

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To rescind unused earmarks provided for the Department of Transportation,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. FLAKE introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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**A BILL**

To rescind unused earmarks provided for the Department  
of Transportation, and for other purposes.

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 “Jurassic Pork Act”.

5 **SEC. 2. UNUSED EARMARKS.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “agency” has the meaning given  
8 the term “Executive agency” under section 105 of  
9 title 5, United States Code;

10 (2) the term “earmark” means—

1           (A) a congressionally directed spending  
2           item, as defined in rule XLIV of the Standing  
3           Rules of the Senate; and

4           (B) a congressional earmark, as defined in  
5           rule XXI of the Rules of the House of Rep-  
6           resentatives; and

7           (3) the term “unused DOT earmark” means an  
8           earmark of funds provided for the Department of  
9           Transportation as to which more than 90 percent of  
10          the dollar amount of the earmark of funds remains  
11          available for obligation at the end of the 9th fiscal  
12          year following the fiscal year during which the ear-  
13          mark was made available.

14          (b) RESCISSION OF UNUSED DOT EARMARKS.—

15           (1) IN GENERAL.—Except as provided in para-  
16          graph (2), effective on October 1 of the 10th fiscal  
17          year after funds under an unused DOT earmark are  
18          made available, all unobligated amounts made avail-  
19          able under the unused DOT earmark are rescinded  
20          and shall be transferred to the Highway Trust  
21          Fund.

22           (2) EXCEPTION.—The Secretary of Transpor-  
23          tation may delay the rescission of amounts made  
24          available under an unused DOT earmark for 1 year  
25          if the Secretary determines that an additional obli-

1 gation of amounts from the earmark is likely to  
2 occur during the 10th fiscal year after funds under  
3 the unused DOT earmark are made available.

4 (e) AGENCY-WIDE IDENTIFICATION AND REPORT.—

5 (1) AGENCY IDENTIFICATION.—Each agency  
6 shall identify and submit to the Director of the Of-  
7 fice of Management and Budget an annual report—

8 (A) that identifies each earmark for a  
9 project of the agency that is ineligible for fund-  
10 ing; and

11 (B) that discusses each project of the  
12 agency for which—

13 (i) amounts are made available under  
14 an earmark; and

15 (ii) as of the end of a fiscal year, un-  
16 obligated balances remain available.

17 (2) ANNUAL REPORT.—The Director of the Of-  
18 fice of Management and Budget shall submit to  
19 Congress and publically post on the website of the  
20 Office of Management and Budget an annual report  
21 regarding earmarks (including any earmark that is  
22 ineligible for funding) that includes—

23 (A) a listing and accounting for earmarks  
24 for which unobligated balances remain avail-

1           able, summarized by agency, which shall in-  
2           clude, for each earmark—

3                   (i) the amount of funds made avail-  
4                   able under the original earmark;

5                   (ii) the amount of the unobligated bal-  
6                   ances that remain available;

7                   (iii) the fiscal year through which the  
8                   funds are made available, if applicable; and

9                   (iv) recommendations and justifica-  
10                  tions for whether the earmark should be  
11                  rescinded or retained in the next fiscal  
12                  year;

13                  (B) the number of rescissions resulting  
14                  from this section and the annual savings result-  
15                  ing from this section for the previous fiscal  
16                  year; and

17                  (C) a listing and accounting for earmarks  
18                  provided for the Department of Transportation  
19                  scheduled to be rescinded under subsection (b)  
20                  at the end of the fiscal year during which the  
21                  report is submitted.