

111TH CONGRESS
2ND SESSION

S. 3939

To reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2010

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

A BILL

To reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government.

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 Reform and
5 Federal Spending Transparency and Accountability Act of
6 2011”.

7 **SEC. 2. LIMITATION ON CONTRIBUTIONS BY EARMARK**
8 **BENEFICIARIES TO CERTAIN CANDIDATES.**

9 (a) LIMITATION.—

1 (1) IN GENERAL.—Section 315(a) of the Fed-
2 eral Election Campaign Act of 1971 (2 U.S.C.
3 441a(a)) is amended by redesignating paragraphs
4 (4) through (8) as paragraphs (5) through (9), re-
5 spectively, and by inserting after paragraph (3) the
6 following new paragraph:

7 “(4) LIMITATION ON CONTRIBUTIONS BY EARMARK
8 BENEFICIARIES.—

9 “(A) IN GENERAL.—During the period which
10 begins on January 1 of an odd-numbered year and
11 ends on December 31 of the next even-numbered
12 year, no earmark beneficiary shall make contribu-
13 tions aggregating more than \$5,000 to any request-
14 ing candidate with respect to such earmark bene-
15 ficiary.

16 “(B) DEFINITIONS.—For purposes of this para-
17 graph:

18 “(i) EARMARK BENEFICIARY.—The term
19 ‘earmark beneficiary’ means any person who
20 specifically requests and benefits from a con-
21 gressionally directed spending item, a limited
22 tax benefit, or a limited tariff benefit (as such
23 terms are defined in paragraph 5 of rule XLIV
24 of the Standing Rules of the Senate, deter-
25 mined by substituting ‘Senator or Member’ for

1 ‘Senator’ in such paragraph) which was enacted
2 into law during the period described in subpara-
3 graph (A) or any person who is hired to rep-
4 resent the interests of the person making the
5 request.

6 “(ii) REQUESTING CANDIDATE; REQUEST-
7 ING INDIVIDUAL.—The terms ‘requesting can-
8 didate’ and ‘requesting individual’ mean, with
9 respect to any earmark beneficiary, any Senator
10 or Member who requested the congressionally
11 directed spending item, limited tax benefit, or
12 limited tariff benefit (as so defined) which bene-
13 fits the earmark beneficiary.”.

14 (2) CONFORMING AMENDMENT.—Paragraph (1)
15 of section 315(a) of such Act (2 U.S.C. 441a(a)) is
16 amended by striking “subsection (i) and section
17 315A” and inserting “paragraph (4), subsection (i),
18 and section 315(A)”.

19 (b) INFLATION ADJUSTMENT.—

20 (1) IN GENERAL.—Section 315(c)(1) of such
21 Act (2 U.S.C. 441a(c)(1)) is amended by inserting
22 “(a)(4),” after “(a)(3)” each place it appears in sub-
23 paragraphs (B)(i) and (C).

24 (2) BASE PERIOD.—Section 315(c)(2)(B) of
25 such Act (2 U.S.C. 441(c)(2)(B)) is amended by

1 striking “and” at the end of clause (i), by striking
 2 the period at the end of clause (ii) and inserting “;
 3 and”, and by adding at the end the following new
 4 clause:

5 “(iii) for purposes of subsection
 6 (a)(4), calendar year 2010.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply to contributions made on and after
 9 January 1, 2011.

10 **SEC. 3. LIMITS ON STAFF ATTENDANCE OF MEMBER FUND**
 11 **RAISERS.**

12 (a) IN GENERAL.—Except as provided in subsection
 13 (b), an employee of the personal staff of a Member of Con-
 14 gress shall not attend a political fund raiser held on behalf
 15 of the Member of Congress for whom they are employed.

16 (b) EXCEPTION.—A Member of Congress may des-
 17 ignate 1 employee who shall not be subject to the provi-
 18 sions of subsection (a).

19 **SEC. 4. EARMARK PUBLIC DATABASE.**

20 Not later than July 1, 2011, the Secretary of the
 21 Senate and the Clerk of the House of Representatives
 22 shall post on the public website of their respective Houses
 23 a link to the earmark database maintained by the Office
 24 of Management and Budget.

1 **SEC. 5. FEDERAL EXPENDITURE PUBLIC DATABASE.**

2 Not later than July 1, 2011, the head of each depart-
3 ment and agency of the Federal Government shall post
4 on the public website of that department or agency a link
5 to a searchable database that lists each contract, grant,
6 cooperative agreement, and other expenditure made by the
7 department or agency listing with respect to the expendi-
8 ture the amount, purpose, term, and office making such
9 expenditure.

10 **SEC. 6. VOUCHING FOR EARMARK REQUESTS.**

11 Paragraph 6(a)(4) of rule XLIV of the Standing
12 Rules of the Senate is amended by inserting before the
13 semicolon the following: “and a certification that the re-
14 cipient is qualified to handle the project, if applicable”.

15 **SEC. 7. GAO AUDITS.**

16 Not later than December 31, 2011, and each year
17 thereafter, the Comptroller General shall submit a report
18 to Congress that uses the OMB database—

19 (1) to randomly select a percentage of each of
20 the programs and projects funded through earmarks
21 in the preceding fiscal year;

22 (2) to conduct an audit on each selected pro-
23 gram or project reporting on the amount, purpose,
24 term, requesting Member, and the present state of
25 completion of the program or project; and

1 (3) if the earmark contributes to an already ex-
2 isting program or project, to provide a detailed ac-
3 counting of how the earmark contributed to each
4 program or project.

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