

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

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

1 **SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED**
2 **FOR EARMARKS IN DEPARTMENT OF DE-**
3 **FENSE APPROPRIATIONS ACT, 2008.**

4 (a) **REPORT REQUIREMENT.**—Not later than 60 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to Congress a report on the con-
7 gressional earmarks described in subsection (b).

8 (b) **CONGRESSIONAL EARMARKS DESCRIBED.**—The
9 congressional earmarks described in this subsection are
10 the congressional earmarks (House) and the congression-
11 ally directed spending items (Senate) on the list published
12 in compliance with clause 9 of rule XXI of the Rules of
13 the House of Representatives and rule XLIV of the Stand-
14 ing Rules of the Senate and contained on pages 372 to
15 476 of the Joint Explanatory Statement submitted by the
16 Committee of Conference for the conference report to ac-
17 company H.R. 3222 of the 110th Congress (Report 110-
18 434).

1 (c) MATTERS COVERED BY REPORT.—The report re-
2 quired by subsection (a) shall set forth the following with
3 respect to each congressional earmark on the list referred
4 to in subsection (b):

5 (1) The competitive procedures used to procure
6 each earmark, including the process used, the tools
7 employed, and the decisions reached.

8 (2) If competitive procedures were not used to
9 procure an earmark, the reasons why competitive
10 procedures were not used, including a discussion of
11 the decision making process and how the decision to
12 use procedures other than competitive procedures
13 was reached.

