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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. JOHANNS) 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.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earmark Transparency Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONALLY DIRECTED SPENDING ITEM.—The term "congressionally directed spending item" shall have the same meaning as given the term in section 524 of the Honest Leadership and Open Government Act of 2007 (Public Law 110–81).

(2) REQUEST.—The term "request" means a formal communication, most commonly in writing, from a Member of Congress to a committee of Congress or a chairman or ranking member of such a committee requesting a congressionally directed spending item.

(3) REQUESTOR.—The term "requestor" means the Member or Members of Congress that submits a request.

(4) SEARCHABLE WEBSITE.—The term "searchable website" means a website that allows the public to—
(A) search and aggregate congressionally directed spending items by any element required under section 3;

(B) ascertain through a single search the total number and dollar value of congressionally directed spending items requested by an individual Member of Congress;

(C) download data included in subparagraph (A) included in the outcome from searches;

(D) programmatically search and access all data in a serialized machine readable format via a web-services application programming interface;

(E) access a public facing interface that can be queried across multiple fields from a single search, or through an advanced search that allows users to query for information in specific fields; and

(F) access the website address and link on the front page of the websites of the Secretary of the Senate and Clerk of the House of Representatives.
SEC. 3. CONGRESSIONAL EARMARK DATABASE.

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

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

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

(3) the bill section location;

(4) the amount of initial request made by requestor;

(5) the amount approved by the committee of jurisdiction;

(6) the amount approved in final legislation (if approved);

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

(8) if the request was included in the President's budget for the relevant fiscal year;

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

(10) the name of the requestor or requestors;
(11) the requestor State (for Members of the Senate) or State and District (for Members of the House of Representatives);

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

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

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

(15) the project name;

(16) the project description;

(17) the justification, as provided by the requestor or requestors, explaining how congressionally directed spending item would benefit taxpayers;

(18) an indication of whether congressionally directed spending item related to request is a continuing project;

(19) for each congressionally directed spending item identified as a continuing project under paragraph (18), an indication of how long it has received appropriations;

(20) the estimated completion date of the project funded by the congressionally directed spending item;
(21) a description, if applicable, of any Federal or non-Federal sources of funding for the previous 2 fiscal years, including the amount of a State or local matching requirement, for the congressionally directed spending item;

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

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

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

(b) Scope of Data.—The website created under subsection (a) shall contain all requests made on or after the date of enactment of this Act consistent with the provision of this Act.

(c) Search Requirements.—The website created under subsection (a) shall—
(1) distinguish between requests that have been included in authorizing or appropriation legislation and those that were requested but not included in any legislation;

(2) provide a permanent and unique identification number for each request for a congressionally directed spending item;

(3) provide that all search results return permanent weblinks; and

(4) include information from all relevant sources including bills, conference reports, amendments, manager’s amendments, and committee reports.

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

(e) Conference Reports.—The database shall be updated to include congressionally directed spending items included in any conference report.

(f) Committees Responsible.—The burden to provide information in a timely manner and in compliance with this Act to the Secretary of the Senate and the Clerk
of the House regarding requests shall be on the committee of Congress to which a request is made.

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) EARMARK.—The term “earmark” means a congressionally directed spending item, limited tax benefit, or limited tariff benefit as defined in paragraph 5 of rule XLIV of the Standing Rules of the Senate, as added by section 521 of the Honest Leadership and Open Government Act of 2007 (Public Law 110–81).

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

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

(4) SEARCHABLE WEBSITE.—The term “searchable 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) the fiscal year in which the earmark would be funded;
(2) the bill number on which request is made;
(3) the amount of initial request made by requestor;
(4) the amount approved by the committee to which the request was made;
(5) the amount approved in final legislation (if approved);
(6) the name of Federal department or agency through which the entity will receive the funding;
(7) the name of the requestor or requestors;
(8) the requestor State (for Members of the Senate) or State and District (for Members of the House of Representatives);
(9) the name of any beneficiary designated to receive appropriations, including Federal agencies, municipalities, and States;
(10) the type of organization (public, private non-profit, or private for-profit entity);
(11) the address of each beneficiary identified in paragraph (9);
(12) the project name;
(13) the project description;
(14) the justification, as provided by the requestor or requestors, explaining how the earmark would benefit taxpayers;

(15) for any non-Federal sources of funding, the percentage of the project’s total funding; and

(16) a copy of all documents provided by the requestor to a committee relevant to each request.

(b) Scope of Data.—The website created under subsection (a) shall contain all requests made beginning 1 year after the date of enactment of this Act consistent with the provision of this Act.

(c) Search Requirements.—The website created under subsection (a) shall—

(1) provide a permanent and unique identification number for each request and for each requestor;

(2) provide that all search results return permanent weblinks; and

(3) include information from all relevant sources including bills, conference reports, amendments, manager’s amendments, and committee reports.

(d) Availability.—Requests shall be made available on the website created under subsection (a) not later than 5 days after submission by a requestor to a committee of Congress. For items under paragraphs (4), (5), and (6) of
subsection (a), information shall be added to the website as soon as it becomes available.

(e) Responsibility for Providing Data.—The burden to provide information in a timely manner and in compliance with this Act to the Secretary of the Senate and the Clerk of the House regarding requests shall be—

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

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

(f) Effective Date.—

(1) In General.—Except as provided in paragraph (2), this Act shall be implemented not later than 18 months after the date of enactment of this Act.

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

(3) Offset.—Any funds that remain unobligated or unspent at the end of fiscal year 2010 or 2011 from the Official Personnel and Office Expense
Account of any Senator who agrees to a transfer may be transferred from such account to the office of the Secretary of the Senate for the purpose of paying for any costs associated with the searchable website established by this Act. Not later than 10 days after the conclusion of the fiscal year, a Member of the Senate may provide in writing notification to the Majority Leader of the Senate of the amount of funding that shall be transferred to the office of the Secretary of the Senate under this section.
A BILL

[Report No. 111-365]

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DECEMBER 14, 2010

Reported with an amendment

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 and as requested by the President in his 2010 Budget Request.