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## United States Senate

WASHINGTON, DC 20510

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March 14, 2012

The Honorable John Boehner  
Speaker of the U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

Recent press reports indicate that the House may consider S. 1813, the Senate transportation reauthorization bill, known as "Moving Ahead for Progress in the 21st Century Act (MAP-21)." The bill as drafted contains an earmark for Nevada. Subsection (d) of Section 1516 rescinds unobligated balances associated with an earmark first enacted in the 2005 highway bill (P.L. 109-59). Instead of returning the balances to the Highway Trust Fund or the General Fund for debt reduction, the provision directs the total balance, \$45 million according to the Congressional Research Service, to the State of Nevada. Including this provision is inconsistent with the de-facto moratorium on earmarks in both Chambers and it should therefore be removed.

This provision is also inconsistent with the President's public remarks concerning earmarks. As you know, during the State of the Union Address President Obama said that "(if) a bill comes to (my) desk with earmarks in it, I will veto it." Given this promise, it was surprising to see that the Statement of Administration Policy (SAP) for S. 1813 failed to assert that the President would veto the bill because of this Nevada earmark. The SAP also praised S. 1813 because it "...eliminates earmarks."

If this earmark is allowed to remain in the highway bill, the original purpose of the earmark moratorium would be undermined and Congress will have broken the pledge we have to the American people that the practice of earmarking funds to specific states is on hiatus. In addition, I am concerned Congress would be setting a dangerous new precedent by allowing earmarks in legislation as long as the provision is not new spending.

Therefore, I would ask that you remove this provision.

Sincerely,



Mike Johanns  
United States Senator

cc: All members of the U.S. House of Representatives

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