AMENDMENT NO.______  Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S.3335

Referred to the Committee on ________________ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. COBURN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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) EARMARK.—The term “earmark” includes
9 a congressionally directed spending item, limited tax
10 benefit, or limited tariff benefit as defined in para-
graph 5 of rule XLIV of the Standing Rules of the Senate.

(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 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 appropriate section of the official websites of the Senate and the House of Representatives; and

(B) allows the public to—

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

(ii) query across multiple fields in a single search, or use an advanced search for information in specific fields;

(iii) ascertain through a single search the total number and dollar value of ear-
marks requested by an individual Member of Congress;

(iv) download data included in clause (i) that is included in the outcome from searches; and

(v) programmatically retrieve the current information regarding specific earmarks.

SEC. 03. CONGRESSIONAL EARMARK DATABASE.

(a) WEBSITE.—Upon the date of enactment of this Act, the Secretary of the Senate, the Senate Sergeant at 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 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 the earmark would benefit taxpayers;
(18) an indication of whether the earmark related to request is a continuing project;

(19) for each earmark 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 earmark;

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

(22) a copy of all documents provided by the requestor or requested by the committee relevant to each request; and

(23) the status of the earmark, 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 beginning 180 days 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 an earmark;

(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 provided by relevant committees and added to the website as soon as it becomes available.

(e) CONFERENCE REPORTS.—The database shall be updated to include earmarks 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 chair of each committee, including conference committees, to which
a request is made. In order to comply with this subsection, the chair may require a requestor to provide information related to a request in a manner compatible with the requirements of this Act.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act shall be implemented not later than 180 days after the date of enactment of this Act.

(2) EXCEPTION.—Not later than 90 days after the date of enactment of this Act, the Senate Sergeant at Arms, the Secretary of the Senate, and the Clerk of the House shall conduct a study of sections 2(4)(B)(v), 3(a)(22), 3(c)(3), and 3(c)(4) and report back to the Committee on House Administration and the Committee on the Budget of the House, the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate, and any member of Congress who requests to be included, an analysis of the steps and costs necessary to implement these provisions.