

113TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. COBURN introduced the following bill; which was read twice and referred
to the Committee on _____

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 “Orphan Earmarks
5 Act”.

6 **SEC. 2. UNUSED EARMARKS.**

7 (a) DEFINITIONS.—In this section—

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

1 (2) the term “earmark” means—

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

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

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

15 (b) RESCISSION OF UNUSED DOT EARMARKS.—

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20 able under the unused DOT earmark are rescinded.

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

1 10th fiscal year after funds under the unused DOT
2 earmark are made available.

3 (c) AGENCY-WIDE IDENTIFICATION AND REPORT.—

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

8 (A) amounts are made available under an
9 earmark; and

10 (B) as of the end of a fiscal year, unobli-
11 gated balances remain available.

12 (2) ANNUAL REPORT.—The Director of the Of-
13 fice of Management and Budget shall submit to
14 Congress and publically post on the website of the
15 Office of Management and Budget an annual report
16 that includes—

17 (A) a listing and accounting for earmarks
18 for which unobligated balances remain avail-
19 able, summarized by agency, which shall in-
20 clude, for each earmark—

21 (i) the amount of funds made avail-
22 able under the original earmark;

23 (ii) the amount of the unobligated bal-
24 ances that remain available;

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

3 (iv) recommendations and justifica-
4 tions for whether the earmark should be
5 rescinded or retained in the next fiscal
6 year;

7 (B) the number of rescissions resulting
8 from this section and the annual savings result-
9 ing from this section for the previous fiscal
10 year; and

11 (C) a listing and accounting for earmarks
12 provided for the Department of Transportation
13 scheduled to be rescinded under subsection (b)
14 at the end of the fiscal year during which the
15 report is submitted.