

111TH CONGRESS
2D SESSION

H. R. 5258

To amend the Congressional Budget Act of 1974 to require Congress to establish a unified and searchable database on a public website for congressional earmarks.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2010

Mr. CASSIDY (for himself, Ms. SPEIER, Mr. REICHERT, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Budget, 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 amend the Congressional Budget Act of 1974 to require Congress to establish a unified and searchable database on a public website for congressional earmarks.

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 Act of 2010”.

1 **SEC. 2. UNIFIED AND SEARCHABLE DATABASE FOR CON-**
2 **GRESSIONALLY DIRECTED SPENDING ITEMS.**

3 (a) IN GENERAL.—Title III of the Congressional
4 Budget Act of 1974 is amended by adding at the end the
5 following new section:

6 “UNIFIED AND SEARCHABLE DATABASE FOR
7 CONGRESSIONALLY DIRECTED SPENDING ITEMS

8 “SEC. 316. (a) ESTABLISHMENT OF DATABASE.—
9 Within six months after the date of enactment of this sec-
10 tion, the Clerk of the House of Representatives and the
11 Secretary of the Senate shall jointly establish a searchable
12 website, available to the public at no cost, listing all re-
13 quests by Members of Congress for congressionally di-
14 rected spending items.

15 “(b) CONTENT.—The website established under sub-
16 section (a) shall be comprised of a database including the
17 following information for each congressionally directed
18 spending item requested by a Member of Congress:

19 “(1) The fiscal year in which the item would be
20 funded.

21 “(2) The number of the bill or joint resolution
22 for which the request is made, if available.

23 “(3) The amount of the initial request made by
24 the Member of Congress.

25 “(4) The amount approved by the committee of
26 jurisdiction.

1 “(5) The amount carried in the bill or joint res-
2 olution (or accompanying report) as passed by the
3 House, as passed by the Senate, and as transmitted
4 to the President, as applicable.

5 “(6) The name of the department or agency,
6 and the account or program, through which the item
7 will be funded.

8 “(7) The name and the State or district of the
9 Member of Congress who made the request.

10 “(8) The name and address of the intended re-
11 cipient.

12 “(9) The type of organization (public, private
13 nonprofit, or private for profit entity) of the in-
14 tended recipient.

15 “(10) The project name, description, and esti-
16 mated completion date.

17 “(11) A justification of the benefit to taxpayers.

18 “(12) Whether the request is for a continuing
19 project and if so, when funds were first appropriated
20 for such project.

21 “(13) A description, if applicable, of all non-
22 Federal sources of funding.

23 “(14) Its current status in the legislative proc-
24 ess, including whether it was carried in any bill or
25 joint resolution (or accompanying report) passed by

1 either House, added in a committee of conference
2 between the Houses (or joint explanatory statement
3 of managers) or in an amendment between the
4 Houses, or included in a bill or joint resolution en-
5 acted into law, including any changes in the final
6 dollar amount.

7 “(c) ACCESSIBILITY OF DATA.—The website estab-
8 lished under subsection (a) shall allow the public to—

9 “(1) search, sort, and download all information
10 in the database in a machine-readable format;

11 “(2) ascertain through a single search, by indi-
12 vidual Member of Congress, the total number and
13 dollar value of congressionally directed spending
14 items requested by that Member and the total num-
15 ber and dollar value of such items contained in bills
16 or joint resolutions as passed by either House or en-
17 acted into law by fiscal year;

18 “(3) search and aggregate data based on any
19 category set forth in subsection (b); and

20 “(4) access the website from the home page of
21 the website of the Clerk of the House of Representa-
22 tives and of the Secretary of the Senate.

23 “(d) TIMELINESS OF DATA.—(1) Within 5 calendar
24 days of receipt of a request for a congressionally directed
25 spending item from a Member of Congress, each com-

1 mittee of the House of Representatives and of the Senate
2 shall provide to the Clerk of the House of Representatives
3 or the Secretary of the Senate, as applicable, the initial
4 information regarding that request that is required under
5 this section to be placed on the website established under
6 subsection (a). That committee shall provide up-to-date in-
7 formation to the Clerk or Secretary, as applicable.

8 “(2) The Clerk of the House of Representatives and
9 the Secretary of the Senate shall post on the website es-
10 tablished under subsection (a) the information received
11 under paragraph (1) within 2 calendar days (excluding
12 Saturdays, Sundays, or legal holidays except when the
13 House or Senate is in session on such a day).

14 “(e) POINT OF ORDER.—(1) It shall not be in order
15 to consider any bill or joint resolution, or amendment
16 thereto or conference report thereon unless it meets the
17 requirements of this section.

18 “(2) Subsections (c)(1) and (d)(2) of section 904 of
19 the Congressional Budget Act of 1974 are each amended
20 by inserting ‘316, ’ after ‘313, ’.

21 “(f) DEFINITIONS.—As used in this section—

22 “(1) the term ‘congressionally directed spending
23 item’ means a provision or report language included
24 primarily at the request of a Member of Congress
25 providing, authorizing, or recommending a specific

1 amount of discretionary budget authority, credit au-
2 thority, or other spending authority for a contract,
3 loan, loan guarantee, grant, loan authority, or other
4 expenditure with or to an entity, or targeted to a
5 specific State, locality, or congressional district,
6 other than through a statutory or administrative for-
7 mula-driven or competitive award process; and

8 “(2) the term ‘Member of Congress’ means a
9 Senator in, a Representative in, or a Delegate or
10 Resident Commissioner to, the Congress.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents set forth in section 1(b) of the Congressional Budget
13 and Impoundment Control Act of 1974 is amended by in-
14 serting after the item relating to section 315 the following
15 new item:

“Sec. 316. Unified and searchable database for congressionally directed spend-
ing items.”.

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