

110TH CONGRESS  
1ST SESSION

# H. CON. RES. 263

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. KINGSTON (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. CAPITO, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CRENSHAW, Mr. CONAWAY, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DENT, Mr. DOOLITTLE, Mrs. DRAKE, Mr. EHLERS, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. GILCHREST, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GOHMERT, Ms. GRANGER, Mr. HASTERT, Mr. HENSARLING, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. JONES of North Carolina, Mr. KING of New York, Mr. KING of Iowa, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAHOOD, Mr. LAMBORN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. PORTER, Mr. PRICE of Georgia, Mr. REHBERG, Mr. RENZI, Mr. ROHRABACHER, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. WALBERG, Mr. WESTMORELAND, Mr. WAMP, Mr. WELDON of Florida, and Mr. WOLF) submitted the following concurrent resolution; which was referred to the Committee on Rules

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## 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       **SECTION 1. JOINT SELECT COMMITTEE ON EARMARK RE-**  
 4               **FORM.**

5       (a) ESTABLISHMENT AND COMPOSITION.—There is  
 6 hereby established a Joint Select Committee on Earmark  
 7 Reform. The joint select committee shall be composed of  
 8 16 members as follows:

9               (1) 8 Members of the House of Representatives,  
 10       4 appointed from the majority party by the Speaker  
 11       of the House, and 4 from the minority party to be  
 12       appointed by the minority leader; and

13               (2) 8 Members of the Senate, 4 appointed from  
 14       the majority party by the majority leader of the Sen-  
 15       ate, and 4 from the minority party to be appointed  
 16       by the minority leader.

17 A vacancy in the joint select committee shall not affect  
 18 the power of the remaining members to execute the func-  
 19 tions of the joint select committee, and shall be filled in  
 20 the same manner as the original selection.

21       (b) STUDY AND REPORT.—

22               (1) STUDY.—The joint select committee shall  
 23       make a full study of the practices of the House, Sen-  
 24       ate, and Executive Branch regarding earmarks in  
 25       authorizing, appropriation, tax, and tariff measures.

1 As part of the study, the joint select committee shall  
2 consider the efficacy of—

3 (A) the disclosure requirements of clause 9  
4 of rule XXI and clause 17 of rule XXIII of the  
5 Rules of the House of Representatives, House  
6 Resolution 491, and rule XLIV of the Standing  
7 Rules of the Senate, and the definitions con-  
8 tained therein;

9 (B) requiring full transparency in the proc-  
10 ess, with earmarks listed in bills at the outset  
11 of the legislative process and continuing  
12 throughout consideration;

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

15 (D) requiring that Members be permitted  
16 to offer amendments to remove earmarks at  
17 subcommittee, full committee, floor consider-  
18 ation, and during conference committee meet-  
19 ings;

20 (E) requiring that bill sponsors and major-  
21 ity and minority managers certify the validity of  
22 earmarks contained in their bills;

23 (F) recommending changes to earmark re-  
24 quests made by the Executive Branch through  
25 the annual budget submitted to Congress pur-

1           suant to section 1105 of title 31, United States  
2           Code;

3           (G) requiring that House and Senate  
4           amendments meet earmark disclosure require-  
5           ments, including amendments adopted pursuant  
6           to a special order of business;

7           (H) establishing new categories for ear-  
8           marks, including—

9                   (i) projects with National scope;

10                   (ii) military projects; and

11                   (iii) local or provincial projects, in-  
12           cluding the level of matching funds re-  
13           quired for such project.

14       (2) REPORT.—

15           (A) The joint select committee shall submit  
16           to the House and the Senate a report of its  
17           findings and recommendations not later than 6  
18           months after adoption of this concurrent resolu-  
19           tion.

20           (B) No recommendation shall be made by  
21           the joint select committee except upon the ma-  
22           jority vote of the members from each House, re-  
23           spectively.

24           (C) Notwithstanding any other provision of  
25           this resolution, any recommendation with re-

1           spect to the rules and procedures of one House  
2           that only affects matters related solely to that  
3           House may only be made and voted on by mem-  
4           bers of the joint select committee from that  
5           House and, upon its adoption by a majority of  
6           such members, shall be considered to have been  
7           adopted by the full committee as a rec-  
8           ommendation of the joint select committee.

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

12       (c) RESOURCES AND DISSOLUTION.—

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

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

18       (d) DEFINITION.—For purposes of this section, the  
19       term “earmark” shall include congressional earmarks,  
20       congressionally directed spending items, limited tax bene-  
21       fits, or limited tariff benefits as those terms are used in  
22       clause 9 of rule XXI of the Rules of the House of Rep-  
23       resentatives and rule XLIV of the Standing Rules of the  
24       Senate. Nothing in this subsection shall confine the study

1 of the joint select committee or otherwise limit its rec-  
2 ommendations.

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

4 (a) IN THE HOUSE.—It shall not be in order to con-  
5 sider a bill, joint resolution, or conference report con-  
6 taining a congressional earmark, limited tax benefit, or  
7 limited tariff benefit (as such terms are used in clause  
8 9 of rule XXI of the Rules of the House of Representa-  
9 tives) until the filing of the report required under section  
10 1.

11 (b) IN THE SENATE.—【To be supplied.】

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