AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COLE OF OKLAHOMA

At the end of title VIII, add the following new section:

SEC. 845. PROHIBITION ON DISCLOSURE OF POLITICAL CONTRIBUTIONS IN SUBMITTING OFFERS FOR DEFENSE CONTRACTS.

(a) Prohibition.—The head of an agency may not require an entity submitting an offer for a defense contract or otherwise participating in acquisition of property or services by the Department of Defense to disclose any of the following information as a condition of submitting the offer or otherwise participating in such acquisition:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the
entity, its officers or directors, or any of its affiliates
or subsidiaries to any individual or entity with the
intent or the reasonable expectation that the indi-
vidual or entity will use the funds to make a pay-
ment described in paragraph (1).

(b) **No Effect on Other Disclosure Requirements.**—Nothing in this section may be construed to
waive or otherwise affect the application to an entity de-
scribed in subsection (a) of any provision of law (including
the Federal Election Campaign Act of 1971) that requires
the entity to disclose information on contributions, ex-
penditures, independent expenditures, or electioneering
communications.

(c) **Definitions.**—In this section:

(1) Each of the terms “contribution”, “expendi-
ture”, “independent expenditure”, “electioneering
communication”, “candidate”, “election”, and “Fed-
eral office” has the meaning given such term in the
Federal Election Campaign Act of 1971 (2 U.S.C.
431 et seq.).

(2) The term “acquisition” has the meaning
given that term in section 131 of this title.

(3) The term “head of an agency” means the
Secretary of Defense, the Secretary of the Army, the
1 Secretary of the Navy, and the Secretary of the Air
2 Force.