted on the majority's website within 24 hours.

Finally, we anticipate that in coming weeks you and Speaker Pelosi will introduce a bill combining the House and Senate health bills. Upon the introduction of that bill we request a similar list of provisions, as required by *The Honest Leadership and Open Government Act of 2007*, be shared with our offices and posted on the majority's website within 24 hours.

The American people deserve a transparent Congressional process. All Americans should know which States and entities will benefit from Congressional negotiations related to the health bills and amendments.

Sincerely,

  
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John Erisgr

~~John Erisgr~~

Jan E. Rind

Kay H. Wicker

Mike Cropp

Bowen

Jim Bunnings

Chuck Grassley

Robert L. Bennett

John R. ...

John McCain

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Kay Bailey Hutchison

Mike Johnson

John Barrasso

Paul Baker

John Cornyn

John G. Hatch

Pat Roberts

Sayby Claiborne

L. J. ...