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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

TERRENCE E. SAUVAIN, STAFF DIRECTOR
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April 17, 2007

The Honorable Thad Cochran
U.S. Senate
113 Dirksen Senate Office Building
Washington, DC 20510

Dear Colleague:

On January 18, 2007, the Senate passed S. 1, The Legislative Transparency and Accountability Act of 2007, by a vote of 96-2. While we await final action by the House on this legislation, we are issuing interim requirements to ensure that the goals of S. 1 are in place as the Appropriations Committee is preparing to mark up the appropriations bills for Fiscal Year 2008.

The Constitution vests in the Congress the power of the purse. We believe strongly that Congress should make the decisions on how to allocate the people's money. However, in order to improve transparency and accountability in the process of approving congressional earmarks in appropriations measures, we have decided to establish new requirements for Member requests for such congressional earmarks. Until such time as S. 1 is enacted into law, we encourage and anticipate that all other Committees that approve legislation that contain congressional earmarks will develop similar requirements.

For Member requests for congressional earmarks in Fiscal Year 2008 appropriations bills, we will require that:

- A Member who requests an earmark in an appropriations bill or joint resolution (or an accompanying report) or in any conference report (or an accompanying joint statement of managers) shall include in his or her written request to the chairman and ranking member of the committee or subcommittee of jurisdiction:
 - (1) the name of the Member;
 - (2) the name and location of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity; and
 - (3) the purpose of such congressional earmark.
- If your previous request(s) for FY 2008 funding include this information, there is no need to resubmit the request(s).

- The term “congressional earmark” means a provision or report language included primarily at the request of a Senator, providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific state, locality or congressional district, other than through a statutory or administrative, formula-driven, or competitive award process. (source - S.1, as passed)

A Member who requests an earmark must provide a certification that neither the Member (nor his or her spouse) has a pecuniary interest in such earmark, consistent with Senate Rule XXXVII(4).

For those Member requests for congressional earmarks that are approved by the Appropriations Committee, the Committee report will include the items listed above and a statement that for each of the earmarks contained in the bill or report, the Committee has a letter that is available to the public containing a certification that neither the Member nor his or her spouse has a pecuniary interest in such earmark, consistent with Senate Rule XXXVII(4).

DIRECTIONS FOR INCLUDING MEMBER CERTIFICATION:

A Member requesting a congressional earmark prior to May 15, 2007, should send a single letter by May 15, 2007, certifying compliance to the Chairman and Ranking Member of the Appropriations Committee for all such requests to the Committee or its subcommittees. Below, please find suggested text for the certification to the full committee:

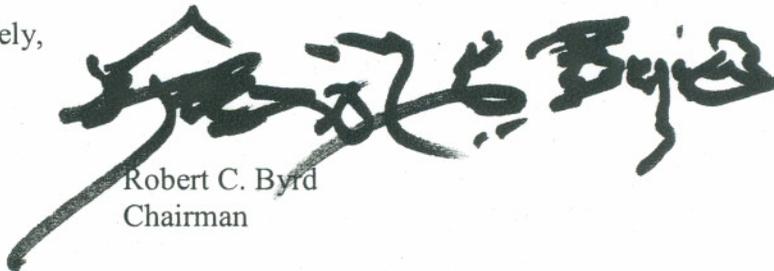
“For requests for earmarks for FY 2008 appropriations bills or reports contained in my letters dated (fill in blank), I certify that neither I (nor my spouse) has a pecuniary interest in any such earmarks, consistent with Senate Rule XXXVII(4).”

Requests to the Appropriations Committee or its subcommittees made following May 15, 2007, shall be accompanied by a letter to the Chairman and Ranking Member of the Appropriations Committee containing the same certification for each request.

We hope that these requirements will improve transparency and accountability in the appropriations process. If you have questions about this letter, please contact the appropriate appropriations subcommittee staff.

Sincerely,


Thad Cochran
Ranking Member


Robert C. Byrd
Chairman