

President Bush Takes Unprecedented Steps To Advance Earmark Reform

On Tuesday January 29 2008, the President signed Executive Order 13457, "Protecting American Taxpayers from Government Spending on Wasteful Earmarks." This Executive Order (EO) makes clear that future earmarks included in report language will be ignored and builds on the President's pledge in his State of the Union address to veto FY 2009 spending bills that do not cut the cost and number of earmarks in half from FY 2008 levels.

The President's unprecedented action on earmarks will bring more transparency and accountability to the budget process – just as the American people expect and deserve.

- The President's goal is to reform the earmarking culture that leads to wasteful and excessive pork-barrel spending.
- Last year, the President asked Congress to voluntarily cut the number and dollar amount of earmarks in half, and he asked lawmakers to place earmarks in the actual text of the bill rather than in report language.
- Congress did not get the job done on either count. There are still too many earmarks and too little accountability.
- As a result of Executive Order 13457, earmarks will be subject to the light of day and an up or down vote by lawmakers. Congress' obligation to debate and strike wasteful projects should result in taxpayer dollars being spent more wisely.
- Throughout the Appropriations process, the Administration will work with lawmakers and other interested parties to advance earmark reform.

Specifically, the Executive Order:

- Directs every Federal Agency to ensure that laws passed by Congress in the future do not spend money on an earmarked project based on language in a Committee report or any other communication (e.g., phone-marking) from Members of Congress or other persons acting on their behalf.
 - Future non-statutory earmarks can only receive funding if the agency determines, pursuant to a merit-based decision process, that the project in question is the best possible expenditure of taxpayer dollars consistent with the law.
 - Members of Congress will have the opportunity, as they've always had, to advocate for projects they support. For these views to be considered as part of an Agency's merit-based, decision-making process, however, they must be submitted in writing and will be made public on the Internet within 30 days.
- Applies to earmarks in bills Congress will send to the President this year and in bills Congress will send Presidents in future years. This prospective policy will remain in effect unless the Executive Order is repealed by a future President. To put this status in context, over 80 percent of EOs from 1993-2000 remain in place today.
- Defines an earmark as any funds provided by Congress for projects, programs, or grants where the congressional direction (whether in statutory text, report language, or other communication) (1) circumvents merit-based or competitive allocation processes; (2)

specifies the location or recipient of the funds; or (3) otherwise limits the ability of the Executive Branch to manage its statutory and constitutional responsibilities for the allocation of federal funds.