

110TH CONGRESS  
1ST SESSION

# S. RES. 123

Reforming the congressional earmark process.

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 2007

Mr. DEMINT submitted the following resolution; which was referred to the  
Committee on Rules and Administration

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## RESOLUTION

Reforming the congressional earmark process.

1       *Resolved,*

2       **SECTION 1. CONGRESSIONAL EARMARK REFORM.**

3       The Standing Rules of the Senate are amended by  
4 adding at the end the following:

5                               “RULE XLIV

6                               “EARMARKS

7       “1. It shall not be in order to consider—

8               “(a) a bill or joint resolution reported by a com-  
9       mittee unless the report includes a list, which shall  
10       be made available on the Internet in a searchable  
11       format to the general public for at least 48 hours be-  
12       fore consideration of the bill or joint resolution, of

1 congressional earmarks, limited tax benefits, and  
2 limited tariff benefits in the bill or in the report  
3 (and the name of any Member who submitted a re-  
4 quest to the committee for each respective item in-  
5 cluded in such list) or a statement that the propo-  
6 sition contains no congressional earmarks, limited  
7 tax benefits, or limited tariff benefits;

8 “(b) a bill or joint resolution not reported by a  
9 committee unless the chairman of each committee of  
10 jurisdiction has caused a list, which shall be made  
11 available on the Internet in a searchable format to  
12 the general public for at least 48 hours before con-  
13 sideration of the bill or joint resolution, of congress-  
14 sional earmarks, limited tax benefits, and limited  
15 tariff benefits in the bill (and the name of any Mem-  
16 ber who submitted a request to the committee for  
17 each respective item included in such list) or a state-  
18 ment that the proposition contains no congressional  
19 earmarks, limited tax benefits, or limited tariff bene-  
20 fits to be printed in the Congressional Record prior  
21 to its consideration; or

22 “(c) a conference report to accompany a bill or  
23 joint resolution unless the joint explanatory state-  
24 ment prepared by the managers on the part of the  
25 House and the managers on the part of the Senate

1 includes a list, which shall be made available on the  
2 Internet in a searchable format to the general public  
3 for at least 48 hours before consideration of the con-  
4 ference report, of congressional earmarks, limited  
5 tax benefits, and limited tariff benefits in the con-  
6 ference report or joint statement (and the name of  
7 any Member, Delegate, Resident Commissioner, or  
8 Senator who submitted a request to the House or  
9 Senate committees of jurisdiction for each respective  
10 item included in such list) or a statement that the  
11 proposition contains no congressional earmarks, lim-  
12 ited tax benefits, or limited tariff benefits.

13 “2. For the purpose of this rule—

14 “(a) the term ‘congressional earmark’ means a  
15 provision or report language included primarily at  
16 the request of a Member, Delegate, Resident Com-  
17 missioner, or Senator providing, authorizing or rec-  
18 ommending a specific amount of discretionary budg-  
19 et authority, credit authority, or other spending au-  
20 thority for a contract, loan, loan guarantee, grant,  
21 loan authority, or other expenditure with or to an  
22 entity, or targeted to a specific State, locality or  
23 Congressional district, other than through a statu-  
24 tory or administrative formula-driven or competitive  
25 award process;

1 “(b) the term ‘limited tax benefit’ means—

2 “(1) any revenue provision that—

3 “(A) provides a Federal tax deduc-  
4 tion, credit, exclusion, or preference to a  
5 particular beneficiary or limited group of  
6 beneficiaries under the Internal Revenue  
7 Code of 1986; and

8 “(B) contains eligibility criteria that  
9 are not uniform in application with respect  
10 to potential beneficiaries of such provision;  
11 or

12 “(2) any Federal tax provision which pro-  
13 vides one beneficiary temporary or permanent  
14 transition relief from a change to the Internal  
15 Revenue Code of 1986; and

16 “(c) the term ‘limited tariff benefit’ means a  
17 provision modifying the Harmonized Tariff Schedule  
18 of the United States in a manner that benefits 10  
19 or fewer entities.

20 “3. A Member may not condition the inclusion of lan-  
21 guage to provide funding for a congressional earmark, a  
22 limited tax benefit, or a limited tariff benefit in any bill  
23 or joint resolution (or an accompanying report) or in any  
24 conference report on a bill or joint resolution (including  
25 an accompanying joint explanatory statement of man-

1 agers) on any vote cast by another Member, Delegate, or  
2 Resident Commissioner.

3 “4. (a) A Member who requests a congressional ear-  
4 mark, a limited tax benefit, or a limited tariff benefit in  
5 any bill or joint resolution (or an accompanying report)  
6 or in any conference report on a bill or joint resolution  
7 (or an accompanying joint statement of managers) shall  
8 provide a written statement to the chairman and ranking  
9 member of the committee of jurisdiction, including—

10 “(1) the name of the Member;

11 “(2) in the case of a congressional earmark, the  
12 name and address of the intended recipient or, if  
13 there is no specifically intended recipient, the in-  
14 tended location of the activity;

15 “(3) in the case of a limited tax or tariff ben-  
16 efit, identification of the individual or entities rea-  
17 sonably anticipated to benefit, to the extent known  
18 to the Member;

19 “(4) the purpose of such congressional earmark  
20 or limited tax or tariff benefit; and

21 “(5) a certification that the Member or spouse  
22 has no financial interest in such congressional ear-  
23 mark or limited tax or tariff benefit.

24 “(b) Each committee shall maintain the written state-  
25 ments transmitted under subparagraph (a). The written

1 statements transmitted under subparagraph (a) for any  
2 congressional earmarks, limited tax benefits, or limited  
3 tariff benefits included in any measure reported by the  
4 committee or conference report filed by the chairman of  
5 the committee or any subcommittee thereof shall be pub-  
6 lished in a searchable format on the committee's or sub-  
7 committee's website not later than 48 hours after receipt  
8 on such information.

9       “5. It shall not be in order to consider any bill, reso-  
10 lution, or conference report that contains an earmark in-  
11 cluded in any classified portion of a report accompanying  
12 the measure unless the bill, resolution, or conference re-  
13 port includes to the greatest extent practicable, consistent  
14 with the need to protect national security (including intel-  
15 ligence sources and methods), in unclassified language, a  
16 general program description, funding level, and the name  
17 of the sponsor of that earmark.”.

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