

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

1 **SEC. 1003. PROHIBITION ON CARRYING OUT CONGRES-**
2 **SIONAL EARMARKS OF MEMBERS OF CON-**
3 **GRESS WHO RECEIVED CONTRIBUTIONS**
4 **FROM THE BENEFICIARIES OF THE EAR-**
5 **MARK.**

6 (a) **PROHIBITION.**—The Secretary of Defense may
7 not obligate or expend any amounts authorized to be ap-
8 propriated under this Act pursuant to the terms of a Con-
9 gressional earmark if—

10 (1) the entity to which the funds would be pro-
11 vided (or any employee, officer, or director of such
12 entity or any political committee established or ad-
13 ministered by such entity) made a contribution to
14 the Member of Congress who sponsored the ear-
15 mark; or

16 (2) any registered lobbyist whose client is the
17 entity referred to in paragraph (1) or a political
18 committee established or administered by such reg-

1 istered lobbyist made a contribution to the Member
2 of Congress who sponsored the earmark.

3 (b) DEFINITIONS.—In this section:

4 (1) The term “Congressional earmark” has the
5 meaning given such term in clause 9(e) of rule XXI
6 of the Rules of the House of Representatives.

7 (2) The term “contribution” has the meaning
8 given such term in section 301(8) of the Federal
9 Election Campaign Act of 1971 (2 U.S.C. 431(8)).

10 (3) The term “Member of Congress” means a
11 Senator, Member of the House of Representatives,
12 or a Delegate or Resident Commissioner to the Con-
13 gress.

14 (4) The term “political committee” has the
15 meaning given such term in section 301(4) of the
16 Federal Election Campaign Act of 1971 (2 U.S.C.
17 431(4)).

18 (5) The term “registered lobbyist” means any
19 lobbyist who is registered or is required to register
20 under section 4(a)(1) of the Lobbying Disclosure
21 Act of 1995 (2 U.S.C. 1603(a)(1)), any organization
22 that employs one or more lobbyists and is registered
23 or is required to register under section 4(a)(2) of
24 such Act (2 U.S.C. 1603(a)(2)), and any employee
25 listed or required to be listed as a lobbyist by a reg-

1 istrant under section 4(b)(6) or 5(b)(2)(C) of such
2 Act (2 U.S.C. 1603(b)(6), 1604(b)(2)(C)).

3 (c) APPLICABILITY.—This section shall apply to con-
4 tributions made during the period beginning on January
5 1, 2007, and ending on December 31, 2010.

