



Thomas A. Schatz
President

January 3, 2008

The Honorable Jim Nussle
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Nussle,

Citizens Against Government Waste (CAGW) was pleased to hear President Bush state in his December 29 radio address that he is disappointed that Congress sent him “a massive spending bill that includes about 9,800 earmarks.” He is correct when he said, “Earmarks are special interest items that are slipped into big spending bills ... often at the last hour, without discussion or debate.” Furthermore, we were heartened to hear that the Administration is “reviewing options to address wasteful earmark spending.”

The best option to address the wasteful spending is for the President to issue an Executive Order instructing federal agencies to ignore the more than 9,000-plus earmarks found in the fiscal 2008 Omnibus Appropriations Act and 2,000-plus earmarks found in the Defense Appropriations Act.

As you know, Sen. Jim DeMint (R-S.C.) asked the Congressional Research Service (CRS) for a legal analysis of the President’s authority to issue an Executive Order that would instruct federal agency officials to ignore congressional earmarks contained in committee report language and whether earmarks contained only in committee report language are legally binding on federal agencies. In its reply to Sen. DeMint (enclosed), the CRS stated that based on their review of the “relevant constitutional provisions, statutes, and applicable case law it appears that the President possesses the necessary legal and constitutional authority to issue such an executive order,” and that “the language of committee reports do not meet the procedural requirements of Article I of the Constitution – specifically, bicameralism and presentment – they are not laws and, therefore, are not legally binding on executive agencies.”

Again echoing the President’s call to Congress to “restrain spending, keep taxes low, and continue on a path towards a balanced budget” and ensure the money taxpayers “send to Washington is spent wisely – or not at all,” I urge President Bush and your office to issue an Executive Order directing federal agencies to ignore earmarks. Such an action would be controversial and no doubt many members of Congress would be upset that their pork-barrel spending would be halted. However, stopping earmark spending would go a long way in

1301 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202-467-5300

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restoring fiscal order to Washington. Instead of wasting precious time and tax dollars to provide funds to construct a gas station in Wilberforce, Ohio; build an organized crime museum in Las Vegas, Nevada; and support the First Tee golf program, such an Executive Order would help Congress to focus on more important federal issues, such as saving Medicare from bankruptcy.

Sincerely,

A handwritten signature in black ink that reads "Thomas Schatz". The signature is written in a cursive style with a large, prominent 'T' and 'S'.

Enclosure