

February 23, 2009

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

On behalf of the millions of members of our respective organizations, we are writing to thank you for your pledge to slash “earmarks to no greater than 1994 levels and ensure all spending decisions are open to the public,” and your vow to “ban all earmarks, the process by which individual members insert pet projects without review” in H.R. 1, the American Recovery and Reinvestment Act of 2009.

Now that H.R. 1 has been signed into law, our groups believe more than ever that Executive Order No. 13457, “Protecting American Taxpayers from Government Spending on Wasteful Earmarks,” must be strictly enforced. Because the stimulus package is more than 1,000 pages in length and the programs will cost taxpayers approximately \$578 billion in discretionary and direct spending, we are concerned that members of Congress and lobbyists will be seeking earmarks through surreptitious contacts with federal agencies. The “Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009,” issued by the Office of Management and Budget on February 18, includes detailed reporting and grant-making procedures, but does not address potential earmarks.

E.O. No. 13457 was issued by President George W. Bush in order to reduce out-of-control earmarking. It states that for any “appropriations laws and other legislation enacted after the date of this order [February 1, 2008], executive agencies should not commit, obligate, or expend funds on the basis of earmarks included in any non-statutory source, including requests in reports of committees of the Congress or other congressional documents, or communications from or on behalf of Members of Congress, or any other non-statutory source, except when required by law or when an agency has itself determined a project, program, activity, grant, or other transaction to have merit under statutory criteria or other merit-based decision making.”

We are particularly concerned about any future “phone marking” with respect to H.R. 1. This is why President Bush wisely included the term “communications from or on behalf of Members of Congress, or any other non-statutory source” in the E.O.

In order to provide assurances to taxpayers that there will not be any opportunity for members of Congress or special interests to obtain earmarks from the money being obligated through federal agencies under H.R. 1, we urge you to publicly express your support for E.O. No. 13457 and to reinforce to all agencies that they should follow the directive. Please be assured that our organizations stand ready to assist you in upholding your pledge to reduce earmarks.

Sincerely,

Larry Hart, Director of Government Affairs
American Conservative Union

Tim Phillips, President
Americans for Prosperity

Grover Norquist, President
Americans for Tax Reform

Sandra Fabry, Executive Director
Center for Fiscal Accountability

Thomas Schatz, President
Citizens Against Government Waste

Pat Toomey, President
Club for Growth

Matt Kibbe, President and CEO
FreedomWorks

Duane Parde, President
National Taxpayers Union

Danielle Brian, Executive Director
Project On Government Oversight

Ryan Alexander, President
Taxpayers for Common Sense