

**Congress of the United States**  
**Washington, DC 20515**

November 6, 2008

President George W. Bush  
The White House  
Washington, D.C. 20500

Dear Mr. President,

We write to suggest a course of action that could cement fiscal discipline and earmark reform as a part of your Presidential legacy. We respectfully request that you issue an executive order that would, in addition to your January 2008 executive order regarding earmarks, seek to reduce or eliminate wasteful pork barrel spending.

The executive order regarding earmarks that you issued in the beginning of this year was a bold, if symbolic, step toward reigning in spending on congressionally directed pet projects. Congressional appropriators have consistently sought to render it meaningless, however, by employing legislative chicanery. Despite that executive order, in passing the Fiscal Year 2009 continuing resolution, the House of Representatives has taken a step backward when it comes to earmark reform. The year-end “minibus” spending bill that was recently passed contained more than 2,000 airdropped defense earmarks worth more than \$4.8 billion. These are earmarks that had never been reported by the House Committee on Appropriations, never been seen by the members of the House, and been shielded from amendment on the floor. Buried within these thousands of pork projects are federal dollars earmarked for various museums, foreign language programs, nutrition and health programs, and alternative energy initiatives.

Wasteful spending such as this would be worrisome enough given the difficult fiscal times taxpayers are confronting, but it is all the more troubling when you consider that these are earmarks in defense spending. The *Seattle Times* recently completed research on last year’s defense bill that highlights the opaque and circular nature of our broken earmark process – whereby campaign contributions are given to members of Congress and members secure earmarks benefiting their contributors, who in turn are able to give members more contributions.<sup>1</sup> This story is unfortunately just one among a barrage of stories detailing the impact of waste, fraud, and abuse with respect to defense spending and earmarks.

At the end of last year, for example, the *Washington Post* reported that the National Defense Center for Environmental Excellence received more than \$670 million worth of federal contracts and earmarks since 1991 and found “that little of the center’s work has been widely used or deployed by the Department of Defense.”<sup>2</sup> A recent article in the *New York Times* detailed how a Pentagon insider, who eventually plead guilty to corruption charges, was able to use the usual “pattern of larding up the defense budget with pet projects pushed by lawmakers and lobbyists” to bypass his supervisor and receive financial kickbacks. According to the *Times*, he and an associate “extracted nearly \$350 million for projects the Pentagon did not want, wasting taxpayer money on what would become dead-end ventures.” Most troubling, however, is a story featured

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<sup>1</sup> David Heath & Christine Willmsen, “Despite Reforms, Congress Hides \$3.5B in Defense Earmarks,” *The Seattle Times*, 13 October 2008.


<sup>2</sup> Robert O’Harrow, Jr., “Murtha-backed Center of Little Use to Pentagon,” *The Washington Post*, 30 December 2007.


earlier this month in *Government Executive*, which highlights corruption that has been associated with classified pork projects and the ineffectiveness of an earmark aimed at preventing casualties caused by improvised explosive devices. An Air Force Reserve Major ordered by the Pentagon to investigate the issue even went so far as to say: "the abuse of earmarks has cost us lives on the battlefield."<sup>3</sup>

Given the lack of transparency associated with the passage of defense earmarks this year, it is unlikely that we will stop seeing stories like these any times soon. For this reason, we urge you to issue an executive order that would further restrict agencies in funding pork projects. For example, an executive order could require agencies to reject earmarks – required by law, incorporated into legislative language by reference, or otherwise – that are so vague as to be impossible to implement based solely on the often one-line description provided in report language. A forthcoming executive order could also strip or limit the discretion provided to agencies to fund earmarks not required by law. Alternatively, agencies could be permitted to only fund earmarks that they are not legally required to fund after consultation with the Office of Management and Budget regarding the soundness of each earmark recipient, relevant funding history, project details and the likelihood of success, as well as the overall fiscal impact of each project. Additionally, an executive order could direct agencies to provide much-needed transparency to their handling of earmark projects. For instance, it could require an annual or biannual public certification for each and every earmark with respect to who is actually receiving federal dollars (i.e., contractors, subcontractors, etc.), how the funds are being used, the progress of the project, the adherence of the spending to the original project description, and the utility of the project or spending in reference to specific agency missions or directives.

Mr. President, your remaining days in office provide a unique opportunity to make more stringent the requirements for earmark spending by Administration agencies. We urge you to take advantage of it. As we are certain you are aware, any executive order issued during your term remains in effect after you leave office. Such a move is certain to bear fruit, regardless of who is at the helm of the next Administration. We welcome the opportunity to discuss this issue with you further, should that be helpful.

Sincerely,

  
JEFF FLAKE  
Member of Congress

  
TOM COBURN, M.D.  
Senator

<sup>3</sup> Robert Brodsky, "NEWS+ANALYSIS Earmark Offensive," *Government Executive*, 1 October 2008.