

111TH CONGRESS
2D SESSION

H. RES. 1221

Amending the Rules of the House of Representatives to increase openness and transparency in the annual appropriations process as it relates to earmarks.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

Mr. CHAFFETZ submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, 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

RESOLUTION

Amending the Rules of the House of Representatives to increase openness and transparency in the annual appropriations process as it relates to earmarks.

1 *Resolved*, That (a) clause 9 of rule XXI of the Rules
2 of the House of Representatives is amended by adding at
3 the end the following new paragraph:

4 “(h) It shall not be in order to consider any bill, joint
5 resolution, amendment, or conference report if that meas-
6 ure or any accompanying report or joint explanatory state-
7 ment of managers, as applicable, contains a congressional
8 earmark for an organization other than an organization

1 which is exempt from the tax imposed under chapter 1
2 of the Internal Revenue Code of 1986 or a governmental
3 entity.”.

4 (b)(1) Paragraph (b) of clause 9 of rule XXI of the
5 Rules of the House of Representatives is amended to read
6 as follows:

7 “(b) It shall not be in order to consider any con-
8 ference report if it or the accompanying joint explanatory
9 statement prepared by the managers on the part of the
10 House and the managers on the part of the Senate con-
11 tains any congressional earmark, limited tax benefit, or
12 limited tariff benefit that was not committed to the con-
13 ference committee by either House or in a report of a com-
14 mittee of either House on such bill or joint resolution or
15 on a companion measure.”.

16 (2) The second sentence of paragraph (c) of clause
17 9 of rule XXI of the Rules of the House of Representatives
18 is amended by striking “or paragraph (b)”.

19 (c)(1) Clause 17(a) of rule XXIII of the Rules of the
20 House of Representatives is amended by redesignating
21 subparagraphs (4) and (5) as subparagraphs (5) and (6),
22 respectively, and by inserting after subparagraph (3) the
23 following new subparagraph:

24 “(4) in the case of a congressional earmark, the
25 Federal nexus or specific power granted to Congress

1 in the Constitution to enact such earmark and the
2 previous authorization by law that supports such
3 earmark;”.

4 (2) Clause 9 of rule XXI of the Rules of the House
5 of Representatives is further amended by adding at the
6 end the following new paragraph:

7 “(i) It shall not be in order to consider any bill, joint
8 resolution, amendment, or conference report unless any
9 accompanying report or joint explanatory statement pre-
10 pared by the managers on the part of the House and the
11 managers on the part of the Senate, as applicable, con-
12 taining any congressional earmark sets forth for each con-
13 gressional earmark, the Federal nexus or specific power
14 granted to Congress in the Constitution to enact such ear-
15 mark and the previous authorization by law that supports
16 such earmark.”.

17 (d) Clause 9 of rule XXI of the Rules of the House
18 of Representatives is further amended by adding at the
19 end the following new paragraph:

20 “(j) It shall not be in order to consider any general
21 appropriation bill or any other bill or joint resolution mak-
22 ing or continuing appropriations, or amendment thereto
23 or conference report thereon, if it includes any congres-
24 sional earmark requested by any member of the Com-

1 mittee on Appropriations or inserted at the behest of the
2 chair of that committee or of any subcommittee thereof.”.

3 (e) Clause 17 of rule XXIII of the Rules of the House
4 of Representatives is amended by adding at the end the
5 following new paragraph:

6 “(c) Each Member, Delegate, or Resident Commis-
7 sioner shall maintain an official website and include on
8 it a comprehensive, sortable, and searchable database com-
9 prised of all congressional earmark requests for the cur-
10 rent fiscal year and for the budget year, including for each
11 such request the name and address of any recipient, the
12 purpose of the earmark, the Federal nexus or specific
13 power granted to Congress in the Constitution to enact
14 the earmark, the previous authorization by law that sup-
15 ports the earmark, and the amount requested. These shall
16 be posted when submitted to the applicable committee.”.

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