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):

Title XIII—Orphan Earmarks

Section 1311. Short Title.
This title may be cited as the “Orphan Earmarks Act of 2011”.

Section 1312. Unused Earmarks.
(a) Definition.—In this section, the term “earmark” means the following:

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

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

(b) Rescission.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effec-
tive at the end of that 9th fiscal year, except that the 
agency head may delay any such rescission if the agency 
head determines that an additional obligation of the ear-
mark is likely to occur during the following 12-month pe-
period.

(c) IDENTIFICATION AND REPORT.—

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

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

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

(B) the number of rescissions resulting 
from this section and the annual savings resulting 
from this section for the previous fiscal 
year; and
(C) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.