

110TH CONGRESS  
1ST SESSION

# H. R. 3738

To amend the Congressional Budget Act of 1974 to set a cap on allocated funds for earmarks.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2007

Mr. GINGREY (for himself, Mr. AKIN, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. COBLE, Mr. COLE of Oklahoma, Mr. EVERETT, Mr. FEENEY, Mr. FORTUÑO, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HENSARLING, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LINDER, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. POE, and Mr. RYAN of Wisconsin) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Congressional Budget Act of 1974 to set a cap on allocated funds for earmarks.

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. SHORT TITLE.**

4 This Act may be cited as the “Earmark Reform Act  
5 of 2007”.

1 **SEC. 2. CAP ON ALLOCATED FUNDS FOR EARMARKS.**

2 Section 302 of the Congressional Budget Act of 1974  
3 is amended by adding at the end the following new sub-  
4 section:

5 “(h) EARMARK ALLOCATION CAP.—

6 “(1) FURTHER DIVISION OF AMOUNTS.—In the  
7 Senate and in the House of Representatives, the  
8 amounts allocated to the Committees on Appropria-  
9 tions under subsection (a) shall be further divided to  
10 establish an allocation of—

11 “(A) \$14,500,000,000 of total new budget  
12 authority and total outlays for earmarks in ap-  
13 propriation measures for the first fiscal year of  
14 the first concurrent resolution on the budget to  
15 which this subsection applies; and

16 “(B) an amount of total new budget au-  
17 thority and total outlays for earmarks in appro-  
18 priation measures for the first fiscal year of  
19 each ensuing concurrent resolution on the budg-  
20 et equal to one percent of total new budget au-  
21 thority and total outlays allocated to such com-  
22 mittees under subsection (a) for that fiscal  
23 year.

24 “(2) DIVISION BY MEMBERSHIP.—

25 “(A) IN GENERAL.—The \$14,500,000 of  
26 new budget authority and outlays shall be

1           equally divided among each Member of the  
2           House of Representatives and each Senator.

3           “(B) FURTHER ADJUSTMENT OF ALLOCA-  
4           TIONS AND SUBALLOCATIONS.—Whenever a  
5           Member or Senator chooses not to request the  
6           full amount of new budget authority and out-  
7           lays allocated to that Member or Senator for  
8           earmarks for a fiscal year, the subsection (a)  
9           allocation to the applicable Committee on Ap-  
10          propriations shall be reduced accordingly and  
11          that committee shall adjust its subsection (b)  
12          suballocation accordingly.

13          “(3) POINT OF ORDER.—It shall not be in  
14          order in the House of Representatives or the Senate  
15          to consider any bill, joint resolution, or amendment  
16          if—

17                 “(A) the enactment of such bill or resolu-  
18                 tion as reported;

19                 “(B) the adoption and enactment of such  
20                 amendment; or

21                 “(C) the enactment of such bill or resolu-  
22                 tion in the form recommended in such con-  
23                 ference report,

1 would cause the applicable allocation of new budget  
2 authority or outlays made under paragraph (1) or  
3 (2) for a fiscal year to be exceeded.

4 “(4) DEFINITION.—As used in this Act, the  
5 term ‘earmark’ shall have the meaning given to the  
6 term ‘congressional earmark’ in clause 9(d) of rule  
7 XXI of the Rules of the House of Representatives,  
8 except that it shall only apply to provisions carried  
9 in an appropriation measure or report language re-  
10 specting any such measure.”.

11 **SEC. 3. EFFECTIVE DATE.**

12 The amendment made by this Act shall apply to the  
13 first fiscal year beginning in the first calendar year begin-  
14 ning after the date of enactment of this Act and to subse-  
15 quent fiscal years.

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