

[DISCUSSION DRAFT]

110TH CONGRESS
1ST SESSION

H. CON. RES. _____

To establish the Joint Select Committee on Earmark Reform, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KINGSTON (for himself and [see ATTACHED LIST of cosponsors]) submitted the following resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

To establish the Joint Select Committee on Earmark Reform, and for other purposes.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SEC. 1. JOINT SELECT COMMITTEE ON EARMARK REFORM.**

4 (a) ESTABLISHMENT AND COMPOSITION.—There is
5 hereby established a Joint Select Committee on Earmark
6 Reform. The joint select committee shall be composed of
7 16 members as follows:

8 (1) 8 Members of the House of Representatives,
9 4 appointed from the majority party by the Speaker

1 of the House, and 4 from the minority party to be
2 appointed by the Minority Leader; and

3 (2) 8 Members of the Senate, 4 appointed from
4 the majority party by the Majority Leader of the
5 Senate, and 4 from the minority party to be ap-
6 pointed by the Minority Leader.

7 A vacancy in the joint select committee shall not affect
8 the power of the remaining members to execute the func-
9 tions of the joint select committee, and shall be filled in
10 the same manner as the original selection.

11 (b) STUDY AND REPORT.—

12 (1) STUDY.—The joint select committee shall
13 make a full study of the practices of the House, Sen-
14 ate, and Executive Branch regarding earmarks in
15 authorizing, appropriation, tax, and tariff measures.
16 As part of the study, the joint select committee shall
17 consider the efficacy of—

18 (A) the disclosure requirements of clause 9
19 of rule XXI and clause 17 of rule XXIII of the
20 Rules of the House of Representatives, House
21 Resolution 491, and rule XLIV of the Standing
22 Rules of the Senate, and the definitions con-
23 tained therein;

24 (B) requiring full transparency in the proc-
25 ess, with earmarks listed in bills at the outset

1 of the legislative process and continuing
2 throughout consideration;

3 (C) requiring that earmarks not be placed
4 in any bill after initial committee consideration;

5 (D) requiring that Members be permitted
6 to offer amendments to remove earmarks at
7 subcommittee, full committee, floor consider-
8 ation, and during conference committee meet-
9 ings;

10 (E) requiring that bill sponsors and major-
11 ity and minority managers certify the validity of
12 earmarks contained in their bills;

13 (F) recommending changes to earmark re-
14 quests made by the Executive Branch through
15 the annual budget submitted to Congress pur-
16 suant to section 1105 of title 31, United States
17 Code;

18 (G) requiring that House and Senate
19 amendments meet earmark disclosure require-
20 ments, including amendments adopted pursuant
21 to a special order of business;

22 (H) establishing new categories for ear-
23 marks, including—

24 (i) projects with National scope;

25 (ii) military projects; and

1 (iii) local or provincial projects, in-
2 cluding the level of matching funds re-
3 quired for such project.

4 (2) REPORT.—

5 (A) The joint select committee shall submit
6 to the House and the Senate a report of its
7 findings and recommendations not later than 6
8 months after adoption of this concurrent resolu-
9 tion.

10 (B) No recommendation shall be made by
11 the joint select committee except upon the ma-
12 jority vote of the members from each House, re-
13 spectively.

14 (C) Notwithstanding any other provision of
15 this resolution, any recommendation with re-
16 spect to the rules and procedures of one House
17 that only affects matters related solely to that
18 House may only be made and voted on by mem-
19 bers of the joint select committee from that
20 House and, upon its adoption by a majority of
21 such members, shall be considered to have been
22 adopted by the full committee as a rec-
23 ommendation of the joint select committee.

1 In conducting the study under paragraph (1), the joint
2 select committee shall hold not fewer than 5 public hear-
3 ings.

4 (c) RESOURCES AND DISSOLUTION.—

5 (1) The joint select committee may utilize the
6 resources of the House and Senate.

7 (2) The joint select committee shall cease to
8 exist 30 days after the submission of the report de-
9 scribed in subsection (a)(2).

10 (d) DEFINITION.—For purposes of this section, the
11 term “earmark” shall include congressional earmarks,
12 congressionally directed spending items, limited tax bene-
13 fits, or limited tariff benefits as those terms are used in
14 clause 9 of rule XXI of the Rules of the House of Rep-
15 resentatives and rule XLIV of the Standing Rules of the
16 Senate. Nothing in this subsection shall confine the study
17 of the joint select committee or otherwise limit its rec-
18 ommendations.

19 **SEC. 2. MORATORIUM ON CONSIDERATION OF EARMARKS.**

20 (a) IN THE HOUSE.—It shall not be in order to con-
21 sider a bill, joint resolution, or conference report con-
22 taining a congressional earmark, limited tax benefit, or
23 limited tariff benefit (as such terms are used in clause
24 9 of rule XXI of the Rules of the House of Representa-

1 tives) until the filing of the report required under section

2 1.

3 (b) IN THE SENATE.—**[To be supplied.]**