

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. FLAKE OF ARIZONA**

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

1 TITLE XIII—ORPHAN EARMARKS

2 SEC. 1311. SHORT TITLE.

3 This title may be cited as the “Orphan Earmarks Act
4 of 2011”.

5 SEC. 1312. UNUSED EARMARKS.

6 (a) DEFINITION.—In this section, the following defi-
7 nitions apply:

8 (1) AGENCY.—The term “agency” means the
9 Federal Aviation Administration.

10 (2) ADMINISTRATOR.—The term “agency head”
11 means the Administrator of the Federal Aviation
12 Administration.

13 (3) EARMARK.—The term “earmark” means
14 the following:

15 (A) A congressionally directed spending
16 item, as defined in Rule XLIV of the Standing
17 Rules of the Senate.

1 (B) A congressional earmark, as defined
2 for purposes of rule XXI of the Rules of the
3 House of Representatives.

4 (b) RESCISSION.—Any earmark of funds provided for
5 the agency with more than 90 percent of the appropriated
6 amount remaining available for obligation at the end of
7 the 9th fiscal year following the fiscal year in which the
8 earmark was made available is rescinded effective at the
9 end of that 9th fiscal year, except that the agency head
10 may delay any such rescission if the agency head deter-
11 mines that an additional obligation of the earmark is likely
12 to occur during the following 12-month period.

13 (c) IDENTIFICATION AND REPORT.—

14 (1) AGENCY IDENTIFICATION.—The agency
15 shall identify and report every project that is an ear-
16 mark with an unobligated balance at the end of each
17 fiscal year to the Director of the Office of Manage-
18 ment and Budget.

19 (2) ANNUAL REPORT.—The Director of the Of-
20 fice of Management and Budget shall submit to
21 Congress and publically post on the Web site of the
22 Office of Management and Budget an annual report
23 that includes—

24 (A) a listing and accounting of earmarks
25 provided for the agency with unobligated bal-

1 ances summarized, including the amount of the
2 original earmark, amount of the unobligated
3 balance, and the year when the funding expires,
4 if applicable;

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

9 (C) a listing and accounting for earmarks
10 provided for the agency scheduled to be re-
11 scinded at the end of the current fiscal year.

