

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-

1 graph 5 of rule XLIV of the Standing Rules of the
2 Senate.

3 (2) REQUEST.—The term “request” means a
4 formal communication, most commonly in writing,
5 from a Member of Congress to a committee of Con-
6 gress or a chairman or ranking member of such a
7 committee requesting an earmark.

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

11 (4) SEARCHABLE WEBSITE.—The term
12 “searchable website” means a website that—

13 (A) has the uniform resource locator of
14 earmarks.congress.gov, which shall be promi-
15 nently displayed under the appropriate section
16 of the official websites of the Senate and the
17 House of Representatives; and

18 (B) allows the public to—

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

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

24 (iii) ascertain through a single search
25 the total number and dollar value of ear-

1 marks requested by an individual Member
2 of Congress;

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

6 (v) programmatically retrieve the cur-
7 rent information regarding specific ear-
8 marks.

9 **SEC. __03. CONGRESSIONAL EARMARK DATABASE.**

10 (a) WEBSITE.—Upon the date of enactment of this
11 Act, the Secretary of the Senate, the Senate Sergeant at
12 Arms, and the Clerk of the House, in consultation with
13 the relevant congressional committees, shall begin the de-
14 velopment of a single searchable website, available to the
15 public at no cost to access, that includes for each re-
16 quest—

17 (1) the fiscal year in which the earmark would
18 be funded;

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

20 (3) the bill section location;

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

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

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

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

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

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

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

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

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

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

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

20 (15) the project name;

21 (16) the project description;

22 (17) the justification, as provided by the re-
23 questor or requestors, explaining how the earmark
24 would benefit taxpayers;

1 (18) an indication of whether the earmark re-
2 lated to request is a continuing project;

3 (19) for each earmark identified as a con-
4 tinuing project under paragraph (18), an indication
5 of how long it has received appropriations;

6 (20) the estimated completion date of the
7 project funded by the earmark;

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

10 (22) a copy of all documents provided by the re-
11 questor or requested by the a committee relevant to
12 each request; and

13 (23) the status of the earmark, including if it
14 was only requested, or then inserted into a bill
15 passed by either House, and also noted if it was in-
16 cluded in final conference report, including any
17 changes in final dollar amount awarded for the item.

18 (b) SCOPE OF DATA.—The website created under
19 subsection (a) shall contain all requests made beginning
20 180 days after the date of enactment of this Act consistent
21 with the provision of this Act.

22 (c) SEARCH REQUIREMENTS.—The website created
23 under subsection (a) shall—

24 (1) distinguish between requests that have been
25 included in authorizing or appropriation legislation

1 and those that were requested but not included in
2 any legislation;

3 (2) provide a permanent and unique identifica-
4 tion number for each request for an earmark;

5 (3) provide that all search results return per-
6 manent weblinks; and

7 (4) include information from all relevant
8 sources including bills, conference reports, amend-
9 ments, manager's amendments, and committee re-
10 ports.

11 (d) AVAILABILITY.—Requests shall be made available
12 on the website created under subsection (a) not later than
13 5 days after submission by a requestor to a committee of
14 Congress. For items under paragraphs (2), (3), (5), and
15 (6) of subsection (a), information shall be provided by rel-
16 evant committees and added to the website as soon as it
17 becomes available.

18 (e) CONFERENCE REPORTS.—The database shall be
19 updated to include earmarks included in any conference
20 report.

21 (f) COMMITTEES RESPONSIBLE.—The burden to pro-
22 vide information in a timely manner and in compliance
23 with this Act to the Secretary of the Senate and the Clerk
24 of the House regarding requests shall be on the chair of
25 each committee, including conference committees, to which

1 a request is made. In order to comply with this subsection,
2 the chair may require a requestor to provide information
3 related to a request in a manner compatible with the re-
4 quirements of this Act.

5 (g) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), this Act shall be implemented not later
8 than 180 days after the date of enactment of this
9 Act.

10 (2) EXCEPTION.—Not later than 90 days after
11 the date of enactment of this Act, the Senate Ser-
12 geant at Arms, the Secretary of the Senate, and the
13 Clerk of the House shall conduct a study of sections
14 2(4)(B)(v), 3(a)(22), 3(c)(3), and 3(c)(4) and report
15 back to the Committee on House Administration and
16 the Committee on the Budget of the House, the
17 Committee on Homeland Security and Governmental
18 Affairs and the Committee on Rules and Adminis-
19 tration of the Senate, and any member of Congress
20 who requests to be included, an analysis of the steps
21 and costs necessary to implement these provisions.