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

SEC. 1311. SHORT TITLE.
This title may be cited as the “Orphan Earmarks Act of 2011”.

SEC. 1312. UNUSED EARMARKS.

(a) DEFINITION.—In this section, the following definitions apply:

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

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

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

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.
(B) 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 the 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for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional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 earmark is likely to occur during the following 12-month period.

(c) IDENTIFICATION AND REPORT.—

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

(2) ANNUAL REPORT.—The Director of the 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 of earmarks provided for the agency with un obligation bal-
ances summarized, including the amount of the
original earmark, 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 result-
ing from this section for the previous fiscal
year; and

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