

United States Senate

WASHINGTON, DC 20510

March 8, 2006

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing today to ask for your assistance in helping stop the abuse of the appropriations process. You were precisely on point in the State of the Union when you outlined the necessity for earmark reform. Earmarks have gotten out of control and the federal budget has too many special interest projects. You can help fix the problem.

Congress is considering several measures to reduce earmarks, but those proposals will only have an impact with your help. Specifically, your help is needed to address those earmarks that were included as report language in last year's spending bills. Line-item earmarks found in report language do not carry the force of law and can be essentially vetoed by your Administration.

The Congressional Research Service (CRS) succinctly summarized the legal status of Congressional earmarks when they stated, "Most of these earmarks, however, are included in the Senate and House Appropriations Committees' reports explaining a measure as reported. These earmarks are also frequently included in the managers' joint explanatory statement (or managers' statement) that accompanies the conference report. Committee reports and managers' statements do not have statutory force; departments and agencies are not legally bound by their declarations."

As you know, the executive branch has the authority to exercise discretion in funding these projects. The agency can either fund the projects as prescribed in the committee reports or subject them to an open and competitive review. CRS recently found that over 95 percent of the earmarks in the Fiscal Year 2006 budget were not written into law. If your Administration would reject even some of the most wasteful earmarks, it would ensure that scarce federal funds are spent on national priorities and it would make it substantially more difficult for Congress to load up annual spending bills with earmarks.

Unfortunately, too many of your agency heads believe they will face retaliation from Congress if they competitively award projects and do not follow committee report instructions. If these agencies are going to have the wherewithal to stand up and do what is right for taxpayers, and their core missions, the agencies need to know they speak for the President.

We hope you will help fix this problem. We urge you to use the virtual line-item veto authority that you already have by instructing your cabinet to ignore wasteful earmarks and direct this funding toward their core missions. The limited funds made available to their agencies should be managed in the best interest of the country, not special interests.

Sincerely,



Jim DeMint
United States Senate



Evan Bayh
United States Senate



Tom Coburn
United States Senate



John McCain
United States Senate



Russ Feingold
United States Senator