

**Executive Order 13457—Protecting American Taxpayers From Government Spending on Wasteful Earmarks**

January 29, 2008

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the Federal Government to be judicious in the expenditure of taxpayer dollars. To ensure the proper use of taxpayer funds that are appropriated for Government programs and purposes, it is necessary that the number and cost of earmarks be reduced, that their origin and purposes be transparent, and that they be included in the text of the bills voted upon by the Congress and presented to the President. For appropriations laws and other legislation enacted after the date of this order, 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 decisionmaking.

**Sec. 2. Duties of Agency Heads.** (a) With respect to all appropriations laws and other legislation enacted after the date of this order, the head of each agency shall take all necessary steps to ensure that:

- (i) agency decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof;

- (ii) agency decisions to commit, obligate, or expend funds for any earmark are based on authorized, transparent, statutory criteria and merit-based decision making, in the manner set forth in section II of OMB Memorandum M-07-10, dated February 15, 2007, to the extent consistent with applicable law; and
- (iii) no oral or written communications concerning earmarks shall supersede statutory criteria, competitive awards, or merit-based decisionmaking.

(b) An agency shall not consider the views of a House, committee, Member, officer, or staff of the Congress with respect to commitments, obligations, or expenditures to carry out any earmark unless such views are in writing, to facilitate consideration in accordance with section 2(a)(ii) above. All written communications from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended on any earmark shall be made publicly available on the Internet by the receiving agency, not later than 30 days after receipt of such communication, unless otherwise specifically directed by the head of the agency, without delegation, after consultation with the Director of the Office of Management and Budget, to preserve appropriate confidentiality between the executive and legislative branches.

(c) Heads of agencies shall otherwise implement within their respective agencies the policy set forth in section 1 of this order, consistent with such instructions as the Director of the Office of Management and Budget may prescribe.

(d) The head of each agency shall upon request provide to the Director of the Office of Management and Budget information about earmarks and compliance with this order.

**Sec. 3. Definitions.** For purposes of this order:

(a) The term “agency” means an executive agency as defined in section 105 of title 5, United States Code, and the United States Postal Service and the Postal Regulatory Commission, but shall exclude the Government Accountability Office; and

(b) the term “earmark” means funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.

**Sec. 4. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to an agency or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

#### **George W. Bush**

The White House,  
January 29, 2008.

[Filed with the Office of the Federal Register,  
9:02 a.m., January 31, 2008]

NOTE: This Executive order was published in the *Federal Register* on February 1.

#### **Remarks Prior to a Meeting With the Joint Chiefs of Staff and Combatant Commanders**

*January 29, 2008*

Mr. Secretary, thank you very much. Mr. Chairman, we’re glad you’re here. The Vice President and I welcome you all. One of the highlights of my year is to meet with combatant commanders and the Joint Chiefs. We’ll have a visit here in the Cabinet Room, talking

about the war on terror and the ideological struggle that we’re engaged in. We’ll talk about our common desire to protect America and how best to do so. And then we’re going to have dinner with your spouses, and Laura and I are really looking forward to having you upstairs.

I love our military, and the reason I do is because the character of those who wear our uniform, whether they be the general or the private, is remarkable. We’re a nation that has produced people who are willing to volunteer in the face of danger—thank goodness. And as a result, we are a nation in the lead in helping defend this world against extremists who murder the innocent to achieve an ideological objective.

And our military is compassionate as well. I’m looking forward to the stories from our commanders who will share with us the great compassion of our soldiers, whether it’s to provide relief from a disaster or to help some child recognize the beauty of going to school.

And so I want to thank you for coming and thank you for serving, and I’m looking forward to hearing from you. Thank you.

NOTE: The President spoke at 5:11 p.m. in the Cabinet Room at the White House.

#### **Statement on the Death of Margaret Truman Daniel**

*January 29, 2008*

Laura and I are saddened by the death of Margaret Truman Daniel. The only child of our 33d President, she supported her father as he confronted the difficult challenges of his Presidency, witnessing firsthand the leadership of Harry Truman in both war and peace. An accomplished author and singer, her life was one of tremendous personal achievement. Our thoughts and prayers are with Margaret Truman Daniel’s sons and the rest of the Truman family.