

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish an earmark moratorium for fiscal years
2011, 2012, and 2013.

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**
3 **MORATORIUM.**

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

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

7 (A) consider a bill or joint resolution re-
8 ported by any committee or a bill or joint reso-
9 lution reported by any committee with a report
10 that includes an earmark, limited tax benefit, or
11 limited tariff benefit; or

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

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

9 (b) CONFERENCE REPORT.—

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

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

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

21 (d) AMENDMENT BETWEEN THE HOUSES.—

22 (1) IN GENERAL.—It shall not be in order to
23 consider an amendment between the Houses if that
24 amendment includes an earmark, limited tax benefit,
25 or limited tariff benefit.

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

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

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

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

23 (A) provides a Federal tax deduction, cred-
24 it, exclusion, or preference to a particular bene-

1 ficiary or limited group of beneficiaries under
2 the Internal Revenue Code of 1986; and

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

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

10 (g) FISCAL YEARS 2011 THROUGH 2013.—The point
11 of order under this section shall only apply to legislation
12 providing or authorizing discretionary budget authority,
13 credit authority or other spending authority, providing a
14 federal tax deduction, credit, or exclusion, or modifying
15 the Harmonized Tariff Schedule in fiscal years 2011
16 through 2013.

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