



*OMB Watch is a nonprofit government watchdog organization located in Washington, DC.
Our mission is to promote open government, accountability and citizen participation.*

SUMMARY OF H. RES. 1000 -- THE HOUSE EARMARKS DISCLOSURE RULE

On September 14, by a 245-171 vote, the U.S. House of Representatives adopted an internal rule requiring the disclosure of earmarks and their sponsors in all appropriations, authorization, and tax expenditure measures reported by any committee, except the House Rules Committee, which will be governed by a separate "protocol." The House will be bound by this rule during the remainder of the 109th Congress.

SUMMARY: The rule creates a point of order on the floor of the House against consideration of any bills or conference reports accompanying any bills reported by any committee containing "earmarks," unless those bills or reports include a list of earmarks and the names of the Members who requested the earmarks. The rule also bars inserting earmarks into conference reports without prior debate, unless those earmarks and the sponsoring Members are named in the report.

DEFINITIONS: The rule defines "earmarks" as "provisions that allocate funds outside of the normal formula-driven or competitive bidding process and targets those funds to a specific entity, state or congressional district." Tax earmarks are defined as "any revenue-losing provision that provides a federal tax deduction, credit, exclusion, or preference to only one beneficiary."

EXCEPTIONS:

- The "Boehner Protocol," an informal agreement not part rule language: when an unreported bill, manager's amendment, bills made in order under a special, e.g., suspension rule, or other bills not reported by any committee come to the floor, full disclosure of earmarks will be required
- the rule applies only to expenditures made or authorized for "non-federal entities," it would not encompass the earmarks in authorization bills where money is given to a federal agency to be spent on single beneficiary projects in members' districts

OTHER CONSIDERATIONS:

- the rule rolls back existing law by narrowing the definition of targeted tax benefit from 100 or fewer beneficiaries to one beneficiary;
- the Joint Committee on Taxation will be the final arbiter of the body to whether a provision constitutes a tax earmark; and
- the rule expires upon the adjournment of the current Congress but may be renewed by succeeding Houses

FOR MORE INFORMATION: Contact Dana Chasin at dchasin@ombwatch.org

© 2006 OMB Watch

1742 Connecticut Avenue, N.W., Washington, D.C. 20009

202-234-8494 (phone)

202-234-8584 (fax)