

109TH CONGRESS
2D SESSION

S. 2179

To require openness in conference committee deliberations and full disclosure
of the contents of conference reports and all other legislation.

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2006

Mr. OBAMA introduced the following bill; which was read twice and referred
to the Committee on Rules and Administration

A BILL

To require openness in conference committee deliberations
and full disclosure of the contents of conference reports
and all other legislation.

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 “Curtailing Lobbyist
5 Effectiveness Through Advance Notification, Updates,
6 and Posting Act” or the “CLEAN UP Act”.

1 **SEC. 2. CONFERENCE COMMITTEE DISCLOSURE REQUIRE-**
2 **MENTS.**

3 (a) CLEAR IDENTIFICATION OF NEW MATERIAL IN
4 CONFERENCE REPORTS.—Rule XXVIII of the Rules of
5 the Senate is amended by adding at the end the following:
6 “7. The joint explanatory statement by a committee
7 of conference shall separately identify and explain each
8 provision of the report in violation of paragraph 2 or 3
9 of rule XXVIII of the Standing Rules of the Senate and,
10 if possible, identify the Member who proposed such provi-
11 sion.”.

12 (b) SENSE OF CONGRESS ON CONFERENCE COM-
13 MITTEE PROTOCOLS.—It is the sense of Congress that—

14 (1) conference committees should hold regular,
15 formal meetings of all conferees that are open to the
16 public or televised;

17 (2) all conferees should be given adequate no-
18 tice of the time and place of all such meetings; and

19 (3) all conferees should be afforded an oppor-
20 tunity to participate in full and complete debates of
21 the matters that such conference committees may
22 recommend to their respective Houses.

1 **SEC. 3. ACTUAL VOTING REQUIRED IN CONFERENCE COM-**
2 **MITTEE MEETINGS AND OPPORTUNITY FOR**
3 **MINORITY VIEWS.**

4 Rule XXVIII of the Standing Rules of the Senate is
5 amended by adding at the end the following:

6 “8. It shall not be in order to consider a conference
7 report unless the senior manager from the majority party
8 on the part of the Senate as so designated for that purpose
9 by the majority leader and the senior manager from the
10 minority party on the part of the Senate as so designated
11 for that purpose by the minority leader include in the
12 statement of managers accompanying such conference re-
13 port a signed statement that—

14 “(1) all Senate managers have been afforded an
15 opportunity at a meeting of the committee on con-
16 ference to vote on all amendments and other propo-
17 sitions considered by that committee;

18 “(2) roll call votes have been held in public
19 meetings of the conferees on the matter contained in
20 any motion to instruct conferees passed by the Sen-
21 ate; and

22 “(3) the minority was offered an opportunity to
23 submit dissenting or minority views for the joint
24 statement of managers.”.

1 **SEC. 4. AVAILABILITY OF LEGISLATION ON THE INTERNET.**

2 Rule XIV of all the Standing Rules of the Senate is
3 amended by adding at the end the following:

4 “11.(a) The reading in full of any bill, resolution,
5 conference report, or amendment shall not be dispensed
6 with unless such measure is available to all Members and
7 made available to the general public by means of the Inter-
8 net for at least 72 hours before its consideration.

9 “(b) This paragraph may only be waived by $\frac{2}{3}$ of
10 Members, duly chosen and sworn.”.

11 **SEC. 5. EARMARKS.**

12 Rule XVI of the Standing Rules of the Senate is
13 amended by adding at the end the following:

14 “8.(a) In this paragraph, the term ‘earmark’ means
15 a provision that requires or permits the obligation or ex-
16 penditure of any amount appropriated for the benefit of
17 an identifiable person, program, project, entity, or juris-
18 diction by earmarking or other specification, whether by
19 name or description, in a manner that—

20 “(1) discriminates against other persons, pro-
21 grams, projects, entities, or jurisdictions similarly
22 situated that would be eligible, but for the require-
23 ment or permission, for the amount appropriated; or

24 “(2) applies only to a single identifiable person,
25 program, project, entity, or jurisdiction, unless the
26 identifiable person, program, project, entity, or juris-

1 diction is described or otherwise clearly identified in
2 a law or Treaty stipulation (or an Act or resolution
3 previously passed by the Senate during the same
4 session or in the estimate submitted in accordance
5 with law).

6 “(b) No appropriation bill shall be considered unless
7 a list of all earmarks in such bill and accompanying re-
8 ports are available to all Members and made available to
9 the general public by means of the Internet for at least
10 72 hours before its consideration.

11 “(c) This paragraph may only be waived by $\frac{2}{3}$ of
12 Members, duly chosen and sworn.”.

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