

111TH CONGRESS
2D SESSION

S. 3475

To provide tighter control over and additional public disclosure of earmarks.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2010

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

A BILL

To provide tighter control over and additional public
disclosure of 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 “Clean Up Earmarks
5 Act of 2010” or the “CUE Act of 2010”.

6 **SEC. 2. GAO AUDIT OF SENATE EARMARKS.**

7 (a) IN GENERAL.—Not later than March 31 of each
8 year, the Comptroller General shall submit an audit to
9 Congress of 5 percent of Senate earmarks for the current
10 fiscal year chosen at random.

1 (b) DETAILS.—The audit required by subsection (a)
 2 shall include—

3 (1) an adequate amount of earmarks of small
 4 and large programs;

5 (2) 50 percent of earmarks that have been re-
 6 quested by at least one Democratic Senator and 50
 7 percent requested by at least one Republican Sen-
 8 ator; and

9 (3) 50 percent of earmarks requested by mem-
 10 bers of the Senate Committee on Appropriations and
 11 50 percent requested by Senators not on the Senate
 12 Committee on Appropriations.

13 **SEC. 3. STRENGTHENING POINT OF ORDER AGAINST**
 14 **AIRDROPPED ITEMS IN CONFERENCE RE-**
 15 **PORTS.**

16 Subparagraphs (c) and (d) of paragraph 8 of rule
 17 XLIV of the Standing rules of the Senate are amended
 18 by striking “three-fifths” and inserting “two-thirds”.

19 **SEC. 4. IMPROVING EARMARKS WEB SITE.**

20 The Secretary of the Senate and the Clerk of the
 21 House of Representatives shall take such steps as are nec-
 22 essary to improve the Web site earmarks.gov to—

23 (1) make earmarks more easily searchable by
 24 the requesting member of Congress and by any fed-

1 erally registered lobbyist who requested such ear-
 2 mark; and

3 (2) ensure that the Web site is user friendly
 4 and does not include extraneous information.

5 **SEC. 5. HEARINGS ON EARMARKS.**

6 It is the sense of the Senate that—

7 (1) the subcommittees of the Committee on Ap-
 8 propriations should hold hearings on earmark re-
 9 quests in excess of \$1,000,000, during which Mem-
 10 bers who request said earmarks should be invited to
 11 testify; and

12 (2) the subcommittees of the Committee on Ap-
 13 propriations shall hold hearings on earmark requests
 14 in excess of \$5,000,000, during which Members who
 15 request said earmarks shall be invited to testify.

16 **SEC. 6. INCREASED EARMARK TRANSPARENCY AND PRO-**
 17 **HIBITING EARMARKS TO PRIVATE FOR-PROF-**
 18 **IT ENTITIES.**

19 Rule XLIV of the Standing Rules of the Senate is
 20 amended by adding at the end thereof the following:

21 “13.(a) All congressionally directed spending items
 22 shall be included in the text of an appropriations or au-
 23 thorization bill and any conference report related to that
 24 appropriations or authorization bill.

1 “(b) Not later than 48 hours after the request, each
 2 request for a congressionally directed spending item for
 3 an appropriations or authorization bill made by a Senator
 4 shall be posted on the Senator’s Web site. The posting
 5 of the request for a congressionally directed spending item
 6 shall include the name and location of the specifically in-
 7 tended recipient, the purpose of the congressionally di-
 8 rected spending item, the name of any federally registered
 9 lobbyist who materially participated in requesting that the
 10 earmark submission be made by that Senator, and the dol-
 11 lar amount requested. If there is no specifically intended
 12 recipient, the posting shall include the intended location
 13 of the activity, the purpose of the congressionally directed
 14 spending item, and the dollar amount requested.

15 “(c) It shall not be in order to consider an appropria-
 16 tions or authorization bill, amendment, or conference re-
 17 port if it contains a congressionally directed spending item
 18 for a private for-profit entity.”.

19 **SEC. 7. DISCLOSURE BY NON-PROFITS OF PRIVATE FOR-**
 20 **PROFIT EARMARK BENEFICIARIES.**

21 Each Senator shall—

22 (1) require any eligible entity that requests an
 23 earmark submission from that Senator to include a
 24 written disclosure in that earmark request of the
 25 identity of any for profit, private company that

1 might directly benefit financially from the award of
 2 the earmark; and

3 (2) submit the identity of the beneficiary dis-
 4 closed under paragraph (1) in writing to the Senate
 5 Committee on Appropriations with any cor-
 6 responding earmarks request made by the Senator
 7 and include the beneficiary disclosure in the disclo-
 8 sure of earmarks required to be posted on the Web
 9 site of the Senator by paragraph 13 of rule XLIV
 10 of the Standing Rules of the Senate.

11 **SEC. 8. AMENDMENT TO THE LOBBYING DISCLOSURE ACT**
 12 **OF 1995 REQUIRING REPORTING INFORMA-**
 13 **TION ON THE EMPLOYER OF A LOBBYIST.**

14 Section 5(b) of the Lobbying Disclosure Act of 1995
 15 (2 U.S.C. 1604(b)) is amended—

16 (1) in paragraph (4), by striking the “and”
 17 after the semicolon;

18 (2) in paragraph (5), by striking the period and
 19 inserting “; and”; and

20 (3) by inserting at the end the following:

21 “(6) for each client, the amount of congres-
 22 sional earmarks requested from Congress on behalf
 23 of the client and a detailed accounting of each such
 24 earmark.”.

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