To amend the Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to increase earmark transparency and accountability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2009

Mr. REICHERT (for himself and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committees on the Budget, Standards of Official Conduct, the Judiciary, and Oversight and Government Reform, 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 Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to increase earmark transparency and accountability, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3
4 This Act may be cited as the “Earmark Trans-
5 parency and Accountability Reform Act”.
TITLE I—CHANGES IN THE
RULES OF THE HOUSE OF REPRESENTATIVES TO INCREASE EARMARK TRANSPARENCY AND ACCOUNTABILITY

SEC. 101. 72-HOUR REQUIREMENT.

Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“Special requirement for bills and resolutions containing earmarks

11. It shall not be in order to consider any bill or joint resolution reported by any committee, or any amendment thereto or conference report thereon, that contains any congressional earmark (as defined in clause 9) that has not been posted on the Website of that committee for at least 72 hours (excluding Saturdays, Sundays and holidays except when the House is in session on such a day).”.

SEC. 102. SEARCHABLE WEBSITE FOR ALL MEMBER SPENDING REQUESTS MANAGED BY THE CLERK.

(a) Clause 17 of rule XXIII of the Rules of the House of Representatives is amended by redesignating paragraph (b) as paragraph (c) and by inserting after paragraph (a) the following:
“(b) Whenever any Member, Delegate, or Resident Commissioner requests a congressional earmark in any bill or joint resolution (or accompanying report)—

“(1) that Member, Delegate, or Resident Commissioner shall include the amount requested, the project name, a project description of the matter that is the subject of that congressional earmark, and the name of the entity that the earmark is for, and submit such information to the Clerk for posting on the Website of the Clerk within 24 hours of making such request;

“(2) that Member, Delegate, or Resident Commissioner shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction certifying that the Member, Delegate, or Resident Commissioner, or their spouse, has any financial interest in the earmark; and

“(3) in the case of an earmark for a non-public entity, that Member, Delegate, or Resident Commissioner shall provide an accompanying letter of support from a supporting public entity.”.

(b) Clause 2 of rule II of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

“(l) The Clerk shall post on the Website of the Clerk an up-to-date list of all information submitted to the Clerk
pursuant to clause 7(b)(1) of rule XXIII under a heading entitled ‘Member Spending Requests’.”.

SEC. 103. PROHIBITING EARMARKS NOT INCLUDED IN THE TEXT OF A BILL.

Clause 9 of rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

“(h) It shall not be in order to consider any bill or joint resolution, or any amendment thereto or conference report thereon, if a committee report or the joint explanatory statement of the managers accompanying that measure contains any congressional earmark.”.

SEC. 104. LIMITATION ON EARMARKS IN CONFERENCES BETWEEN THE HOUSE AND SENATE.

Clause 9(b) of rule XXI of the Rules of the House of Representatives is amended to read as follows:

“(b) A conference report may not include a modification of any congressional earmark, limited tax benefit, or limited tariff benefit committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific matter as committed to the conference committee. Whenever a point of order is made that a conference report contains a violation of this paragraph, the Chair may submit the question of whether such violation has occurred to the House and shall be de-
batable up to 10 minutes by the Member initiating the
point of order and for up to 10 minutes by an opponent
and shall be decided with a roll call vote as to whether
to strip the congressional earmark without intervening
motion except one that the House adjourn.”.

SEC. 105. PROHIBITING CONSIDERATION OF AN EARMARK
FOR ANY ENTITY NAMED AFTER A SITTING
MEMBER OR SENATOR.

Clause 9 of rule XXI of the Rules of the House of
Representatives (as amended by section 103) is further
amended by adding the following new paragraph:
“(i) It shall not be in order to consider any bill or
joint resolution (or accompanying report), amendment, or
conference report that contains a congressional earmark
for any entity named after an individual then serving as
a Member, Delegate, Resident Commissioner, or Sen-
ator.”.

TITLE II—EARMARK RESCISSION
AUTHORITY

SEC. 201. EARMARK RESCISSION AUTHORITY.

Title X of the Congressional Budget and Impound-
ment Control Act of 1974 (2 U.S.C. 621 et seq.) is amend-
ed by striking all of part B (except for sections 1016 and
1013, which are redesignated as sections 1019 and 1020,
respectively) and part C and inserting the following:
“PART B—EARMARK RESCISSION AUTHORITY

“EARMARK RESCISSION AUTHORITY

“Sec. 1011. (a) Proposed Cancellations.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

“(b) Transmittal of Special Message.—

“(1) Special Message.—

“(A) In General.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

“(B) Contents of Special Message.—

Each special message shall specify, with respect
to the congressional earmarks, limited tariff
benefits, or targeted tax benefits to be repealed
or canceled—

“(i) the congressional earmark that
the President proposes to repeal or the
limited tariff benefit or the targeted tax
benefit that the President proposes be can-
celed;

“(ii) the specific project or govern-
mental functions involved;

“(iii) the reasons why such congres-
sional earmark should be repealed or such
limited tariff benefit or targeted tax ben-
gen should be canceled;

“(iv) to the maximum extent prac-
ticable, the estimated fiscal, economic, and
budgetary effect (including the effect on
outlays and receipts in each fiscal year) of
the proposed repeal or cancellation;

“(v) to the maximum extent prac-
ticable, all facts, circumstances, and con-
siderations relating to or bearing upon the
proposed repeal or cancellation and the de-
cision to propose the repeal or cancellation,
and the estimated effect of the proposed
repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

“(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

“(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

“(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

“(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the
Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

“(2) ENACTMENT OF APPROVAL BILL.—

“(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

“(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—

Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballoca-
tions pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

“PROCEDURES FOR EXPEDITED CONSIDERATION

“Sec. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date
of receipt of the special message, any Member of
that House may introduce the bill.

“(2) Consideration in the house of repre-
sentatives.—

“(A) Referral and reporting.—Any
committee of the House of Representatives to
which an approval bill is referred shall report it
to the House without amendment not later than
the seventh legislative day after the date of its
introduction. If a committee fails to report the
bill within that period or the House has adopt-
ed a concurrent resolution providing for ad-
journment sine die at the end of a Congress,
such committee shall be automatically dis-
charged from further consideration of the bill
and it shall be placed on the appropriate cal-
endar.

“(B) Proceeding to consideration.—
After an approval bill is reported by or dis-
charged from committee or the House has
adopted a concurrent resolution providing for
adjournment sine die at the end of a Congress,
it shall be in order to move to proceed to con-
sider the approval bill in the House. Such a mo-
tion shall be in order only at a time designated
by the Speaker in the legislative schedule within
two legislative days after the day on which the
proponent announces his intention to offer the
motion. Such a motion shall not be in order
after the House has disposed of a motion to
proceed with respect to that special message.
The previous question shall be considered as or-
dered on the motion to its adoption without in-
tervening motion. A motion to reconsider the
vote by which the motion is disposed of shall
not be in order.

“(C) CONSIDERATION.—The approval bill
shall be considered as read. All points of order
against an approval bill and against its consid-
eration are waived. The previous question shall
be considered as ordered on an approval bill to
its passage without intervening motion except
five hours of debate equally divided and con-
trolled by the proponent and an opponent and
one motion to limit debate on the bill. A motion
to reconsider the vote on passage of the bill
shall not be in order.

“(D) SENATE BILL.—An approval bill re-
ceived from the Senate shall not be referred to
committee.
“(3) Consideration in the Senate.—

“(A) Referral and reporting.—Any committee of the Senate to which an approval bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(B) Motion to proceed to consideration.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.
“(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(G) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under
subparagraph (C) may occur on, the House companion bill.

“(ii) Procedure after vote on Senate bill.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) Amendments prohibited.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

“Presidential Deferral Authority

“Sec. 1013. (a) Temporary Presidential Authority to Withhold Congressional Earmarks.—

“(1) In General.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on
which the President transmits the special message to
the Congress.

“(2) EARLY AVAILABILITY.—The President
shall make any congressional earmark deferred pur-
suant to paragraph (1) available at a time earlier
than the time specified by the President if the Presi-
dent determines that continuation of the deferral
would not further the purposes of this Act.

“(b) TEMPORARY PRESIDENTIAL AUTHORITY To
SUSPEND A LIMITED TARIFF BENEFIT.—

“(1) IN GENERAL.—At the same time as the
President transmits to the Congress a special mes-
sage pursuant to section 1011(b), the President may
suspend the implementation of any limited tariff
benefit proposed to be canceled in that special mes-
sage for a period of 45 calendar days of continuous
session of the Congress after the date on which the
President transmits the special message to the Con-
gress.

“(2) EARLY AVAILABILITY.—The President
shall terminate the suspension of any limited tariff
benefit at a time earlier than the time specified by
the President if the President determines that con-
tinuation of the suspension would not further the
purposes of this Act.
“(c) Temporary Presidential Authority To
Suspend a Targeted Tax Benefit.—

“(1) In general.—At the same time as the
President transmits to the Congress a special mes-

sage pursuant to section 1011(b), the President may
suspend the implementation of any targeted tax ben-

efit proposed to be repealed in that special message
for a period of 45 calendar days of continuous ses-

sion of the Congress after the date on which the
President transmits the special message to the Con-

gress.

“(2) Early availability.—The President
shall terminate the suspension of any targeted tax

benefit at a time earlier than the time specified by
the President if the President determines that con-

tinuation of the suspension would not further the
purposes of this Act.

“Identification of Targeted Tax Benefits

“Sec. 1014. (a) Statement.—The chairman of the
Committee on Ways and Means of the House of Rep-

resentatives and the chairman of the Committee on Fi-
nance of the Senate acting jointly (hereafter in this sub-

section referred to as the ‘chairmen’) shall review any rev-

ue or reconciliation bill or joint resolution which in-

cludes any amendment to the Internal Revenue Code of

1986 that is being prepared for filing by a committee of
conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

“(b) Statement Included in Legislation.—

“(1) In general.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

“(2) Applicability.—The separate section permitted under subparagraph (A) shall read as follows: ‘Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall __________ apply to ______________’, with the blank spaces being filled in with—
“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

“(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue esti-
mate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

“(d) President’s Authority.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

“(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

“TREATMENT OF CANCELLATIONS

“Sec. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.
“Sec. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

“DEFINITIONS

“Sec. 1017. As used in this part:

“(1) Appropriation law.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) Approval bill.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed repeals and cancella-
tions transmitted by the President on _____’,
the blank space being filled in with the date of
transmission of the relevant special message
and the public law number to which the mes-

“(B) which does not have a preamble; and

“(C) which provides only the following
after the enacting clause: ‘That the Congress
approves of proposed repeals and cancellations
_____’, the blank space being filled in with a
list of the repeals and cancellations contained in
the President’s special message, ‘as transmitted
by the President in a special message on
_____’, the blank space being filled in with
the appropriate date, ‘regarding ________’, the
blank space being filled in with the public law
number to which the special message relates;

“(D) which only includes proposed repeals
and cancellations that are estimated by CBO to
meet the definition of congressional earmark or
limited tariff benefits, or that are identified as
targeted tax benefits pursuant to section 1014;
and

“(E) if no CBO estimate is available, then
the entire list of legislative provisions proposed
by the President is inserted in the second blank
space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’
means a standard 24-hour period beginning at mid-
night.

“(4) CANCEL OR CANCELLATION.—The terms
‘cancel’ or ‘cancellation’ means to prevent—

“(A) a limited tariff benefit from having
legal force or effect, and to make any necessary,
conforming statutory change to ensure that
such limited tariff benefit is not implemented;
or

“(B) a targeted tax benefit from having
legal force or effect, and to make any necessary,
conforming statutory change to ensure that
such targeted tax benefit is not implemented
and that any budgetary resources are appro-
priately canceled.

“(5) CBO.—The term ‘CBO’ means the Direc-
tor of the Congressional Budget Office.

“(6) CONGRESSIONAL EARMARK.—The term
‘congressional earmark’ means a provision or report
language included primarily at the request of a
Member, Delegate, Resident Commissioner, or Sen-
ator providing, authorizing or recommending a spe-
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 for-
mula-driven or competitive award process.

“(7) ENTITY.—As used in paragraph (6), the
term ‘entity’ includes a private business, State, terri-
tory or locality, or Federal entity.

“(8) LIMITED TARIFF BENEFIT.—The term
‘limited tariff benefit’ means any provision of law
that modifies the Harmonized Tariff Schedule of the
United States in a manner that benefits 10 or fewer
entities (as defined in paragraph (12)(B)).

“(9) OMB.—The term ‘OMB’ means the Direc-
tor of the Office of Management and Budget.

“(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term ‘omnibus reconciliation
or appropriation measure’ means—

“(A) in the case of a reconciliation bill, any
such bill that is reported to its House by the
Committee on the Budget; or

“(B) in the case of an appropriation meas-
ure, any such measure that provides appropria-
tions for programs, projects, or activities falling
within 2 or more section 302(b) suballocations.

“(11) TARGETED TAX BENEFIT.—(A) The term
‘targeted tax benefit’ means any revenue-losing pro-
vision that provides a Federal tax deduction, credit,
exclusion, or preference to ten or fewer beneficiaries
(determined with respect to either present law or
any provision of which the provision is a part) under
the Internal Revenue Code of 1986 in any year for
which the provision is in effect;

“(B) for purposes of subparagraph (A)—

“(i) all businesses and associations
that are members of the same controlled
group of corporations (as defined in sec-
tion 1563(a) of the Internal Revenue Code
of 1986) shall be treated as a single bene-
fi ciary;

“(ii) all shareholders, partners, mem-
ers, or beneficiaries of a corporation,
partnership, association, or trust or estate,
respectively, shall be treated as a single
beneficiary;

“(iii) all employees of an employer
shall be treated as a single beneficiary;
“(iv) all qualified plans of an employer shall be treated as a single beneficiary;

“(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

“(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

“(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

“(C) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of
which the provision is a part) for any one of the
two following periods—

“(i) the first fiscal year for which the
provision is effective; or

“(ii) the period of the 5 fiscal years
beginning with the first fiscal year for
which the provision is effective;

“(D) the term ‘targeted tax benefit’ does
not include any provision which applies uni-
formly to an entire industry; and

“(E) the terms used in this paragraph
shall have the same meaning as those terms
have generally in the Internal Revenue Code of
1986, unless otherwise expressly provided.

“EXPIRATION

“Sec. 1018. This title shall have no force or effect
on or after December 31, 2012.”.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Exercise of Rulemaking Powers.—Section
904 of the Congressional Budget Act of 1974 (2 U.S.C.
621 note) is amended—

(1) in subsection (a), by striking “1017” and
inserting “1012”; and

(2) in subsection (d), by striking “section
1017” and inserting “section 1012”.

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(b) Analysis by Congressional Budget Office.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting “(a)” after “402.” and by adding at the end the following new subsection:

“(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.”.

(c) Clerical Amendments.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking “rescinded or that is to be reserved” and inserting “canceled” and by striking “1012” and inserting “1011”.

(d) Table of Contents.—The table of contents set forth in section 1(b) of the Congressional Budget and Im-
poundment Control Act of 1974 is amended by striking the contents for parts B and C of title X and inserting the following:

“PART B—EARMARK RESCISSION AUTHORITY

‘Sec. 1011. Earmark rescission authority.
‘Sec. 1012. Procedures for expedited consideration.
‘Sec. 1013. Presidential deferral authority.
‘Sec. 1014. Identification of targeted tax benefits.
‘Sec. 1015. Treatment of cancellations.
‘Sec. 1016. Reports by comptroller general.
‘Sec. 1017. Definitions.
‘Sec. 1018. Expiration.
‘Sec. 1019. Suits by Comptroller General.
‘Sec. 1020. Proposed Deferrals of budget authority.’”.

SEC. 203. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under part B of title X of the Congressional Budget and Impoundment Control Act of 1974 upon any vote cast or to be cast by any Member of either House of Congress.

TITLE III—GAO PERFORMANCE AUDITS OF EARMARKS TO NON-FEDERAL ENTITIES

SEC. 301. ACCOUNTABILITY FOR EXPENDITURE OF CONGRESSIONAL EARMARKS.

(a) Government Accountability Office Audits of Earmark Funded Programs, Projects, and Ac-
TIVITIES.—Section 3523 of title 31, United States Code, is amended by adding at the end the following:

“(d)(1) The Comptroller General shall develop and implement a systematic process to—

“(A) review audits of programs, projects, and activities funded through earmarks and submitted to the Comptroller General under section 3521(j) and section 9105(d); and

“(B) annually conduct such number of audits of programs, projects, and activities funded through earmarks (as defined in section 3521(j)) as the Comptroller General determines to be appropriate.

“(2) Not later than March 31 of each fiscal year, the Comptroller General shall submit to Congress a report containing, for programs, projects, or activities conducted during the previous fiscal year under paragraph (1), the results of—

“(A) audits submitted to the Comptroller General under section 3521(j) and under section 9105(d);”.

“(B) reviews of audits by the Comptroller General under paragraph (1)(A); and

“(C) audits the Comptroller General conducts under paragraph (1)(B).”.
(b) AGENCY REPORTS ON EARMARK FUNDED PROGRAMS, PROJECTS, AND ACTIVITIES.—Section 3521 of title 31, United States Code, is amended by adding at the end the following:

“(j)(1) If an agency conducts an audit of any program, project, or activity that is administered by the agency and is funded through an earmark, the agency shall, at the time a person submits a report under subsection (f) concerning the audited financial statement for the accounts associated with such program, project, or activity, submit to the Comptroller General of the United States the results of the audit.

“(2) If an auditor submits to an agency, under section 7502(k), the results of audit of any program, project, or activity funded through an earmark, the agency shall, at the time described in paragraph (1), submit such results to the Comptroller General.

“(3) For purposes of this subsection, the term ‘funded through an earmark’ means that the program, project, or activity is included on—

“(A) a list of ‘congressional earmarks’ generated under the Rules of the House of Representatives;
“(B) a list of ‘congressionally directed spending’ generated under the Standing Rules of the Senate; or

“(C) on both such lists.”.

(c) Non-Federal Entity Reports on Earmark Funded Programs, Projects, and Activities.—Section 7502 of such title is amended by adding at the end the following:

“(k) If a non-Federal entity described in subsection (a)(1)(A) has an audit made of any program, project, or activity that is administered by the entity and is funded through an earmark (as defined in section 3521(j)), the auditor of such program, project, or activity shall, not later than the date set by the Director, submit to the agency with jurisdiction over such program, project, or activity the results of the audit.”.

(d) Government Corporation Reports on Earmark Funded Programs, Projects, and Activities.—Section 9105 of such title is amended by adding at the end the following:

“(d) If the Inspector General of a Government corporation or an independent external auditor described in subsection (a)(1) conducts an audit of any program, project, or activity that is administered by the corporation and is funded through an earmark (as defined in section
3521(j)), such Inspector General or auditor shall, upon completion of the audit, submit the results of the audit to the Comptroller General of the United States.”

**TITLE IV—REPORTS BY RECIPIENTS OF FEDERAL FUNDS**

**SEC. 401. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.**

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

“**SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.**

“(a) In General.—A nonpublic recipient of Federal funds shall file a report as required by section 5(a) containing—

“(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

“(2) the amount of money paid as described in paragraph (1).

“(b) Definition.—In this section, the term ‘recipient of Federal funds’ means the recipient of Federal funds constituting an award, grant, or loan.”
TITLE V—ESTABLISHMENT OF JOINT SELECT COMMITTEE ON EARMARK REFORM

SEC. 501. JOINT SELECT COMMITTEE ON EARMARK REFORM.

(a) Establishment and Composition.—There is hereby established a Joint Select Committee on Earmark Reform. The joint select committee shall be composed of 16 members as follows:

(1) 8 Members of the House of Representatives,

4 appointed from the majority party by the Speaker of the House, and 4 from the minority party to be appointed by the minority leader; and

(2) 8 Members of the Senate, 4 appointed from the majority party by the majority leader of the Senate, and 4 from the minority party to be appointed by the minority leader.

A vacancy in the joint select committee shall not affect the power of the remaining members to execute the functions of the joint select committee, and shall be filled in the same manner as the original selection.

(b) Study and Report.—

(1) Study.—The joint select committee shall make a full study of the practices of the House, Senate, and Executive Branch regarding earmarks in...
authorizing, appropriation, tax, and tariff measures.

As part of the study, the joint select committee shall consider the efficacy of—

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

(B) requiring full transparency in the process, with earmarks listed in bills at the outset of the legislative process and continuing throughout consideration;

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

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

(E) requiring that bill sponsors and majority and minority managers certify the validity of earmarks contained in their bills;

(F) recommending changes to earmark requests made by the Executive Branch through the annual budget submitted to Congress pur-
suant to section 1105 of title 31, United States Code;

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

(H) establishing new categories for earmarks, including—

(i) projects with National scope;

(ii) military projects; and

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

(2) REPORT.—

(A) The joint select committee shall submit to the House and the Senate a report of its findings and recommendations not later than 180 days after the end of the first fiscal year for which this Act and the amendments made by this Act apply.

(B) No recommendation shall be made by the joint select committee except upon the majority vote of the members from each House, respectively.
(C) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint select committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint select committee.

In conducting the study under paragraph (1), the joint select committee shall hold not fewer than 5 public hearings.

(e) RESOURCES AND DISSOLUTION.—

(1) The joint select committee may utilize the resources of the House and Senate.

(2) The joint select committee shall cease to exist 30 days after the submission of the report described in subsection (b)(2).

(d) DEFINITION.—For purposes of this section, the term “earmark” shall include congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits as those terms are used in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the
Senate. Nothing in this subsection shall confine the study of the joint select committee or otherwise limit its recommendations.

**TITLE VI—SENSE OF THE CONGRESS PROVISIONS**

**SEC. 601. DISCLOSURE OF EARMARKS REQUESTED BY THE PRESIDENT.**

It is the sense of the Congress that the President should disclose in an annual single report all earmarks requested in the annual budget submission of the President.

**SEC. 602. OFFICIAL VISITS TO PROJECT SITES.**

It is the sense of the Congress that any Member of the House of Representatives (or his or her delegate) who submits a request for a congressional earmark should make an official visit to the project site or location of the entity that is the subject of the earmark request.

**SEC. 603. HEARINGS RESPECTING EARMARKS.**

It is the sense of the Congress that the subcommittees of the Committee on Appropriations of the House of Representatives should hold hearings for Members who request earmarks to testify.

**TITLE VII—EFFECTIVE DATE**

**SEC. 701. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall apply with respect to the later of—
(1) fiscal year 2011; or

(2) the first fiscal year which begins after the first January which occurs after the date of the enactment of this Act.