

## “RULE XLIV

## “EARMARKS

“1. It shall not be in order to consider—“(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

“(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

“(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

## “2. For the purpose of this rule—

“(a) the term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

“(b) the term ‘limited tax benefit’ means—“(1) any revenue provision that—

“(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

“(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

“(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

“(c) the term ‘limited tariff benefit’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

“3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

“4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

“(1) the name of the Member;

“(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

“(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

“(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

“(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

“(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee’s or subcommittee’s website not later than 48 hours after receipt on such information.

“5. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.”

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SENATE RESOLUTION 124—CONGRATULATING THE EUROPEAN UNION ON THE 50TH ANNIVERSARY OF THE SIGNING OF THE TREATY OF ROME CREATING THE EUROPEAN ECONOMIC COMMUNITY AMONG 6 EUROPEAN COUNTRIES AND LAYING THE FOUNDATIONS FOR PEACE, STABILITY, AND PROSPERITY IN EUROPE

Mr. BIDEN submitted the following resolution; which was considered and agreed to:

## S. RES. 124

Whereas after a half century of war and upheaval, and in the face of economic and political crises and the threat of communism, European visionaries began a process to bring the countries of Europe into closer economic and political cooperation to help secure peace and prosperity for the peoples of Europe;

Whereas, on March 25, 1957, 6 European countries—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed the Treaty of Rome, creating the European Economic Community;

Whereas the Treaty of Rome established a customs union between the signatory countries, but also did much more, creating a framework that has broadened and deepened over time into the European Union, promoting the free movement of people, services, and capital, and common policies among the countries in important areas, and that has helped secure the spread of peace and stability in Europe;

Whereas the European Economic Community expanded to bring more European countries into closer union, with the United Kingdom, Denmark, and Ireland joining in 1973, Greece joining in 1981, and Spain and Portugal joining in 1986;

Whereas the member countries of the European Economic Community agreed to the Single European Act in 1987, paving the way for a single European market, and on February 7, 1992, the member countries of the European Community signed the Treaty of Maastricht, furthering the economic and political ties among the member countries and creating the European Union;

Whereas the European Union has continued to grow so that the European Union now comprises 27 countries with a population of over 450,000,000, after the successful unification of Germany in 1990 and the joining of Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, and the European Union continues to consider expanding to include other countries central to the history and future of Europe;

Whereas the European Union has developed a broad *acquis communautaire* covering policies in the economic, security, diplomatic, and political areas, has established a single market, has built an economic and monetary union, including the Euro currency, and has built an area of freedom, security, peace, and justice, extending stability to its neighbors;

Whereas the European Union played a key role at the end of the Cold War in helping to spread free markets, democratic institutions and values, and respect for human rights to the former central European communist states;

Whereas the United States and the European Union have shared a unique partnership based on a common heritage, shared values, and mutual interests, and have worked together to strengthen international cooperation and institutions, to create a more open international trading system, to ensure transatlantic and global security, to preserve and promote peace, freedom, and democracy, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union to promote prosperity, peace, and democracy; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the European Union and the member countries of the European Union on the 50th anniversary of the historic signing of the Treaty of Rome;

(2) commends the European Union for the critical role it and its predecessor organizations have played in spreading peace, stability, and prosperity throughout Europe; and

(3) affirms the desire of the United States to strengthen the transatlantic partnership with the European Union and with all of its member countries.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 641. Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 642. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 643. Mr. COCHRAN (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. CRAIG, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI) proposed an amendment to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra.

SA 644. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 645. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 646. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 647. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 641.** Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

## TITLE I

GLOBAL WAR ON TERROR  
SUPPLEMENTAL APPROPRIATIONS

## CHAPTER 1

DEPARTMENT OF AGRICULTURE  
FOREIGN AGRICULTURAL SERVICE  
PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$475,000,000, to remain available until expended.

## GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated \$82,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

## CHAPTER 2

## DEPARTMENT OF JUSTICE

## GENERAL ADMINISTRATION

## OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$500,000, to remain available until September 30, 2008.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$4,093,000, to remain available until September 30, 2008.

## SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$5,000,000, to remain available until September 30, 2008.

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", \$25,000,000, to remain available until September 30, 2008.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,736,000, to remain available until September 30, 2008.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$348,260,000, of which \$338,260,000 is to remain available until September 30, 2008 and \$10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters".

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$25,100,000, to remain available until September 30, 2008.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$4,000,000, to remain available until September 30, 2008.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$17,000,000, to remain available until September 30, 2008.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—MILITARY

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$8,870,270,000.

## MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,100,410,000.

## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,495,827,000.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,218,587,000.

## RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$147,244,000.

## RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$77,523,000.

## RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$9,073,000.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$474,978,000.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$41,533,000.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$20,373,379,000.

## OPERATION AND MAINTENANCE, NAVY

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$4,365,003,000, of which \$120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities in support of activities requested by the Navy.

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,101,594,000.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$6,685,881,000.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$2,790,669,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed \$200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

## OPERATION AND MAINTENANCE, ARMY

## RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$74,049,000.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$111,066,000.

## OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$13,591,000.

## OPERATION AND MAINTENANCE, AIR FORCE

## RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$10,160,000.