

109TH CONGRESS
1ST SESSION

S. 1495

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

IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. MCCAIN (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.

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