AMENDMENT TO H. CON. RES. 312

OFFERED BY MR. HENSARLING OF TEXAS AND

MR. CAMPBELL OF CALIFORNIA

At the end, add the following new title:

TITLE VII—EARMARK REFORM

SEC. 701. 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 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 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.

1 (b) STUDY AND REPORT.—

2 (1) STUDY.—The joint select committee shall
3 make a full study of the practices of the House, Sen-
4 ate, and executive branch regarding earmarks in au-
5 thorizing, appropriation, tax, and tariff measures.
6 As part of the study, the joint select committee shall
7 consider the efficacy of—

8 (A) the disclosure requirements of clause 9
9 of rule XXI and clause 17 of rule XXIII of the
10 Rules of the House of Representatives, House
11 Resolution 491, and rule XLIV of the Standing
12 Rules of the Senate, and the definitions con-
13 tained therein;

14 (B) requiring full transparency in the proc-
15 ess, with earmarks listed in bills at the outset
16 of the legislative process and continuing
17 throughout consideration;

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

20 (D) requiring that Members be permitted
21 to offer amendments to remove earmarks at
22 subcommittee, full committee, floor consider-
23 ation, and during conference committee meet-
24 ings;

(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 pursuant 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 6 months after adoption of this concurrent resolution.

1 (B) No recommendation shall be made by
2 the joint select committee except upon the ma-
3 jority vote of the members from each House, re-
4 spectively.
5 (C) Notwithstanding any other provision of
6 this resolution, any recommendation with re-
7 spect to the rules and procedures of one House
8 that only affects matters related solely to that
9 House may only be made and voted on by mem-
10 bers of the joint select committee from that
11 House and, upon its adoption by a majority of
12 such members, shall be considered to have been
13 adopted by the full committee as a rec-
14 ommendation of the joint select committee.
15 In conducting the study under paragraph (1), the
16 joint select committee shall hold not fewer than 5
17 public hearings.
18 (c) RESOURCES AND DISSOLUTION.—
19 (1) The joint select committee may utilize the
20 resources of the House and Senate.
21 (2) The joint select committee shall cease to
22 exist 30 days after the submission of the report de-
23 scribed in subsection (a)(2).
24 (d) DEFINITION.—For purposes of this section, the
25 term "earmark" shall include congressional earmarks,

1 congressionally directed spending items, limited tax bene-
2 fits, or limited tariff benefits as those terms are used in
3 clause 9 of rule XXI of the Rules of the House of Rep-
4 resentatives and rule XLIV of the Standing Rules of the
5 Senate. Nothing in this subsection shall confine the study
6 of the joint select committee or otherwise limit its rec-
7 ommendations.

8 **SEC. 702. MORATORIUM ON CONSIDERATION OF EAR-**
9 **MARKS.**

10 In the House, for the remainder of the 110th Con-
11 gress, it shall not be in order to consider a bill, joint reso-
12 lution, or conference report containing a congressional
13 earmark, limited tax benefit, or limited tariff benefit (as
14 such terms are used in clause 9 of rule XXI of the Rules
15 of the House of Representatives).