

111TH CONGRESS
1ST SESSION

H. CON. RES. 201

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Mr. TIAHRT (for himself, Mr. WAMP, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. CHAFFETZ, Mr. EHLERS, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. GRAVES, Mr. HELLER, Mr. HERGER, Mr. INGLIS, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LUCAS, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. ROE of Tennessee, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. TERRY, Mr. WESTMORELAND, and Mr. WOLF) submitted the following concurrent resolution; which was referred to the Committee on Rules

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

1 Reform (hereinafter referred to as the “joint select com-
 2 mittee”). The joint select committee shall be composed of
 3 16 members as follows:

4 (1) Eight Members of the House of Representatives,
 5 4 appointed from the majority party by the Speaker of
 6 the House, and 4 from the minority party by the Speaker
 7 upon the recommendation of the minority leader.

8 (2) Eight Members of the Senate, 4 appointed from
 9 the majority party by the majority leader of the Senate,
 10 and 4 from the minority party to be appointed by the mi-
 11 nority leader.

12 A vacancy in the joint select committee shall not affect
 13 the power of the remaining members to execute the func-
 14 tions of the joint select committee, and shall be filled in
 15 the same manner as the original selection.

16 (b) STUDY AND REPORT.—

17 (1) STUDY.—The joint select committee shall make
 18 a full study of the practices of the House, Senate, and
 19 Executive Branch regarding earmarks in authorizing, ap-
 20 propriation, tax, and tariff measures. As part of the study,
 21 the joint select committee shall consider the efficacy of—

22 (A) the disclosure requirements of clause 9 of rule
 23 XXI and clause 17 of rule XXIII of the Rules of the
 24 House of Representatives and rule XLIV of the Standing
 25 Rules of the Senate, and the definitions contained therein;

1 (B) requiring full transparency in the process, with
2 earmarks listed in bills at the outset of the legislative proc-
3 ess and continuing throughout consideration;

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

6 (D) requiring that Members be permitted to offer
7 amendments to remove earmarks at subcommittee, full
8 committee, floor consideration, and during conference
9 committee meetings;

10 (E) requiring that bill sponsors and majority and mi-
11 nority managers certify the validity of earmarks contained
12 in their bills;

13 (F) recommending changes to earmark requests
14 made by the Executive Branch through the annual budget
15 submitted to Congress pursuant to section 1105 of title
16 31, United States Code;

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

20 (H) establishing new categories for earmarks, includ-
21 ing—

22 (i) projects with National scope;

23 (ii) military projects; and

24 (iii) local or provincial projects, including the
25 level of matching funds required for such project.

1 (2) REPORT.—

2 (A) The joint select committee shall submit to the
3 House and the Senate a report of its findings and rec-
4 ommendations not later than 6 months after adoption of
5 this concurrent resolution.

6 (B) No recommendation shall be made by the joint
7 select committee except upon the majority vote of the
8 members from each House, respectively.

9 (C) Notwithstanding any other provision of this reso-
10 lution, any recommendation with respect to the rules and
11 procedures of one House that only affects matters related
12 solely to that House may only be made and voted on by
13 members of the joint select committee from that House
14 and, upon its adoption by a majority of such members,
15 shall be considered to have been adopted by the full com-
16 mittee as a recommendation of the joint select committee.
17 In conducting the study under paragraph (1), the joint
18 select committee shall hold not fewer than 5 public hear-
19 ings.

20 (c) RESOURCES AND DISSOLUTION.—

21 (1) The joint select committee may utilize the re-
22 sources of the House and Senate.

23 (2) The joint select committee shall cease to exist 30
24 days after the submission of the report described in sub-
25 section (a)(2).

1 (d) DEFINITION.—For purposes of this section, the
 2 term “earmark” shall include congressional earmarks,
 3 congressionally directed spending items, limited tax bene-
 4 fits, or limited tariff benefits as those terms are used in
 5 clause 9 of rule XXI of the Rules of the House of Rep-
 6 resentatives and rule XLIV of the Standing Rules of the
 7 Senate. Nothing in this subsection shall confine the study
 8 of the joint select committee or otherwise limit its rec-
 9 ommendations.

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

11 (a) IN THE HOUSE.—It shall not be in order to con-
 12 sider a bill, joint resolution, or conference report con-
 13 taining a congressional earmark, limited tax benefit, or
 14 limited tariff benefit (as such terms are used in clause
 15 9 of rule XXI of the Rules of the House of Representa-
 16 tives) or an earmark attributable to the President until
 17 the filing of the report required under section 1.

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

