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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

RUSSELL SULLIVAN, STAFF DIRECTOR
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March 3, 2009

The Honorable Daniel K. Inouye
Chairman
Senate Appropriations Committee
The Capitol, S-131
Washington, DC 20510

The Honorable Thad Cochran
Vice Chairman
Senate Appropriations Committee
The Capitol, S-131
Washington, DC 20510

Dear Chairman Inouye and Vice Chairman Cochran:

We are writing to express our serious concern about the many provisions in the Omnibus Appropriations Act of 2009 (Omnibus) and accompanying Explanatory Statement that impinge upon Finance Committee jurisdiction – almost 30 of which are in the trade area alone. These provisions deal with substantive policy issues that should be heard and considered in the Committee of jurisdiction before entering into law.

At a minimum, we should have been consulted before these provisions were included. Some of the provisions effectively revoke existing legislation within the Finance Committee's jurisdiction, some run contrary to long-standing positions of Finance Committee Members, and some are inaccurate and/or outdated. A simple consultation in advance with the policy experts on the Finance Committee likely could have resolved many of these issues with little or no controversy.

On trade, our concerns run deeper. Several provisions raise serious questions regarding consistency with our international trade obligations and potentially could invite billions of dollars in retaliation against U.S. exports at a time when the U.S. economy is already reeling. And the Omnibus bill entirely fails to fund the Trade Adjustment Assistance for Communities program, which passed as part of the American Recovery and Reinvestment Act. This program is a key priority of several Finance Committee Members.

On tax, we are concerned that the Omnibus bill is legislating through appropriations. The JOBS Act of 2004, for example, authorized the Internal Revenue Service (IRS) to use private debt collectors. By prohibiting the use of appropriated funds to administer the private debt collection program, however, the Omnibus bill may effectively revoke the relevant provisions of the JOBS Act. That is a decision that falls squarely and solely within the purview of the Finance Committee. The Omnibus bill also imposes many restrictions on the use of funds within the Finance Committee's jurisdiction. No Business Systems Modernization funding can be obligated, for example, until the Appropriations Committees approve the plans to use the funds. And the Omnibus bill earmarks the use of funds in several accounts, limiting amounts that can be used for certain activities and directing that certain amounts be dedicated to other activities. The funding for the National Taxpayer Advocate and the IRS Oversight Board are examples of this issue. While we may disagree on whether specific provisions that fall under the Finance Committee's jurisdiction should be enacted, we are unified in our insistence that they be considered with input from the Finance Committee.

The Omnibus bill would also change the eligibility for, and payment of, Social Security benefits. As we are sure you know, policies regarding the eligibility for Social Security benefits fall solely under the jurisdiction of the Finance Committee.

We look forward to working with you to address these concerns.

Sincerely,



Max Baucus
Chairman



Chuck Grassley
Ranking Member