

111TH CONGRESS
2D SESSION

S. 2990

To establish an earmark moratorium for fiscal years 2010 and 2011.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2010

Mr. DEMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. JOHANNIS, Mrs. MCCASKILL, Mr. KYL, Mr. GRASSLEY, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish an earmark moratorium for fiscal years 2010
and 2011.

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. FISCAL YEARS 2010 AND 2011 EARMARK MORA-**
4 **TORIUM.**

5 (a) **BILLS AND JOINT RESOLUTIONS.—**

6 (1) **POINT OF ORDER.—**It shall not be in order
7 to—

8 (A) consider a bill or joint resolution re-
9 ported by any committee that includes an ear-

1 mark, limited tax benefit, or limited tariff ben-
2 efit; or

3 (B) a Senate bill or joint resolution not re-
4 ported by committee that includes an earmark,
5 limited tax benefit, or limited tariff benefit.

6 (2) RETURN TO THE CALENDAR.—If a point of
7 order is sustained under this subsection, the bill or
8 joint resolution shall be returned to the calendar
9 until compliance with this subsection has been
10 achieved.

11 (b) CONFERENCE REPORT.—

12 (1) POINT OF ORDER.—It shall not be in order
13 to vote on the adoption of a report of a committee
14 of conference if the report includes an earmark, lim-
15 ited tax benefit, or limited tariff benefit.

16 (2) RETURN TO THE CALENDAR.—If a point of
17 order is sustained under this subsection, the con-
18 ference report shall be returned to the calendar.

19 (c) FLOOR AMENDMENT.—It shall not be in order to
20 consider an amendment to a bill or joint resolution if the
21 amendment contains an earmark, limited tax benefit, or
22 limited tariff benefit.

23 (d) AMENDMENT BETWEEN THE HOUSES.—

24 (1) IN GENERAL.—It shall not be in order to
25 consider an amendment between the Houses if that

1 amendment includes an earmark, limited tax benefit,
2 or limited tariff benefit.

3 (2) RETURN TO THE CALENDAR.—If a point of
4 order is sustained under this subsection, the amend-
5 ment between the Houses shall be returned to the
6 calendar until compliance with this subsection has
7 been achieved.

8 (e) WAIVER.—Any Senator may move to waive any
9 or all points of order under this section by an affirmative
10 vote of two-thirds of the Members, duly chosen and sworn.

11 (f) DEFINITIONS.—For the purpose of this section—

12 (1) the term “earmark” means a provision or
13 report language included primarily at the request of
14 a Senator or Member of the House of Representa-
15 tives providing, authorizing, or recommending a spe-
16 cific amount of discretionary budget authority, credit
17 authority, or other spending authority for a contract,
18 loan, loan guarantee, grant, loan authority, or other
19 expenditure with or to an entity, or targeted to a
20 specific State, locality or Congressional district,
21 other than through a statutory or administrative for-
22 mula-driven or competitive award process;

23 (2) the term “limited tax benefit” means any
24 revenue provision that—

1 (A) provides a Federal tax deduction, cred-
2 it, exclusion, or preference to a particular bene-
3 ficiary or limited group of beneficiaries under
4 the Internal Revenue Code of 1986; and

5 (B) contains eligibility criteria that are not
6 uniform in application with respect to potential
7 beneficiaries of such provision; and

8 (3) the term “limited tariff benefit” means a
9 provision modifying the Harmonized Tariff Schedule
10 of the United States in a manner that benefits 10
11 or fewer entities.

12 (g) FISCAL YEARS 2010 AND 2011.—The point of
13 order under this section shall only apply to legislation pro-
14 viding or authorizing discretionary budget authority, cred-
15 it authority or other spending authority, providing a fed-
16 eral tax deduction, credit, or exclusion, or modifying the
17 Harmonized Tariff Schedule in fiscal years 2010 and
18 2011.

19 (h) APPLICATION.—This rule shall not apply to any
20 authorization of appropriations to a Federal entity if such
21 authorization is not specifically targeted to a State, local-
22 ity or congressional district.

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