



The Honorable Jeff Flake
June 2015

S. 1544, THE JURASSIC PORK ACT

SUMMARY

S. 1544, the Jurassic Pork Act would eliminate some of the greatest “dinosaurs” in the transportation earmark world that continue to live on. According to CRS, 70 earmarks worth over \$120 million remain on the books from laws dating back from 1989 to 2004. And as of August 2015, over 1,200 of the earmarks included in SAFETEA-LU will officially hit “orphan” status, representing \$2 billion in unobligated funds. The Jurassic Pork Act would rescind funding only for earmarks in which 90 percent of the funds remain unused after ten years of the enactment of the project designation and send that money back to the Highway Trust Fund. With DOT [estimating](#) that the Highway Trust Fund (HTF) will be bankrupt in late August/ early September, the Jurassic Pork Act allows previously earmarked money to be reallocated into the HTF instead of continuing to languish at federal agencies.

SPECIFIC PROVISIONS

This legislation would:

- Rescind funding for earmarks that are over ten years old and have less than 10 percent of their funding obligated
- Send those rescinded funds back to the Highway Trust Fund
- In the event that the head of an agency determines that those funds were on the verge of being spent on the project in the following 12 months, that agency would be allowed to keep the money
- Require each agency to report annually on any earmarks and their unobligated balances at the end of the year specifically requires DOT to report to Congress on any earmarks that would be rescinded under the Jurassic Pork Act

BACKGROUND

This bill only addresses long-term unobligated earmarks, also known as “orphan earmarks.” These earmarks are defined as transportation projects that Congress designated specific amounts of budget authority in surface transportation authorizations or transportation appropriations legislation and less than ten percent of those allocations have been obligated within ten years after their designation.

There are several reasons why these projects funding remain unobligated: a problem with the earmarked project such as a drafting error or a community decides to throw out a project. In addition, since federal appropriations law provides that an appropriation can only be used for a specific purpose, if an earmarked project is not undertaken or if a project is completed for less than the earmarked funding amount- the unused funds can’t be used for another purpose. Since the 2011 earmark ban, Congress has been prohibited from reallocating existing earmarks in legislation.