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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED TWELFTH CONGRESS

March 25, 2011

ROBERT L. SIMMONS, II, STAFF DIRECTOR

### MEMORANDUM FOR HASC MEMBERS

FROM: Chairman Buck McKeon 

RE: Guidelines for HASC Member Legislative Proposals for NDAA for Fiscal Year 2012

With the committee's hearing activities associated with the fiscal year 2012 defense budget request underway, I want to share with you information on the committee's procedures for providing HASC members an opportunity to offer policy and budgetary legislative proposals for consideration in the national defense authorization bill. The following guidelines and timeline have been prepared in consultation with the committee's Ranking Member, Adam Smith.

As part of its rules for the 111<sup>th</sup> and 112<sup>th</sup> Congress, the House Republican Conference adopted standing orders establishing an earmark moratorium, prohibiting members of their conference from making congressional earmark requests. Further, during the 112<sup>th</sup> Congress, the House Republican Leadership has announced plans to implement an earmark moratorium that will affect all legislation that is brought before the House. **Therefore, I will not permit any congressional earmarks in the National Defense Authorization Act for Fiscal Year 2012.**

The definition of a "congressional earmark" has not changed in the 112<sup>th</sup> Congress. Clause 9 of rule XXI of the Rules of the House of Representatives defines "congressional earmark" as "a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator 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." While there may be more than one way to interpret rule XXI as it relates to bill and report language associated with the national defense authorization bill, please be advised that I interpret the definition of what constitutes a 'congressional earmark' conservatively. As chairman, I will apply the attached guidance to each legislative proposal to ensure that such proposals conform to both the text of rule XXI and the spirit of the moratorium.

Nevertheless, I want to assure you that I remain firmly committed to creating a process going forward that allows this committee to fulfill its Article 1, Section 8 constitutional mandate. The committee will continue its oversight and assessment of threats to U.S. national security as it considers the fiscal year 2012 defense budget request. HASC member input is instrumental in the committee's consideration of the annual defense authorization bill. The committee's process will provide HASC members the opportunity to assert congressional priorities in the conduct of U.S. defense policy that are NOT earmarks pursuant to House rule XXI.

If you have any questions regarding this process, please feel free to contact Bob Simmons (x6-8980) or Roger Zakheim (x6-4444) on the committee staff.

Attachment