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Congress of the United States
House of Representatives

June 6, 2007

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NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

The Honorable Rob Portman
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Portman:

I am contacting you regarding our concerns with House Appropriations Chairman Obey's proposal to avoid including earmarks in appropriations bills in favor of adding them to conference reports. As you are aware, conference reports only allow for an up or down vote, with no opportunity for amendments.

It is clear that the earmark reform rules passed by the House of Representatives earlier this year have many loopholes that can permit false earmark certifications, incomplete earmark lists, and the delayed posting of committee reports containing earmark lists until amendment deadlines pass. We have even witnessed committee chairmen claiming that, because the earmark reform rules state that an earmark is primarily requested by a member, their earmarks are not really earmarks because they can't make requests of themselves.

The recent plan proposed by Chairman Obey is perhaps the most serious of all the loopholes in the earmark reform rules. Although the rules permit him to adopt this stance, it clearly violates the spirit of the House rules and the promise to provide transparency for the American taxpayer.

Given the fact that the new majority has already considered its rules package, and we are now witnessing actions to roll back earmark reform, there is slim hope that additional earmark reform proposals will be considered in either Chamber. I am requesting that you take the necessary action needed to ensure that the House and Senate adhere to promises made during last year's election and earlier this year to provide transparency in the earmarking process.

I urge you to recommend that President Bush veto any appropriations bills that contain earmarks in the conference report as a tactic to evade scrutiny.

Your assistance in ensuring this necessary check on the abuses of opaque earmarking would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Flake".

JEFF FLAKE
Member of Congress