

109TH CONGRESS
2^D SESSION

H. RES. 1001

Providing for earmarking reform in the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2006

Mr. LEWIS of California submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Providing for earmarking reform in the House of Representatives.

1 *Resolved,*

2 **SECTION 1. EARMARKING REFORM IN THE HOUSE OF REP-**
3 **RESENTATIVES.**

4 (a)(1) It shall not be in order to consider a bill,
5 amendment, or conference report unless such measure is
6 in compliance with the applicable provisions of this sub-
7 section.

8 (2) The report of a committee on a bill shall include
9 a list of earmarks in the bill or in the report (and the
10 names of Members who submitted requests to the com-
11 mittee for earmarks included in such list).

1 (3) The sponsor of an amendment shall submit for
2 publication in the Congressional Record a list of any ear-
3 marks included in such amendment (and the name of
4 Members who requested such earmarks) two legislative
5 days before consideration of the amendment. The sponsor
6 shall make such list available to any Member immediately
7 upon request.

8 (4) A joint explanatory statement prepared by the
9 managers on the part of the House and the managers on
10 the part of the Senate shall include a list of earmarks in
11 the conference report or joint statement (and the names
12 of Members who submitted requests to the committee for
13 earmarks included in such list) that were not committed
14 to the conference committee by either House, not in a re-
15 port or not published as specified in this subsection, and
16 not in a report of a committee of the Senate on a com-
17 panion measure.

18 (b)(1) It shall not be in order to consider a rule or
19 order that waives the application of subsection (a)(4).

20 (2) Where the Committee on Rules reports a resolu-
21 tion making in order a bill for initial House consideration
22 and the resolution provides for the consideration, adop-
23 tion, or passage of text not otherwise subject to the provi-
24 sions of subsection (a), the Committee on Rules shall in-

1 clude a list of earmarks in such measure (and the names
2 of Members who requested such earmark).

3 (c)(1) In order to be cognizable by the Chair, a point
4 of order raised under subsection (a)(2) or (a)(3) may be
5 based only on the failure to include a list required by such
6 subsections.

7 (2) As disposition of a point of order under sub-
8 section (a), the Chair shall put the question of consider-
9 ation with respect to the proposition that is the subject
10 of the point of order.

11 (3) As disposition of a point of order under sub-
12 section (b)(1), the Chair shall put the question of consider-
13 ation as follows: “Shall the House now consider the resolu-
14 tion notwithstanding the assertion of [the maker of the
15 point of order] that the object of the resolution introduces
16 a new earmark or new earmarks?”.

17 (4) The question of consideration under this sub-
18 section shall be debatable for 15 minutes by the Member
19 initiating the point of order and for 15 minutes by an op-
20 ponent, but shall otherwise be decided without intervening
21 motion except one that the House adjourn.

22 **SEC. 2. DEFINITIONS.**

23 (a) For the purpose of this resolution, the term “ear-
24 mark” means a provision in a bill, amendment, or con-

1 ference report, or language in an accompanying committee
2 report or joint statement of managers—

3 (1) with respect to a general appropriation bill,
4 an amendment thereto, or conference report thereon,
5 providing or recommending a specific amount of
6 budget authority for a contract, loan, loan guar-
7 antee, grant, or other expenditure with or to a non-
8 Federal entity, if—

9 (A) such entity is specifically identified in
10 the report or bill; or

11 (B) if the discretionary budget authority is
12 allocated outside of the statutory or administra-
13 tive formula-driven or competitive bidding proc-
14 ess and is targeted or directed to an identifiable
15 entity, specific State, or Congressional district;

16 (2) with respect to a measure other than a
17 measure specified in paragraph (1), an amendment
18 thereto, or conference report thereon, providing au-
19 thority, including budget authority, or recom-
20 mending the exercise of authority, including budget
21 authority, for a contract, loan, loan guarantee,
22 grant, loan authority, or other expenditure, with or
23 to a non-Federal entity, if—

24 (A) such entity is specifically identified in
25 the report or bill; or

1 (B) if the authorization for, or provision
2 of, budget authority, contract authority, loan
3 authority or other expenditure is allocated out-
4 side of the statutory or administrative formula-
5 driven or competitive bidding process and is
6 targeted or directed to an identifiable entity,
7 specific State, or Congressional district; or

8 (C) if such authorization for, or provision
9 of, budget authority, contract authority, loan
10 authority, or other expenditure preempts statu-
11 tory or administrative State allocation author-
12 ity;

13 (3) if the provision provides for a targeted tax
14 benefit; or

15 (4) if the provision provides for tariff relief.

16 (b)(1) For the purpose of this resolution, the term
17 “targeted tax benefit” means—

18 (A) any revenue-losing provision that provides a
19 Federal tax deduction, credit, exclusion, or pref-
20 erence to 100 or fewer beneficiaries under the Inter-
21 nal Revenue Code of 1986 in any fiscal year for
22 which the provision is in effect; and

23 (B) any Federal tax provision that provides
24 temporary or permanent transitional relief for 10 or

1 fewer beneficiaries in any fiscal year from a change
2 to the Internal Revenue Code of 1986.

3 (2) A provision shall not be treated as described in
4 paragraph (1)(A) if the effect of that provision is that—

5 (A) all persons in the same industry or engaged
6 in the same type of activity receive the same treat-
7 ment;

8 (B) all persons owning the same type of prop-
9 erty, or issuing the same type of investment, receive
10 the same treatment; or

11 (C) any difference in the treatment of persons
12 is based solely on—

13 (i) in the case of businesses and associa-
14 tions, the size or form of the business or asso-
15 ciation involved;

16 (ii) in the case of individuals, general de-
17 mographic conditions, such as income, marital
18 status, number of dependents, or tax-return-fil-
19 ing status;

20 (iii) the amount involved; or

21 (iv) a generally-available election under the
22 Internal Revenue Code of 1986.

23 (3) A provision shall not be treated as described in
24 paragraph (1)(B) if—

1 (A) it provides for the retention of prior law
2 with respect to all binding contracts or other legally
3 enforceable obligations in existence on a date con-
4 temporaneous with congressional action specifying
5 such date; or

6 (B) it is a technical correction to previously en-
7 acted legislation that is estimated to have no revenue
8 effect.

9 (4) For the purpose of paragraph (1)—

10 (A) all businesses and associations that are
11 members of the same controlled group of corpora-
12 tions (as defined in section 1563(a) of the Internal
13 Revenue Code of 1986) shall be treated as a single
14 beneficiary;

15 (B) all qualified plans of an employer shall be
16 treated as a single beneficiary;

17 (C) all holders of the same bond issue shall be
18 treated as a single beneficiary; and

19 (D) if a corporation, partnership, association,
20 trust or estate is the beneficiary of a provision, the
21 shareholders of the corporation, the partners of the
22 partnership, the members of the association, or the
23 beneficiaries of the trust or estate shall not also be
24 treated as beneficiaries of such provision.

1 (5) For the purpose of paragraph (1), the term “rev-
2 enue-losing provision” means any provision that results in
3 a reduction in Federal tax revenues for any one of the
4 two following periods—

5 (A) the first fiscal year for which the provision
6 is effective; or

7 (B) the period of the 5 fiscal years beginning
8 with the first fiscal year for which the provision is
9 effective.

10 (6) The terms used in this paragraph shall have the
11 same meaning as those terms have generally in the Inter-
12 nal Revenue Code of 1986, unless otherwise expressly pro-
13 vided.

14 (c) For purposes of this section, “tariff relief” means
15 any provision of law that has the effect of modifying the
16 Harmonized Tariff Schedule of the United States in a
17 manner that is not specifically provided for in any free
18 trade agreement and is not within the scope of what is
19 necessary to implement such an agreement.

20 (d) For the purpose of this section—

21 (1) government-sponsored enterprises, Federal
22 facilities, and Federal lands shall be considered Fed-
23 eral entities;

24 (2) to the extent that the non-Federal entity is
25 a State, unit of local government, territory, an In-

1 dian tribe, a foreign government or an intergovern-
2 mental international organization, the provision or
3 language shall not be considered an earmark unless
4 the provision or language also specifies the specific
5 purpose for which the designated budget authority is
6 to be expended;

7 (3) the term “budget authority” shall have the
8 same meaning as such term is defined in section 3
9 of the Congressional Budget Act of 1974 (2 U.S.C.
10 622); and

11 (4) an obligation limitation shall be treated as
12 though it is budget authority.

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