

Calendar No. 692

111TH CONGRESS
2^D SESSION

S. 3335

[Report No. 111–365]

To require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2010

Mr. COBURN (for himself, Mr. MCCAIN, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. BENNET, Mr. ENSIGN, Mr. CORKER, Mr. UDALL of Colorado, Mrs. MCCASKILL, Mr. ISAKSON, Mrs. BOXER, Mr. CORNYN, Mr. CHAMBLISS, Mr. DEMINT, Mr. HATCH, Mr. ALEXANDER, Mr. TESTER, Mr. ENZI, Mr. THUNE, Mr. CARPER, Mr. KAUFMAN, Ms. SNOWE, Ms. COLLINS, Mr. BURR, Mr. BROWN of Massachusetts, Mr. CASEY, Mr. GRAHAM, and Mr. JOHANNIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 14, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ~~CONGRESSIONALLY DIRECTED SPENDING~~
 9 ~~ITEM.~~—The term “congressionally directed spending
 10 item” shall have the same meaning as given the
 11 term in section 521 of the Honest Leadership and
 12 Open Government Act of 2007 (Public Law 110–
 13 81).

14 (2) ~~REQUEST.~~—The term “request” means a
 15 formal communication, most commonly in writing,
 16 from a Member of Congress to a committee of Con-
 17 gress or a chairman or ranking member of such a
 18 committee requesting a congressionally directed
 19 spending item.

20 (3) ~~REQUESTOR.~~—The term “requestor” means
 21 the Member or Members of Congress that submits
 22 a request.

23 (4) ~~SEARCHABLE WEBSITE.~~—The term
 24 “searchable website” means a website that allows
 25 the public to—

1 (A) search and aggregate congressionally
2 directed spending items by any element re-
3 quired under section 3;

4 (B) ascertain through a single search the
5 total number and dollar value of congressionally
6 directed spending items requested by an indi-
7 vidual Member of Congress;

8 (C) download data included in subpara-
9 graph (A) included in the outcome from
10 searches;

11 (D) programmatically search and access all
12 data in a serialized machine readable format via
13 a web-services application programming inter-
14 face;

15 (E) access a public facing interface that
16 can be queried across multiple fields from a sin-
17 gle search, or through an advanced search that
18 allows users to query for information in specific
19 fields; and

20 (F) access the website address and link on
21 the front page of the websites of the Secretary
22 of the Senate and Clerk of the House of Rep-
23 resentatives.

1 **SEC. 3. CONGRESSIONAL EARMARK DATABASE.**

2 ~~(a) WEBSITE.~~—Not later than 6 months after the
3 date of enactment of this Act, the Clerk of the House of
4 Representatives, in coordination with the Secretary of the
5 Senate, shall ensure the existence of a single searchable
6 website, available to the public at no cost to access, that
7 includes for each request—

8 ~~(1) the fiscal year in which the congressionally~~
9 ~~directed spending item would be funded;~~

10 ~~(2) the bill number on which request is made;~~

11 ~~(3) the bill section location;~~

12 ~~(4) the amount of initial request made by re-~~
13 ~~questor;~~

14 ~~(5) the amount approved by the committee of~~
15 ~~jurisdiction;~~

16 ~~(6) the amount approved in final legislation (if~~
17 ~~approved);~~

18 ~~(7) the name of Federal department or agency~~
19 ~~through which the entity will receive the funding;~~

20 ~~(8) if the request was included in the Presi-~~
21 ~~dent's budget for the relevant fiscal year;~~

22 ~~(9) if the request is authorized in law and when~~
23 ~~any such authorization expires;~~

24 ~~(10) the name of the requestor or requestors;~~

1 (11) the requestor State (for Members of the
2 Senate) or State and District (for Members of the
3 House of Representatives);

4 (12) the name of any beneficiary designated to
5 receive appropriations, including Federal agencies,
6 municipalities, and States;

7 (13) the type of organization (public, private
8 non-profit, or private for-profit entity);

9 (14) the address of each beneficiary identified
10 in paragraph (12);

11 (15) the project name;

12 (16) the project description;

13 (17) the justification, as provided by the re-
14 questor or requestors, explaining how congressionally
15 directed spending item would benefit taxpayers;

16 (18) an indication of whether congressionally
17 directed spending item related to request is a con-
18 tinuing project;

19 (19) for each congressionally directed spending
20 item identified as a continuing project under para-
21 graph (18), an indication of how long it has received
22 appropriations;

23 (20) the estimated completion date of the
24 project funded by the congressionally directed spend-
25 ing item;

1 (21) a description, if applicable, of any Federal
 2 or non-Federal sources of funding for the previous
 3 2 fiscal years, including the amount of a State or
 4 local matching requirement, for the congressionally
 5 directed spending item;

6 (22) for any non-Federal sources of funding
 7 identified under paragraph (21), an identification of
 8 the sources and their percentage of the project's
 9 total funding;

10 (23) a copy of all requests and supplemental
 11 documents submitted to a committee of Congress
 12 relevant to each request; and

13 (24) the status of the congressionally directed
 14 spending item, including if it was only requested, or
 15 then inserted into a bill passed by either House, and
 16 also noted if it was included in final conference re-
 17 port, including any changes in final dollar amount
 18 awarded for the item.

19 (b) SCOPE OF DATA.—The website created under
 20 subsection (a) shall contain all requests made on or after
 21 the date of enactment of this Act consistent with the provi-
 22 sion of this Act.

23 (c) SEARCH REQUIREMENTS.—The website created
 24 under subsection (a) shall—

1 (1) distinguish between requests that have been
2 included in authorizing or appropriation legislation
3 and those that were requested but not included in
4 any legislation;

5 (2) provide a permanent and unique identifica-
6 tion number for each request for a congressionally
7 directed spending item;

8 (3) provide that all search results return per-
9 manent weblinks; and

10 (4) include information from all relevant
11 sources including bills, conference reports, amend-
12 ments, manager's amendments, and committee re-
13 ports.

14 (d) AVAILABILITY.—Requests shall be made available
15 on the website created under subsection (a) not later than
16 5 days after submission by a requestor to a committee of
17 Congress. For items under paragraphs (2), (3), (5), and
18 (6) of subsection (a), information shall be added to the
19 website as soon as it becomes available.

20 (e) CONFERENCE REPORTS.—The database shall be
21 updated to include congressionally directed spending items
22 included in any conference report.

23 (f) COMMITTEES RESPONSIBLE.—The burden to pro-
24 vide information in a timely manner and in compliance
25 with this Act to the Secretary of the Senate and the Clerk

1 of the House regarding requests shall be on the committee
 2 of Congress to which a request is made.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Earmark Transparency*
 5 *Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *EARMARK.*—*The term “earmark” means a*
 9 *congressionally directed spending item, limited tax*
 10 *benefit, or limited tariff benefit as defined in para-*
 11 *graph 5 of rule XLIV of the Standing Rules of the*
 12 *Senate, as added by section 521 of the Honest Leader-*
 13 *ship and Open Government Act of 2007 (Public Law*
 14 *110–81).*

15 (2) *REQUEST.*—*The term “request” means any*
 16 *formal communication, including in writing or by*
 17 *electronic submission, from a Member of Congress to*
 18 *a committee of Congress or a chairman or ranking*
 19 *member of such a committee requesting an earmark.*

20 (3) *REQUESTOR.*—*The term “requestor” means*
 21 *the Member or Members of Congress that submits a*
 22 *request.*

23 (4) *SEARCHABLE WEBSITE.*—*The term “search-*
 24 *able website” means a website that—*

(A) has the uniform resource locator of *earmarks.congress.gov*, which shall be prominently displayed under the official websites of the Senate and the House of Representatives; and

(B) allows the public to—

(i) search and sort earmarks by any element required under section 3;

(ii) ascertain through a single search the total number and dollar value of earmarks requested by an individual Member of Congress;

(iii) download data included in clause (i) included in the outcome from searches;

(iv) programmatically retrieve information regarding specific earmarks; and

(v) query across multiple fields in a single search, or through an advanced search for information in specific fields.

SEC. 3. CONGRESSIONAL EARMARK DATABASE.

(a) *WEBSITE*.—Upon the date of enactment of this Act, the Secretary of the Senate, the Senate Sergeant of Arms, and the Clerk of the House, in consultation with the relevant congressional committees, shall begin the development of a single searchable website, available to the public at no cost to access, that includes for each request—

1 (1) *the fiscal year in which the earmark would*
2 *be funded;*

3 (2) *the bill number on which request is made;*

4 (3) *the amount of initial request made by re-*
5 *questor;*

6 (4) *the amount approved by the committee to*
7 *which the request was made;*

8 (5) *the amount approved in final legislation (if*
9 *approved);*

10 (6) *the name of Federal department or agency*
11 *through which the entity will receive the funding;*

12 (7) *the name of the requestor or requestors;*

13 (8) *the requestor State (for Members of the Sen-*
14 *ate) or State and District (for Members of the House*
15 *of Representatives);*

16 (9) *the name of any beneficiary designated to re-*
17 *ceive appropriations, including Federal agencies, mu-*
18 *nicipalities, and States;*

19 (10) *the type of organization (public, private*
20 *non-profit, or private for-profit entity);*

21 (11) *the address of each beneficiary identified in*
22 *paragraph (9);*

23 (12) *the project name;*

24 (13) *the project description;*

1 (14) *the justification, as provided by the re-*
2 *questor or requestors, explaining how the earmark*
3 *would benefit taxpayers;*

4 (15) *for any non-Federal sources of funding, the*
5 *percentage of the project's total funding; and*

6 (16) *a copy of all documents provided by the re-*
7 *questor to a committee relevant to each request.*

8 (b) *SCOPE OF DATA.*—*The website created under sub-*
9 *section (a) shall contain all requests made beginning 1 year*
10 *after the date of enactment of this Act consistent with the*
11 *provision of this Act.*

12 (c) *SEARCH REQUIREMENTS.*—*The website created*
13 *under subsection (a) shall—*

14 (1) *provide a permanent and unique identifica-*
15 *tion number for each request and for each requestor;*

16 (2) *provide that all search results return perma-*
17 *nent weblinks; and*

18 (3) *include information from all relevant sources*
19 *including bills, conference reports, amendments, man-*
20 *ager's amendments, and committee reports.*

21 (d) *AVAILABILITY.*—*Requests shall be made available*
22 *on the website created under subsection (a) not later than*
23 *5 days after submission by a requestor to a committee of*
24 *Congress. For items under paragraphs (4), (5), and (6) of*

1 subsection (a), information shall be added to the website as
 2 soon as it becomes available.

3 (e) *RESPONSIBILITY FOR PROVIDING DATA.*—The bur-
 4 den to provide information in a timely manner and in com-
 5 pliance with this Act to the Secretary of the Senate and
 6 the Clerk of the House regarding requests shall be—

7 (1) in the case of a requestor, the requirements
 8 under subsection (a)(1), (2), (3), (7), (8), (9), (10),
 9 (11), (12), (13), (14), (15), and (16); and

10 (2) for all other requirements be on the chair of
 11 each committee to which a request is made.

12 (f) *EFFECTIVE DATE.*—

13 (1) *IN GENERAL.*—Except as provided in para-
 14 graph (2), this Act shall be implemented not later
 15 than 18 months after the date of enactment of this
 16 Act.

17 (2) *EXCEPTION.*—The provisions referred to
 18 under subsection (c) may be implemented not later
 19 than 2 years after the date of enactment of this Act,
 20 if the Secretary of the Senate certifies in writing to
 21 relevant congressional committees that additional
 22 time is needed.

23 (3) *OFFSET.*—Any funds that remain unobli-
 24 gated or unspent at the end of fiscal year 2010 or
 25 2011 from the Official Personnel and Office Expense

1 *Account of any Senator who agrees to a transfer may*
2 *be transferred from such account to the office of the*
3 *Secretary of the Senate for the purpose of paying for*
4 *any costs associated with the searchable website estab-*
5 *lished by this Act. Not later than 10 days after the*
6 *conclusion of the fiscal year, a Member of the Senate*
7 *may provide in writing notification to the Majority*
8 *Leader of the Senate of the amount of funding that*
9 *shall be transferred to the office of the Secretary of the*
10 *Senate under this section.*

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