

111TH CONGRESS
1ST SESSION

H. R. 3233

To amend the Congressional Budget and Impoundment Control Act of 1974 to limit the annual cost of appropriation earmarks and to make them more predictable, equitable, and transparent.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2009

Mrs. LUMMIS (for herself and Mrs. KIRKPATRICK of Arizona) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to limit the annual cost of appropriation earmarks and to make them more predictable, equitable, and transparent.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Predictable, Equitable,
5 and Transparent (PET) Project Act of 2009”.

1 **SEC. 2. PREDICTABLE AND EQUITABLE EARMARKING.**

2 (a) ALLOCATION.—Section 302(a) of the Congres-
3 sional Budget Act of 1974 (2 U.S.C. 633(a)) is amended
4 by adding at the end the following new paragraph:

5 “(6) FURTHER DIVISION OF AMOUNTS FOR AP-
6 PROPRIATION EARMARKS.—

7 “(A) IN THE SENATE.—In the Senate, of
8 the amount allocated to the Committee on Ap-
9 propriations for the first fiscal year of the reso-
10 lution, not more than one half of one percent
11 shall be allocated solely to appropriation ear-
12 marks. Within that appropriation earmark allo-
13 cation, each Senator shall be entitled to request
14 of the committee not more than $\frac{1}{100}$ th of that
15 amount. If a Senator makes no such request or
16 requests less than is permitted under this sub-
17 paragraph, then the unused amount shall be
18 used to reduce the deficit. If the committee de-
19 nies any request of a Senator such that his
20 total amount of appropriation earmarks is less
21 than his $\frac{1}{100}$ th share, then the chairman and
22 ranking minority member of the committee
23 shall provide the Senator written justification
24 for the denial of the request signed by both the
25 chairman and ranking minority member.

1 “(B) IN THE HOUSE.—In the House of
2 Representatives, of the amount allocated to the
3 Committee on Appropriations for the first fiscal
4 year of the resolution, not more than one half
5 of one percent shall be allocated solely to appro-
6 priation earmarks. Within that appropriation
7 earmark allocation, each Member, Delegate,
8 and Resident Commissioner shall be entitled to
9 request of the committee not more than $\frac{1}{441}$ of
10 that amount. If a Member, Delegate, or Resi-
11 dent Commissioner makes no such request or
12 requests less than is permitted under this sub-
13 paragraph, then the unused amount shall be
14 used to reduce the deficit. If the committee de-
15 nies any request of a Senator such that his
16 total amount of appropriation earmarks is less
17 than his $\frac{1}{441}$ share, then the chairman of the
18 committee shall provide the Member, Delegate,
19 or Resident Commissioner written justification
20 for the denial of the request signed by both the
21 chairman and ranking minority member.

22 “(C) POINT OF ORDER.—It shall not be in
23 order in the House of Representatives or the
24 Senate to consider any bill, joint resolution,
25 amendment, motion, or conference report pro-

1 viding new budget authority for appropriation
2 earmarks if—

3 “(i) the enactment of that bill or reso-
4 lution as reported;

5 “(ii) the adoption and enactment of
6 that amendment; or

7 “(iii) the enactment of that bill or reso-
8 lution in the form recommended in that
9 conference report;

10 would cause the level of total new budget au-
11 thority or total outlays for appropriation ear-
12 marks, as adjusted, set forth in the applicable
13 concurrent resolution on the budget for the first
14 fiscal year to be exceeded or would cause the in-
15 dividual allocation of any Member, Delegate,
16 Resident Commissioner, or Senator to be
17 breached for that fiscal year.”.

18 (b) DEFINITION.—Section 3 of the Congressional
19 Budget and Impoundment Control Act of 1974 is amend-
20 ed by adding at the end the following new paragraph:

21 “(11) The term ‘appropriation earmark’ has the
22 meaning given to the term ‘congressional earmark’
23 in clause 9 of rule XXI of the Rules of the House
24 of Representatives.”.

1 **SEC. 3. TRANSPARENT EARMARKING.**

2 (a) IN GENERAL.—Title III of the Congressional
3 Budget Act of 1974 is amended by adding at the end the
4 following new section:

5 “TRANSPARENT EARMARKING IN THE HOUSE OF
6 REPRESENTATIVES AND THE SENATE

7 “SEC. 316. (a)(1) In the House of Representatives,
8 a Member, Delegate, or Resident Commissioner who re-
9 quests an appropriation earmark shall, within 5 legislative
10 days after making such request—

11 “(A) include the amount requested, the project
12 name, and a project description of the matter that
13 is the subject of that appropriation earmark, and
14 submit such information to the Clerk for posting on
15 the website of the Clerk; and

16 “(B) insert in the Congressional Record a writ-
17 ten statement—

18 “(i) including the amount requested, the
19 project name, and a project description of the
20 matter that is the subject of that appropriation
21 earmark; and

22 “(ii) certifying that neither the Member,
23 Delegate, or Resident Commissioner nor any
24 family member (as defined in clause 15 of rule
25 XXIII of the Rules of the House of Representa-
26 tives) of that Member, Delegate, or Resident

1 Commissioner has any financial interest in the
2 appropriation earmark.

3 “(2) The website of the Clerk of the House of Rep-
4 resentatives shall include an up-to-date, comprehensive
5 and searchable database that is downloadable, sortable,
6 and comprised of all requests for appropriation earmarks
7 transmitted to the Clerk for the current fiscal year and
8 the budget year pursuant to subsection (a).

9 “(b)(1) In the Senate, a Senator who requests an ap-
10 propriation earmark shall, within 5 legislative days after
11 making such request—

12 “(A) include the amount requested, the project
13 name, and a project description of the matter that
14 is the subject of that appropriation earmark, and
15 submit such information to the Clerk for posting on
16 the website of the Clerk; and

17 “(B) insert in the Congressional Record a writ-
18 ten statement—

19 “(i) including the amount requested, the
20 project name, and a project description of the
21 matter that is the subject of that appropriation
22 earmark; and

23 “(ii) certifying that neither the Senator
24 nor any family member (as used in rule XXXV
25 of the Standing Rules of the Senate) of that

1 Senator has any financial interest in the appro-
2 priation earmark.

3 “(2) The website of the Clerk of the Senate shall in-
4 clude an up-to-date, comprehensive and searchable data-
5 base that is downloadable and sortable and comprised of
6 all requests for appropriation earmarks transmitted to the
7 Clerk for the current fiscal year and the budget year pur-
8 suant to subsection (a).”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents set forth in section 1(b) of the Congressional Budget
11 and Impoundment Control Act of 1974 is amended by in-
12 serting after the item relating to section 315 the following
13 new item:

 “Sec. 316. Transparent earmarking in the House of Representatives and the
 Senate.”.

14 **SEC. 4. HOUSE AND SENATE RULES AMENDMENTS RE-**
15 **SPECTING EARMARKS IN CONFERENCE RE-**
16 **PORTS.**

17 (a) IN THE HOUSE OF REPRESENTATIVES.—Para-
18 graph (b) of clause 9 of rule XXI of the Rules of the
19 House of Representatives is amended to read as follows:

20 “(b) It shall not be in order to consider a conference
21 report to accompany a regular general appropriation bill
22 if that bill or the accompanying joint explanatory state-
23 ment contains any congressional earmark that was not
24 committed to the conference committee by either House

1 nor in a report of a committee of either House on such
2 bill or on a companion measure.”.

3 (b) IN THE SENATE.—[Language to be inserted.]

4 **SEC. 5. RULEMAKING POWER.**

5 This Act is enacted by the Congress—

6 (1) as an exercise of the rulemaking power of
7 the House of Representatives and the Senate, re-
8 spectively, and as such they shall be considered as
9 part of the rules of each House, respectively, or of
10 that House to which they specifically apply, and
11 such rules shall supersede other rules only to the ex-
12 tent that they are inconsistent therewith; and

13 (2) with full recognition of the constitutional
14 right of either House to change such rules (so far
15 as relating to such House) at any time, in the same
16 manner, and to the same extent as in the case of
17 any other rule of such House.

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