

**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 term “ear-  
7 mark” means the following:

8 (1) A congressionally directed spending item, as  
9 defined in Rule XLIV of the Standing Rules of the  
10 Senate.

11 (2) A congressional earmark, as defined for  
12 purposes of rule XXI of the Rules of the House of  
13 Representatives.

14 (b) RESCISSION.—Any earmark of funds provided for  
15 any Federal agency with more than 90 percent of the ap-  
16 propriated amount remaining available for obligation at  
17 the end of the 9th fiscal year following the fiscal year in  
18 which the earmark was made available is rescinded effec-

1 tive at the end of that 9th fiscal year, except that the  
2 agency head may delay any such rescission if the agency  
3 head determines that an additional obligation of the ear-  
4 mark is likely to occur during the following 12-month pe-  
5 riod.

6 (c) IDENTIFICATION AND REPORT.—

7 (1) AGENCY IDENTIFICATION.—Each Federal  
8 agency shall identify and report every project that is  
9 an earmark with an unobligated balance at the end  
10 of each fiscal year to the Director of the Office of  
11 Management and Budget.

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 Web site of the  
15 Office of Management and Budget an annual report  
16 that includes—

17 (A) a listing and accounting for earmarks  
18 with unobligated balances summarized by agen-  
19 cy including the amount of the original ear-  
20 mark, amount of the unobligated balance, and  
21 the year when the funding expires, if applicable;

22 (B) the number of rescissions resulting  
23 from this section and the annual savings result-  
24 ing from this section for the previous fiscal  
25 year; and

1 (C) a listing and accounting for earmarks  
2 provided for Federal agencies scheduled to be  
3 rescinded at the end of the current fiscal year.

