

The Earmark Transparency Act of 2010

Section-by-Section Summary

Purpose

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.

Section 1. Title

The Earmark Transparency Act

Section 2. Definitions

Congressionally Directed Spending Item: This bill uses the definition in current law (below), which includes all earmarks-appropriated, authorized, and limited tax benefits requested by a member.

Congressionally directed spending item" means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

Request: A formal communication, from a Member of Congress to a committee of Congress requesting a congressionally directed spending item.

Requestor: The member or members of Congress that submits a request.

Searchable Website:

A website that allows the public to:

- Search and aggregate congressionally directed spending items;
- ascertain through a single search the total number and dollar value of congressionally directed spending items requested by an individual member of Congress;
- download all earmark data available on the website; and
- access the website from the main page of the House of the Clerk and Secretary of the Senate's websites.

Section 3. Congressional Earmark Database

The legislation directs the Clerk of the House of Representatives and the Secretary of the Senate, within six months of enactment, to establish a searchable website, available to the public at no cost, listing all earmark requests for each bill containing earmarks considered by Congress.

The database will include the following information about each earmark:

- the fiscal year in which the earmark would be funded;
- the bill number and section of bill in which request is made;
- the amount of initial request made by requestor;
- the amount approved by the Committee of jurisdiction;
- the amount approved in final legislation (if approved);
- the name of department or agency through which the entity will receive the funding;

- if the item was included in the President’s budget for the relevant fiscal year;
- the name and state or district of the requestor or requestors;
- the name and address of any beneficiary designated to receive appropriations;
- the type of Organization (public, private non-profit, or private for-profit entity);
- the project name, description and estimated completion date;
- the justification explaining how congressionally directed spending item would benefit taxpayers;
- an indication of whether the item is a continuing project and if so, how long it has received appropriations;
- a description, if applicable, of federal and non-federal sources of funding for the congressionally directed spending item for the previous two fiscal years, including the amount of a state or local matching requirement;
- a copy of all requests and supplemental documents submitted to a committee of Congress relevant to each request; and
- 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.

Requests are to be made available on the website no later than five days after submission by a requestor to a committee of Congress. The burden to provide this information to the Secretary of the Senate and the Clerk of the House is on the congressional committees accepting earmark requests.

The database will be updated to include all earmarks included in any conference report.