

109TH CONGRESS
2D SESSION

H. R. 4964

To prohibit Federal agencies from obligating funds for earmarks included only in congressional reports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2006

Mr. FLAKE (for himself, Mr. COOPER, Mr. GUTKNECHT, Mr. WAXMAN, Mr. BASS, Ms. NORTON, Mr. SOUDER, Mr. FORD, Mr. WESTMORELAND, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, Mr. FRANK of Massachusetts, Mr. MARCHANT, Mr. UDALL of Colorado, Mr. PENCE, Mr. HENSARLING, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, and Mr. POE) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Rules, 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

A BILL

To prohibit Federal agencies from obligating funds for earmarks included only in congressional reports, and for other purposes.

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 Trans-
5 parency and Accountability Act of 2006”.

1 **SEC. 2. PROHIBITION ON OBLIGATION OF FUNDS FOR EAR-**
2 **MARKS INCLUDED ONLY IN CONGRESSIONAL**
3 **REPORTS.**

4 (a) IN GENERAL.—No Federal agency may obligate
5 any funds made available in an appropriation Act or other
6 Act to implement an earmark that is included in a con-
7 gressional report accompanying the appropriation Act or
8 other Act, unless the earmark is also included in such Act.

9 **SEC. 3. PROHIBITION ON OBLIGATION OF FUNDS FOR EAR-**
10 **MARKS INCLUDED IN CONFERENCE REPORTS**
11 **BUT NOT IN THE HOUSE- OR SENATE-PASSED**
12 **VERSIONS.**

13 (a) No Federal agency may obligate any funds made
14 available in an appropriation Act or other Act to imple-
15 ment an earmark if the earmark was not in the House-
16 passed or Senate-passed version of that measure com-
17 mitted to the conference committee.

18 **SEC. 4. DEFINITIONS.**

19 As used in this Act:

20 (1) The term “assistance” includes a grant,
21 loan, loan guarantee, or contract.

22 (2) The term “congressional report” means a
23 report of a committee of the House of Representa-
24 tives or the Senate, or a joint explanatory statement
25 of a committee of conference.

1 (3) The term “earmark” means a provision that
 2 specifies the identity of an entity to receive assist-
 3 ance and the amount of the assistance.

4 (4) The term “entity” includes a private busi-
 5 ness, State, territory or locality, but does not include
 6 any Federal agency.

7 **SEC. 5. DISCLOSURE OF EARMARKS IN LEGISLATION RE-**
 8 **PORTS.**

9 Rule XXII of the Rules of the House of Representa-
 10 tives is amended by adding at the end the following new
 11 clause:

12 “13. (a) In this paragraph, the term ‘earmark’ has
 13 the meaning given to such term in section 4 of the Ear-
 14 mark Transparency Act of 2006.

15 “(b) No bill or amendment between the Houses or
 16 conference report on such a bill shall be considered unless
 17 a list of—

18 “(1) all earmarks in such measure;

19 “(2) if possible, an identification of the member
 20 who proposed the earmark; and

21 “(3) an explanation of the essential govern-
 22 mental purpose for the earmark;

23 are available to all Members and made available to the
 24 general public by means of the Internet for at least 72
 25 hours before its consideration.”.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act shall apply to Acts enacted after December
3 31, 2006, and the amendment made by section 5 shall
4 take effect immediately before noon January 3, 2007.

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