

109TH CONGRESS  
2D SESSION

# H. RES. 674

Amending the Rules of the House of Representatives to require parity and transparency in the earmark process.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2006

Mr. LEWIS of Kentucky submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on Government Reform, 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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## RESOLUTION

Amending the Rules of the House of Representatives to require parity and transparency in the earmark process.

1       *Resolved,*

2       **SECTION 1. PARITY IN THE EARMARK PROCESS.**

3       Rule XXI of the Rules of the House of Representa-  
4       tives is amended by adding at the end the following new  
5       clause:

6       “7. (a) Before any subcommittee of the Committee  
7       on Appropriations may report any general appropriation  
8       bill to the full committee, it shall—

1           “(1) submit a report to the House setting forth  
2           the total amount of funds that shall be available for  
3           funding recommendations and project requests from  
4           all Members for such bill; and

5           “(2) divide such total amount by the total num-  
6           ber of Members, allocate that subdivided amount for  
7           funding recommendations and project requests for  
8           each congressional district from the Member rep-  
9           resenting that district, and indicate that subdivided  
10          amount in the report.

11          “(b)(1) Whenever any Member requests less funding  
12          for his district than the amount referred to in paragraph  
13          (a)(2) or fails to request any such funding of any such  
14          subcommittee, then the suballocation made to that sub-  
15          committee under section 302(b) of the Congressional  
16          Budget Act of 1974 for the applicable fiscal year shall be  
17          automatically reduced by the amount of such shortfall and  
18          shall not be available for reallocation pursuant to section  
19          302(e) of such Act.

20          “(2) The chairman of each subcommittee of the Com-  
21          mittee on Appropriations shall promptly notify the Com-  
22          mittee on the Budget of the aggregate amount of the  
23          shortfall for the general appropriation bill within that sub-  
24          committee’s jurisdiction that causes any automatic down-

1 ward adjustment of the applicable section 302(b) sub-  
2 allocation.

3 “(c) As used in this clause, the term ‘Member’ refers  
4 to any Representative in, or Delegate or Resident Commis-  
5 sioner to, the Congress.”.

6 **SEC. 2. TRANSPARENCY IN THE EARMARK PROCESS.**

7 (a) PROHIBITION ON OBLIGATION OF FUNDS FOR  
8 APPROPRIATIONS EARMARKS INCLUDED ONLY IN CON-  
9 GRESSIONAL REPORTS.—(1) No Federal agency may obli-  
10 gate any funds made available in an appropriation Act to  
11 implement an earmark that is included in a congressional  
12 report accompanying the appropriation Act, unless the  
13 earmark is also included in the appropriation Act.

14 (2) For purposes of this section:

15 (A) The term “assistance” includes a grant,  
16 loan, loan guarantee, or contract.

17 (B) The term “congressional report” means a  
18 report of the Committee on Appropriations of the  
19 House of Representatives or the Senate, or a joint  
20 explanatory statement of a committee of conference.

21 (C) The term “earmark” means a provision  
22 that specifies the identity of an entity to receive as-  
23 sistance and the amount of the assistance.

24 (D) The term “entity” includes a State or local-  
25 ity, but does not include any Federal agency.

1       (3) This subsection shall apply to appropriation Acts  
2 enacted after December 31, 2005.

3       (b) IDENTIFICATION OF EARMARKS.—Rule XXI of  
4 the Rules of the House of Representatives (as amended  
5 by section 1) is further amended by adding at the end  
6 the following new clause:

7       “8. For each earmark set forth in any general appro-  
8 priation bill, the accompanying report shall disclose the  
9 name and district of the Member, Delegate, or Resident  
10 Commissioner sponsoring requesting earmark.”.

11       (c) PROHIBITING WAIVER OF GERMANENESS RE-  
12 QUIREMENT FOR CONFERENCE REPORTS.—(1) Rule  
13 XXII of the Rules of the House of Representatives is  
14 amended by adding at the end the following new clause:

15       “13. (a) A report by the Committee on Rules on a  
16 rule or order that would waive clause 10(a)(1)(A) may not  
17 be called up for consideration over the objection of any  
18 Member, except when so determined by a vote of three-  
19 fifths of the Members voting, a quorum being present.

20       “(b) A question of consideration under this clause  
21 shall be debatable for 20 minutes equally divided by a pro-  
22 ponent of the question and an opponent.

23       “(c) This clause is intended to admit the question of  
24 consideration not only in the case of a special rule that  
25 explicitly waives clause 10(a)(1)(A) but also in the case

1 of a special rule that waives all (or unspecified) points of  
2 order.”.

3 (2) Clause 6(c) of rule XIII of the Rules of the House  
4 of Representatives is amended—

5 (A) by striking the period at the end of sub-  
6 paragraph (2) and inserting “; or”; and

7 (B) by adding at the end the following new sub-  
8 paragraph:

9 “(3) a rule or order proposing a waiver of  
10 clause 13 of rule XXII.”.

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