

109TH CONGRESS
2D SESSION

S. 2261

To provide transparency and integrity in the earmark process.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2006

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

A BILL

To provide transparency and integrity in the earmark
process.

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 “Transparency and In-
5 tegrity in Earmarks Act of 2006”.

6 **SEC. 2. EARMARKS.**

7 Rule XVI of the Standing Rules of the Senate is
8 amended by adding at the end the following:

9 “8.(a) In this paragraph, the term ‘earmark’ means
10 a provision that requires or permits the obligation or ex-
11 penditure of any amount appropriated for the benefit of

1 an identifiable person, program, project, entity, or juris-
 2 diction by earmarking or other specification, whether by
 3 name or description, in a manner that—

4 “(1) discriminates against other persons, pro-
 5 grams, projects, entities, or jurisdictions similarly
 6 situated that would be eligible, but for the require-
 7 ment or permission, for the amount appropriated; or

8 “(2) applies only to a single identifiable person,
 9 program, project, entity, or jurisdiction, unless the
 10 identifiable person, program, project, entity, or juris-
 11 diction is described or otherwise clearly identified in
 12 a law or Treaty stipulation (or an Act or resolution
 13 previously passed by the Senate during the same
 14 session or in the estimate submitted in accordance
 15 with law).

16 “(b) No appropriation bill shall be considered un-
 17 less—

18 “(1) a list of all earmarks in such bill and the
 19 name of the requestor and a short justification for
 20 each earmark are available to all Members and made
 21 available to the general public by means of the Inter-
 22 net for at least 72 hours before its consideration;

23 “(2) all earmarks are contained in the text of
 24 the bill and not incorporated by reference or directed
 25 in the committee report; and

1 “(3) all earmarks are germane to the bill.

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

4 **SEC. 3. PROHIBITION ON ADVOCATING FOR EARMARK IN**
5 **WHICH THERE EXISTS A FINANCIAL INTER-**
6 **EST.**

7 Rule XXXVII of the Standing Rules of the Senate
8 is amended by adding at the end the following:

9 “12. No Member of the Senate may advocate to in-
10 clude an earmark in any bill or joint resolution (or an ac-
11 companying report) or in any conference report on a bill
12 or joint resolution (including an accompanying joint state-
13 ment of managers thereto) if the Member has a financial
14 interest in such earmark.”.

15 **SEC. 4. PROHIBITION ON BUYING VOTES.**

16 Rule XXXVII of the Standing Rules of the Senate
17 is amended by adding at the end the following:

18 “13. No Member of the Senate shall condition the
19 inclusion of language to provide funding for an earmark
20 in any bill or joint resolution (or an accompanying report
21 thereof) or in any conference report on a bill or joint reso-
22 lution (including an accompanying joint statement of man-
23 agers thereto) on any vote cast by the Member of the Sen-
24 ate in whose State the project will be carried out.”.

1 **SEC. 5. LOBBYING ON BEHALF OF RECIPIENTS OF FED-**
2 **ERAL FUNDS.**

3 The Lobbying Disclosure Act of 1995 is amended by
4 adding after section 5 the following:

5 **“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.**

6 “(a) IN GENERAL.—A recipient of Federal funds
7 shall file a report as required by section 5(a) containing—

8 “(1) the name of any lobbyist registered under
9 this Act to whom the recipient paid money to lobby
10 on behalf of the Federal funding received by the re-
11 cipient; and

12 “(2) the amount of money paid as described in
13 paragraph (1).

14 “(b) DEFINITION.—In this section, the term ‘recipi-
15 ent of Federal funds’ means the recipient of Federal funds
16 constituting an award, grant, or loan.”.

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