
IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S. 510

Referred to the Committee on ______________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____________

Viz:

1. At the appropriate place, insert the following:

2. SEC. _____. FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

3. (a) BILLS AND JOINT RESOLUTIONS.—

4. (1) POINT OF ORDER.—It shall not be in order to—

5. (A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or
(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) Return to the Calendar.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) Conference Report.—

(1) Point of Order.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) Return to the Calendar.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) Floor Amendment.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) Amendment Between the Houses.—

(1) In General.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.
(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

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

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

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a 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 formula-driven or competitive award process;

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

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

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

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

(g) Fiscal Years 2011 Through 2013.—The point
of order under this section shall only apply to legislation
providing or authorizing discretionary budget authority,
credit authority or other spending authority, providing a
federal tax deduction, credit, or exclusion, or modifying
the Harmonized Tariff Schedule in fiscal years 2011
through 2013.

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