

112TH CONGRESS
1ST SESSION

S. 282

To rescind unused earmarks.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. COBURN (for himself and Mr. BEGICH) introduced the following bill;
which was read twice and referred to the Committee on Appropriations

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
5 Act”.

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

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

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

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

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8 which the earmark was made available is rescinded effec-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

14 (c) IDENTIFICATION AND REPORT.—

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

19 (2) ANNUAL REPORT.—The Director of OMB
20 shall submit to Congress and publically post on the
21 Web site of OMB an annual report that includes—

22 (A) a listing and accounting for earmarks
23 with unobligated balances summarized by agen-
24 cy including the amount of the original ear-

1 mark, amount of the unobligated balance, and
2 the year when the funding expires, if applicable;

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

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9 rescinded at the end of the current fiscal year.

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