

110TH CONGRESS
1ST SESSION

H. R. 631

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2007

Mr. FLAKE (for himself, Mr. HENSARLING, Mr. TERRY, Mr. RADANOVICH, Mr. CAMPBELL of California, Mr. FORTUÑO, Mr. MILLER of Florida, Mr. PENCE, Mr. SALI, Mr. BILBRAY, Mr. WALBERG, and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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 2007”.

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. DEFINITIONS.**

10 As used in this Act:

11 (1) The term “congressional report” means a
12 report of a committee of the House of Representa-
13 tives or the Senate, or a joint explanatory statement
14 of a committee of conference.

15 (2) The term “earmark” means a provision in
16 a bill or conference report, or language in an accom-
17 panying committee report or joint statement of man-
18 agers with respect to a general appropriation bill, or
19 conference report thereon, providing or recom-
20 mending an amount of budget authority for a con-
21 tract, loan, loan guarantee, grant, or other expendi-
22 ture with or to any entity, if—

23 (A) such entity is specifically identified in
24 the report or bill; or

25 (B) if the discretionary budget authority is
26 allocated outside of the statutory or administra-

1 tive formula-driven or competitive bidding proc-
2 ess and is targeted or directed to an identifiable
3 entity, specific State, or Congressional district.

4 (3) The term “entity” includes a private busi-
5 ness, State, territory or locality, or Federal entity.

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