

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3335

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.

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## 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, and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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:

1           (1) CONGRESSIONALLY DIRECTED SPENDING  
2           ITEM.—The term “congressionally directed spending  
3           item” shall have the same meaning as given the  
4           term in section 521 of the Honest Leadership and  
5           Open Government Act of 2007 (Public Law 110–  
6           81).

7           (2) REQUEST.—The term “request” means a  
8           formal communication, most commonly in writing,  
9           from a Member of Congress to a committee of Con-  
10          gress or a chairman or ranking member of such a  
11          committee requesting a congressionally directed  
12          spending item.

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

16          (4) SEARCHABLE WEBSITE.—The term  
17          “searchable website” means a website that allows  
18          the public to—

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

22                 (B) ascertain through a single search the  
23                 total number and dollar value of congressionally  
24                 directed spending items requested by an indi-  
25                 vidual Member of Congress;

1 (C) download data included in subpara-  
2 graph (A) included in the outcome from  
3 searches;

4 (D) programmatically search and access all  
5 data in a serialized machine readable format via  
6 a web-services application programming inter-  
7 face;

8 (E) access a public facing interface that  
9 can be queried across multiple fields from a sin-  
10 gle search, or through an advanced search that  
11 allows users to query for information in specific  
12 fields; and

13 (F) access the website address and link on  
14 the front page of the websites of the Secretary  
15 of the Senate and Clerk of the House of Rep-  
16 resentatives.

17 **SEC. 3. CONGRESSIONAL EARMARK DATABASE.**

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

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

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

2           (3) the bill section location;

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

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

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

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

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

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

15          (10) the name of the requestor or requestors;

16          (11) the requestor State (for Members of the  
17          Senate) or State and District (for Members of the  
18          House of Representatives);

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

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

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

1 (15) the project name;

2 (16) the project description;

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

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

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

13 (20) the estimated completion date of the  
14 project funded by the congressionally directed spend-  
15 ing item;

16 (21) a description, if applicable, of any Federal  
17 or non-Federal sources of funding for the previous  
18 2 fiscal years, including the amount of a State or  
19 local matching requirement, for the congressionally  
20 directed spending item;

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

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

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

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

14       (c) SEARCH REQUIREMENTS.—The website created  
15 under subsection (a) shall—

16           (1) distinguish between requests that have been  
17 included in authorizing or appropriation legislation  
18 and those that were requested but not included in  
19 any legislation;

20           (2) provide a permanent and unique identifica-  
21 tion number for each request for a congressionally  
22 directed spending item;

23           (3) provide that all search results return per-  
24 manent weblinks; and

1           (4) include information from all relevant  
2 sources including bills, conference reports, amend-  
3 ments, manager's amendments, and committee re-  
4 ports.

5           (d) AVAILABILITY.—Requests shall be made available  
6 on the website created under subsection (a) not later than  
7 5 days after submission by a requestor to a committee of  
8 Congress. For items under paragraphs (2), (3), (5), and  
9 (6) of subsection (a), information shall be added to the  
10 website as soon as it becomes available.

11          (e) CONFERENCE REPORTS.—The database shall be  
12 updated to include congressionally directed spending items  
13 included in any conference report.

14          (f) COMMITTEES RESPONSIBLE.—The burden to pro-  
15 vide information in a timely manner and in compliance  
16 with this Act to the Secretary of the Senate and the Clerk  
17 of the House regarding requests shall be on the committee  
18 of Congress to which a request is made.

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