

109TH CONGRESS
1ST SESSION

H. R. 1642

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2005

Mr. FLAKE (for himself, Mr. GUTKNECHT, Mr. PENCE, Mr. HENSARLING, Mr. MARCHANT, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. HOSTETTLER, and Mr. MILLER of Florida) 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 appropriations 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 “Obligation of Funds
5 Transparency Act of 2005”.

1 **SEC. 2. PROHIBITION ON OBLIGATION OF FUNDS FOR AP-**
2 **PROPRIATIONS EARMARKS INCLUDED ONLY**
3 **IN CONGRESSIONAL REPORTS.**

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

9 (b) DEFINITIONS.—For purposes of this section:

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

12 (2) The term “congressional report” means a
13 report of the Committee on Appropriations of the
14 House of Representatives or the Senate, or a joint
15 explanatory statement of a committee of conference.

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

19 (4) The term “entity” includes a State or local-
20 ity, but does not include any Federal agency.

21 (c) EFFECTIVE DATE.—This section shall apply to
22 appropriation Acts enacted after December 31, 2005.

1 **SEC. 3. PROHIBITING WAIVER OF GERMANENESS REQUIRE-**
2 **MENT FOR CONFERENCE REPORTS.**

3 (a) PROHIBITING WAIVER.—Rule XXII of the Rules
4 of the House of Representatives is amended by adding at
5 the end the following new clause:

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

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

14 “(c) This clause is intended to admit the question of
15 consideration not only in the case of a special rule that
16 explicitly waives clause 10(a)(1)(A) but also in the case
17 of a special rule that waives all (or unspecified) points of
18 order.”.

19 (b) PROHIBITING RULE WAIVING RESTRICTION.—
20 Clause 6(c) of rule XIII of the Rules of the House of Rep-
21 resentatives is amended—

22 (1) by striking the period at the end of sub-
23 paragraph (2) and inserting “; or”; and

24 (2) by adding at the end the following new sub-
25 paragraph:

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

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