



Congress of the United States
House of Representatives

May 21, 2007

The Honorable Nancy Pelosi
Speaker of the House
H-232, U.S. Capitol
Washington, D.C. 20515

Madame Speaker:

Fifty days have passed with no reply from you to my letter expressing concern about the chaos being inflicted on the House and its Members by the complex, confusing and contradictory ethics rules for the 110th Congress drafted unilaterally by Democratic leaders in January.

During your seven weeks of silence on this vital matter, it has become painfully clear that the House ethics rules are even more hopelessly broken than we recognized when I wrote to you back in March. It has also become increasingly clear that uncertainty over the rules is beginning to negatively impact public policy and undermine public confidence in our institution at the very time we should be working together to restore it.

At the outset of this Congress, Republicans and Democrats jointly pledged to make the earmark process more transparent and more accountable to the American people. A rules package was adopted that was supposed to enforce this pledge as one of its central objectives by ensuring no earmark would be passed by the House without appropriate scrutiny and opportunity for debate.

Recent actions by the majority have begun to make a mockery of this vow and of the rules themselves. These actions by the majority have become increasingly flagrant and bold with each passing month of the 110th Congress, fueling public cynicism about our institution and disheartening many who believe fundamental change is needed in the way in which Washington spends the taxpayers' money. In fact, I would submit that as a result of the flawed rules, we have now reached the point at which the congressional earmark process has become less transparent and less accountable than it was during the 109th Congress, directly violating pledges made last year by Democratic leaders.

The following examples illustrate the scale of the problem:

- Rep. John Murtha was recently able to secure tens of millions of dollars for a questionable project in his district by highly suspect methods that either flaunted

the new rules without penalty or at best nominally complied with them – proving in either case how utterly ineffective the new rules really are.

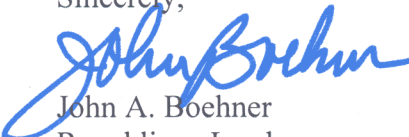
- In February, the majority was able to certify a massive spending bill as “earmark-free,” despite the fact that it contained hundreds of millions of dollars in earmarks.
- Under the rules, lobbyists working for state and local governmental institutions – including public universities lobbying Congress for earmarks and other causes – continue to be exempt from the congressional gift ban that apply to other all lobbyists. This gaping loophole in the gift rules has inexplicably been left open by the majority, both in its rules and the lobbying reform legislation introduced last week.
- Under the rules, there is no way a Member can challenge an earmark that is included in a bill brought to the House floor as long as the bill contains a list of earmarks – *even if the list is inaccurate, and fails to include the earmark the Member seeks to challenge.*
- Perhaps most appalling, the majority has twisted House rules and procedure to prevent questionable earmarks – once identified – from being challenged in any way on the House floor by Members seeking nothing more than up-or-down votes on these suspect provisions. In fact, on at least two occasions, Republican Members objecting to illegitimate earmarks have been directly threatened with retaliation by a senior Democratic Member, in open defiance of the new rules.

Sadly, Madame Speaker, the sorry state of the earmark process represents only a portion of the chaos that continues to mount both inside and outside Congress concerning the new rules. Rather than repeat the many examples cited in my earlier letter, let me renew my longstanding request that you join me in appointing a bipartisan working group tasked with analyzing House ethics rules and recommending fair, sensible and understandable revisions designed to improve both compliance and enforcement.

As I do so, I am reminded of your plea to the previous Republican leadership on April 14, 2005: “If you have discomfort with these [ethics] rules, let’s get together in a bipartisan way to review them.” We do, and we should.

I look forward to your reply.

Sincerely,



John A. Boehner
Republican Leader