

112TH CONGRESS
1ST SESSION

H. R. 633

To rescind unused earmarks.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

Mr. FLAKE introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To rescind unused earmarks.

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 Act
5 of 2011”.

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

7 (a) DEFINITION.—In this section, the term “ear-
8 mark” means the following:

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

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

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11 which the earmark was made available is rescinded effec-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

17 (c) IDENTIFICATION AND REPORT.—

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

23 (2) ANNUAL REPORT.—The Director of the Of-
24 fice of Management and Budget shall submit to
25 Congress and publically post on the Web site of the

1 Office of Management and Budget an annual report
2 that includes—

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

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

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14 rescinded at the end of the current fiscal year.

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