

112TH CONGRESS
1ST SESSION

S. RES. 23

To prohibit unauthorized earmarks.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. INHOFE (for himself and Mr. MCCAIN) submitted the following resolution;
which was referred to the Committee on Rules and Administration

RESOLUTION

To prohibit unauthorized earmarks.

1 *Resolved,*

2 **SECTION 1. PROHIBITION ON UNAUTHORIZED EARMARKS.**

3 (a) IN GENERAL.—It shall not be in order to consider
4 a bill, joint resolution, conference report, or amendment
5 that provides an earmark.

6 (b) SUPERMAJORITY.—

7 (1) WAIVER.—The provisions of subsection (a)
8 may be waived or suspended in the Senate only by
9 the affirmative vote of three-fourths of the Members,
10 duly chosen and sworn.

11 (2) APPEAL.—Appeals in the Senate from the
12 decisions of the Chair relating to any provision of

1 this section shall be limited to 1 hour, to be equally
2 divided between, and controlled by, the appellant
3 and the manager of the measure. An affirmative
4 vote of three-fourths of the Members of the Senate,
5 duly chosen and sworn, shall be required to sustain
6 an appeal of the ruling of the Chair on a point of
7 order raised under this section.

8 (c) EARMARK DEFINED.—In this resolution, the term
9 “earmark” means a provision or report language included
10 primarily at the request of a Senator or Member of the
11 House of Representatives providing or recommending a
12 specific amount of discretionary budget authority, credit
13 authority, or other spending authority for a contract, loan,
14 loan guarantee, grant, loan authority, or other expenditure
15 with or to an entity, or targeted to a specific State, local-
16 ity, or congressional district unless the provision or lan-
17 guage—

18 (1) is specifically authorized by an appropriate
19 congressional authorizing committee of jurisdiction;

20 (2) meets funding eligibility criteria established
21 by an appropriate congressional authorizing com-
22 mittee of jurisdiction by statute; or

23 (3) is awarded through a statutory or adminis-
24 trative formula-driven or competitive award process.

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