

116TH CONGRESS
1ST SESSION

H. R. 4277

To promote ethics and prevent corruption in Department of Defense contracting and other activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2019

Ms. SPEIER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Oversight and 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 promote ethics and prevent corruption in Department of Defense contracting and other activities, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Defense Ethics and Anti-corruption Act
6 of 2019”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REVOLVING DOOR AND CONTRACTOR INFLUENCE

- Sec. 101. Heightened revolving door requirements.
- Sec. 102. Requirements for defense contractors relating to certain former Department of Defense officials and lobbying activities.
- Sec. 103. Comptroller General report on post-government employment of former Department of Defense officials.
- Sec. 104. Ban on hiring contracting officials enforceable on certain contracts.
- Sec. 105. Ban on hiring senior officials by giant defense contractors.
- Sec. 106. Modification of prohibition on lobbying activities with respect to the Department of Defense by certain officers of the Armed Forces and civilian employees of the Department of Defense following separation from military service or employment with the Department.
- Sec. 107. Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees.
- Sec. 108. Prohibition on ownership or trading of stocks in certain companies by Department of Defense officers and employees.

TITLE II—LIMITING FOREIGN INFLUENCE

- Sec. 201. Annual reports on approval of employment or compensation of retired general or flag officers by foreign governments for Emoluments Clause purposes.
- Sec. 202. Advising foreign governments.
- Sec. 203. Ban on former military and civilian intelligence officers from foreign employment.

TITLE III—TRANSPARENCY

- Sec. 301. Affirmative contractor record disclosures.
- Sec. 302. Extension of FOIA to private contractors.
- Sec. 303. Financial disclosure by large contractors.
- Sec. 304. Availability on the internet of certain information about officers serving in general or flag officer grades.

1 **TITLE I—REVOLVING DOOR AND** 2 **CONTRACTOR INFLUENCE**

3 **SEC. 101. HEIGHTENED REVOLVING DOOR REQUIREMENTS.**

4 Section 847 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
6 1701 note) is amended—

7 (1) in subsection (a)(1), by striking “within two
8 years after leaving service” and inserting “within
9 four years after leaving service”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by striking “retained by the De-
4 partment of Defense in a central database
5 or repository maintained by the General
6 Counsel of the Department for not less
7 than five years” and inserting “retained by
8 the Department of Defense in a central
9 database or repository maintained by the
10 Standards of Conduct Office of the De-
11 partment for not less than ten years”; and

12 (ii) by inserting “and shall be posted
13 on a publicly available Internet website of
14 the Standards of Conduct Office” after
15 “opinion was provided”; and

16 (B) in paragraph (2), by inserting “not
17 less than biannually” after “conduct periodic
18 reviews”.

19 **SEC. 102. REQUIREMENTS FOR DEFENSE CONTRACTORS**
20 **RELATING TO CERTAIN FORMER DEPART-**
21 **MENT OF DEFENSE OFFICIALS AND LOB-**
22 **BYING ACTIVITIES.**

23 (a) REQUIREMENTS.—

1 (1) IN GENERAL.—Chapter 141 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 2410t. Defense contractors report: requirements**
5 **concerning former Department of De-**
6 **fense officials and lobbying activities**

7 “(a) IN GENERAL.—Each contract for the procure-
8 ment of goods or services in excess of \$10,000,000, other
9 than a contract for the procurement of commercial prod-
10 ucts or commercial services, that is entered into by the
11 Secretary of Defense shall include a provision under which
12 the contractor agrees to submit to the Secretary of De-
13 fense, not later than April 1 of each year such contract
14 is in effect, a written report setting forth the information
15 required by subsection (b).

16 “(b) REPORT CONTENTS.—Except as provided in
17 subsection (c), a report by a contractor under subsection
18 (a) shall—

19 “(1) list the name of each person who—

20 “(A) is a former officer or employee of the
21 Department of Defense or a former or retired
22 member of the armed forces who served—

23 “(i) in an Executive Schedule position
24 under subchapter II of chapter 53 of title
25 5;

1 “(ii) in a position in the Senior Exec-
2 utive Service under subchapter VIII of
3 chapter 53 of title 5;

4 “(iii) in a position compensated at a
5 rate of pay for grade O–6 or above under
6 section 201 of title 37; or

7 “(iv) as a program manager, deputy
8 program manager, procuring contracting
9 officer, administrative contracting officer,
10 source selection authority, member of the
11 source selection evaluation board, or chief
12 of a financial or technical evaluation team
13 for such a contract; and

14 “(B) during the preceding calendar year
15 was provided compensation by the contractor, if
16 such compensation was first provided by the
17 contractor not more than four years after such
18 former officer or employee of the Department of
19 Defense, or such former or retired member of
20 the armed forces, left service in the Department
21 of Defense;

22 “(2) in the case of each person listed under
23 paragraph (1)(A)—

24 “(A) identify the department or entity in
25 which such person was employed or served on

1 active duty during the last two years of such
2 person's service with the Department of De-
3 fense; and

4 “(B) state such person's job title and iden-
5 tify any major defense acquisition program (as
6 defined in section 2430 of title 10, United
7 States Code) or any contract with a value
8 greater than \$100,000,000 on which such per-
9 son performed any work or for which such per-
10 son provided any goods pursuant to a contract
11 with the Department of Defense during the last
12 two years of such person's service with the De-
13 partment; and

14 “(3) if the contractor is a client, include—

15 “(A) a statement that—

16 “(i) lists each specific issue for which
17 the contractor, any employee of the con-
18 tractor, or any lobbyist paid by the con-
19 tractor engaged in lobbying activities di-
20 rected at the Department of Defense; and

21 “(ii) specifies the Federal rule or reg-
22 ulation, Executive order, or other program,
23 policy, contract, or position of the Depart-
24 ment of Defense to which the lobbying ac-
25 tivities described in clause (i) related;

1 “(iii) lists each lobbying activity di-
2 rected at the Department of Defense that
3 the contractor, any employee of the con-
4 tractor, or any lobbyist paid by the con-
5 tractor has engaged in on behalf of the
6 contractor, including—

7 “(I) each document prepared by
8 the contractor, any employee of the
9 contractor, or any lobbyist paid by the
10 contractor that was submitted to an
11 officer or employee of the Department
12 of Defense by the lobbyist;

13 “(II) each meeting that was a
14 lobbying contact with an officer or
15 employee of the Department of De-
16 fense, including the subject of the
17 meeting, the date of the meeting, and
18 the name and position of each indi-
19 vidual who attended the meeting;

20 “(III) each phone call made to an
21 officer or employee of the Department
22 of Defense that was a lobbying con-
23 tact, including the subject of the
24 phone call, the date of the phone call,
25 and the name and position of each in-

1 dividual who was on the phone call;
2 and

3 “(IV) each electronic communica-
4 tion sent to an officer or employee of
5 the Department of Defense that was a
6 lobbying contact, including the subject
7 of the electronic communication, the
8 date of the electronic communication,
9 and the name and position of each in-
10 dividual who received the electronic
11 communication;

12 “(iv) lists the name of each employee
13 of the contractor who—

14 “(I) did not participate in a lob-
15 bying contact with an officer or em-
16 ployee of the Department of Defense;
17 and

18 “(II) engaged in lobbying activi-
19 ties in support of a lobbying contact
20 with an officer or employee of the De-
21 partment of Defense; and

22 “(v) describes the lobbying activities
23 referred to in clause (iv)(II); and

24 “(B) a copy of any document transmitted
25 to an officer or employee of the Department of

1 Defense in the course of the lobbying activities
2 described in subparagraph (A)(iv)(II).

3 “(c) DUPLICATE INFORMATION NOT REQUIRED.—
4 An annual report submitted by a contractor pursuant to
5 subsection (b) need not provide information with respect
6 to any former officer or employee of the Department of
7 Defense or former or retired member of the armed forces
8 if such information has already been provided in a pre-
9 vious annual report filed by such contractor under this
10 section.

11 “(d) PUBLICATION.—Secretary of Defense shall pub-
12 lish on a publicly available Internet website the report re-
13 quired under this section.

14 “(e) DEFINITIONS.—In subsection (b)(3), the terms
15 ‘client’, ‘lobbying activities’, ‘lobbying contact’, and ‘lob-
16 byist’ have the meanings given the terms in section 3 of
17 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 141 of such title
20 is amended by adding at the end the following new
21 item:

“Sec. 2410t. Defense contractors report: requirements concerning former De-
partment of Defense officials and lobbying activities.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on the date of the enact-

1 ment of this Act, and shall apply with respect to contracts
 2 entered into on or after that date.

3 **SEC. 103. COMPTROLLER GENERAL REPORT ON POST-GOV-**
 4 **ERNMENT EMPLOYMENT OF FORMER DE-**
 5 **PARTMENT OF DEFENSE OFFICIALS.**

6 Not later than 90 days after the date of the enact-
 7 ment of this Act, the Comptroller General of the United
 8 States shall initiate a review updating the information and
 9 findings contained in the May 2008 Government Account-
 10 ability Office report entitled, “Defense Contracting: Post-
 11 Government Employment of Former DOD Officials Needs
 12 Greater Transparency” (GAO–08–485). The Comptroller
 13 General shall provide an interim briefing on the status of
 14 the review to the congressional defense committees not
 15 later than December 31, 2020, with a report to follow by
 16 a date agreed upon with the committees.

17 **SEC. 104. BAN ON HIRING CONTRACTING OFFICIALS EN-**
 18 **FORCEABLE ON CERTAIN CONTRACTS.**

19 (a) PROHIBITION.—

20 (1) IN GENERAL.—Any contract for the pro-
 21 curement of goods or services (other than a contract
 22 for the procurement of commercial products or com-
 23 mercial services) with a value greater than
 24 \$10,000,000 shall include a contract clause prohib-
 25 iting the contractor from providing compensation to

1 a former Department of Defense official described in
2 paragraph (2) within four years after such former
3 official leaves service in the Department of Defense.

4 (2) COVERED DEPARTMENT OF DEFENSE OFFI-
5 CIAL.—An official or former official of the Depart-
6 ment of Defense is covered by the requirements of
7 this section if such official or former official is a
8 former officer or employee of the Department of De-
9 fense or a former or retired member of the Armed
10 Forces who served as a program manager, deputy
11 program manager, procuring contracting officer, ad-
12 ministrative contracting officer, source selection au-
13 thority, member of the source selection evaluation
14 board, or chief of a financial or technical evaluation
15 team for a contract with a value in excess of
16 \$10,000,000, and such person—

17 (A) participated in the contract or license
18 selection;

19 (B) determined or signed off on the tech-
20 nical requirements of the contract or license; or

21 (C) granted the contract or license.

22 (b) ADMINISTRATIVE ACTIONS.—In the event that an
23 official or former official of the Department of Defense
24 described in subsection (a)(2), or a Department of De-
25 fense contractor, knowingly fails to comply with the re-

1 requirements of this subsection, the Secretary of Defense
 2 may take any of the administrative actions set forth in
 3 section 2105 of title 41, United States Code that the Sec-
 4 retary of Defense determines to be appropriate.

5 **SEC. 105. BAN ON HIRING FORMER SENIOR OFFICIALS BY**
 6 **GIANT DEFENSE CONTRACTORS.**

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—Any Department of Defense
 9 contract for the procurement of goods or services
 10 with a giant defense contractor shall include a con-
 11 tract clause prohibiting the contractor from hiring or
 12 paying (including as a consultant or lawyer) any cov-
 13 ered Department of Defense official within four
 14 years after such covered Department of Defense offi-
 15 cial leaves service in the Department of Defense.

16 (2) DEFINITIONS.—In this section:

17 (A) COVERED DEPARTMENT OF DEFENSE
 18 OFFICIAL.—The term “covered Department of
 19 Defense official” means a former officer or em-
 20 ployee of the Department of Defense or a
 21 former or retired member of the Armed Forces
 22 who served—

23 (i) in an Executive Schedule position
 24 under subchapter II of chapter 53 of title
 25 5, United States Code;

1 (ii) in a position in the Senior Execu-
2 tive Service under subchapter VIII of
3 chapter 53 of title 5, United States Code;

4 (iii) in position compensated at a rate
5 of pay for grade O-6 or above under sec-
6 tion 201 of title 37, United States Code; or

7 (iv) in a supervisory position com-
8 pensated at a rate of pay for grade GS-15
9 of the General Schedule under section
10 5107 of title 5, United States Code, or
11 higher.

12 (B) GIANT DEFENSE CONTRACTOR.—The
13 term “giant defense contractor” means a con-
14 tractor (other than an institution of higher edu-
15 cation as defined in section 101 of the Higher
16 Education Act of 1965 (20 U.S.C. 1001)) that
17 received an average of more than
18 \$1,000,000,000 in aggregate annual revenue
19 from the Department of Defense or the Depart-
20 ment of Energy for contracted work related to
21 the United States nuclear program in the pre-
22 vious three fiscal years.

23 (b) ADMINISTRATIVE ACTIONS.—In the event that an
24 official or covered Department of Defense official de-
25 scribed in subsection (a)(2)(A), knowingly fails to comply

1 with the requirements of this subsection, the Secretary of
 2 Defense may take any of the administrative actions set
 3 forth in section 2105(c) of title 41, United States Code,
 4 that the Secretary of Defense determines to be appro-
 5 priate.

6 **SEC. 106. MODIFICATION OF PROHIBITION ON LOBBYING**
 7 **ACTIVITIES WITH RESPECT TO THE DEPART-**
 8 **MENT OF DEFENSE BY CERTAIN OFFICERS**
 9 **OF THE ARMED FORCES AND CIVILIAN EM-**
 10 **PLOYEES OF THE DEPARTMENT OF DEFENSE**
 11 **FOLLOWING SEPARATION FROM MILITARY**
 12 **SERVICE OR EMPLOYMENT WITH THE DE-**
 13 **PARTMENT.**

14 Section 1045 of the National Defense Authorization
 15 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
 16 1555; 10 U.S.C. note prec. 971) is amended—

17 (1) in subsection (a)—

18 (A) in the subsection heading, by striking
 19 “TWO-YEAR PROHIBITION” and inserting
 20 “FOUR-YEAR PROHIBITION”;

21 (B) in paragraph (1), by striking “during
 22 the two-year period” and inserting “during the
 23 four-year period”; and

1 (C) in paragraph (2)(A), by striking
2 “grade O–9 or higher” and inserting “grade O–
3 6 or higher”;
4 (2) by striking subsection (b); and
5 (3) by redesignating subsection (c) as sub-
6 section (b).

7 **SEC. 107. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF**
8 **PERSONAL INTEREST REQUIREMENTS FOR**
9 **DEPARTMENT OF DEFENSE OFFICERS AND**
10 **EMPLOYEES.**

11 (a) IN GENERAL.—An officer or employee of the De-
12 partment of Defense may not participate personally and
13 substantially in any covered matter that the officer or em-
14 ployee knows, or reasonably should know, is likely to have
15 a direct and predictable effect on the financial interests
16 of any of the following:

17 (1) Any organization, including a trade organi-
18 zation, for which the officer or employee has served
19 as an employee, officer, director, trustee, or general
20 partner during the four years preceding the date on
21 which the officer or employee intends to participate
22 in the covered matter.

23 (2) A former direct competitor or client of any
24 organization for which the officer or employee has
25 served as an employee, officer, director, trustee, or

1 general partner during the four years preceding the
2 date on which the officer or employee intends to par-
3 ticipate in the covered matter.

4 (3) Any employer with whom the officer or em-
5 ployee is seeking employment.

6 (b) CONSTRUCTION.—Nothing in this section shall be
7 construed to terminate, alter, or make inapplicable any
8 other prohibition or limitation in law or regulation on the
9 participation of officers or employees of the Department
10 of Defense in covered matters having an effect the finan-
11 cial holdings of such officer or employee, or related finan-
12 cial or other personal interests of such officer or employee.

13 (c) COVERED MATTER DEFINED.—In this section,
14 the term “covered matter”—

15 (1) means any matter that involves deliberation,
16 decision, or action that is focused upon the interests
17 of specific person or a discrete and identifiable class
18 of persons; and

19 (2) includes policy-making that is narrowly fo-
20 cused on the interests of a discrete and identifiable
21 class of persons.

1 **SEC. 108. PROHIBITION ON OWNERSHIP OR TRADING OF**
2 **STOCKS IN CERTAIN COMPANIES BY CERTAIN**
3 **OFFICIALS OF THE DEPARTMENT OF DE-**
4 **FENSE.**

5 (a) PROHIBITION ON OWNERSHIP AND TRADING BY
6 CERTAIN OFFICIALS.—

7 (1) PROHIBITION.—An official of the Depart-
8 ment of Defense described in paragraph (2) may not
9 own or trade a publicly traded stock of a company
10 if, during the preceding calendar year, the company
11 received more than \$1,000,000,000 in revenue from
12 the Department of Defense, including through one
13 or more contracts with the Department.

14 (2) DEPARTMENT OF DEFENSE OFFICIALS.—
15 An official of the Department of Defense described
16 in this paragraph is any current Department of De-
17 fense official described by section 847(c) of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 2008 (10 U.S.C. 1701 note).

20 (3) NATURE OF OFFENSE.—Ownership or a
21 trade of a stock in violation of paragraph (1) shall
22 be deemed to be an offense under section 208 of title
23 18, United States Code.

24 (b) PROHIBITION ON OWNERSHIP AND TRADING BY
25 ALL OFFICERS AND EMPLOYEES.—An officer or employee
26 of the Department of Defense may not own or trade a

1 publicly traded stock of a company that is a contractor
 2 or subcontractor of the Department if the Office of Stand-
 3 ards and Compliance of the Office of the General Counsel
 4 of the Department of Defense determines that the value
 5 of the stock may be directly or indirectly influenced by
 6 any official action of the officer or employee for the De-
 7 partment.

8 (c) INAPPLICABILITY TO MUTUAL FUNDS.—For pur-
 9 poses of this section, the term “publicly-traded stock” does
 10 not include a widely held investment fund described in sec-
 11 tion 102(f)(8) of the Ethics in Government Act of 1978
 12 (5 U.S.C. App.).

13 **TITLE II—LIMITING FOREIGN** 14 **INFLUENCE**

15 **SEC. 201. ANNUAL REPORTS ON APPROVAL OF EMPLOY-** 16 **MENT OR COMPENSATION OF RETIRED GEN-** 17 **ERAL OR FLAG OFFICERS BY FOREIGN GOV-** 18 **ERNMENTS FOR EMOLUMENTS CLAUSE PUR-** 19 **POSES.**

20 (a) ANNUAL REPORTS.—Section 908 of title 37,
 21 United States Code, is amended—

22 (1) by redesignating subsection (c) as sub-
 23 section (d); and

24 (2) by inserting after subsection (b) the fol-
 25 lowing new subsection (c):

1 “(c) ANNUAL REPORTS ON APPROVALS FOR RE-
2 TIRED GENERAL AND FLAG OFFICERS.—(1) Not later
3 than January 31 each year, the Secretaries of the military
4 departments shall jointly submit to the appropriate com-
5 mittees and Members of Congress a report on each ap-
6 proval under subsection (b) for employment or compensa-
7 tion described in subsection (a) for a retired member of
8 the armed forces in a general or flag officer grade that
9 was issued during the preceding year.

10 “(2) In this subsection, the term ‘appropriate com-
11 mittees and Members of Congress’ means—

12 “(A) the Committee on Armed Services, the
13 Committee on Foreign Relations, and the Committee
14 on Appropriations of the Senate;

15 “(B) the Committee on Armed Services, the
16 Committee on Foreign Affairs, and the Committee
17 on Appropriations of the House of Representatives;

18 “(C) the Majority Leader and the Minority
19 Leader of the Senate; and

20 “(D) the Speaker of the House of Representa-
21 tives and the Minority Leader of the House of Rep-
22 resentatives.”.

23 (b) SCOPE OF FIRST REPORT.—The first report sub-
24 mitted pursuant to subsection (c) of section 908 of title
25 37, United States Code (as amended by subsection (a) of

1 this section), after the date of the enactment of this Act
2 shall cover the five-year period ending with the year before
3 the year in which such report is submitted.

4 **SEC. 202. ADVISING FOREIGN GOVERNMENTS.**

5 Section 207(f) of title 18, United States Code, is
6 amended—

7 (1) by redesignating paragraph (3) as para-
8 graph (4); and

9 (2) by inserting after paragraph (2) the fol-
10 lowing new paragraph:

11 “(3) PERMANENT RESTRICTION WITHOUT
12 PRIOR APPROVAL.—

13 “(A) IN GENERAL.—Any person who has
14 been employed as a senior official in the White
15 House, the Department of State, the Depart-
16 ment of Defense, or the Department of the
17 Treasury who, without the explicit prior ap-
18 proval of the Secretary of State, performs com-
19 pensated work for a foreign entity that might
20 benefit from the knowledge obtained by the per-
21 son as a result of such United States Govern-
22 ment employment, shall be punished as pro-
23 vided in section 216 of this title.

24 “(B) LIMITATION ON APPROVAL.—The
25 Secretary of State may not approve any work

1 described in subparagraph (A) that conflicts
2 with the national security interests of the
3 United States, as determined by the Secretary
4 and verified by the Director of National Intel-
5 ligence.

6 “(C) ANNUAL REPORT.—The Secretary of
7 State shall submit an annual report listing all
8 of the approvals under subparagraph (A) dur-
9 ing the prior calendar year to the Committee on
10 Foreign Relations of the Senate, the Committee
11 on Armed Services of the Senate, the Select
12 Committee on Intelligence of the Senate, the
13 Committee on Foreign Affairs of the House of
14 Representatives, the Committee on Armed Serv-
15 ices of the House of Representatives, and the
16 Permanent Select Committee on Intelligence of
17 the House of Representatives.”.

18 **SEC. 203. BAN ON FORMER MILITARY AND CIVILIAN INTEL-**
19 **LIGENCE OFFICERS FROM FOREIGN EMPLOY-**
20 **MENT.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), military and intelligence officers possessing a security
23 clearance, upon separation from service or resignation, are
24 prohibited from obtaining employment with a foreign gov-

1 ernment or a private company doing work predominantly
2 on behalf of a foreign government.

3 (b) EXEMPTION.—

4 (1) IN GENERAL.—Employment with the Gov-
5 ernment of Australia, of Canada, of New Zealand, or
6 of the United Kingdom is not subject to the prohibi-
7 tion under subsection (a).

8 (2) WAIVERS.—Individuals may seek and be
9 granted a waiver by the Secretary of State for em-
10 ployment by any other foreign government. Such
11 waiver will be presumptively granted in cases of
12 former officers seeking employment in jobs focused
13 on humanitarian aid, development, or infrastructure
14 improvement. Waivers for employment in other jobs
15 shall be determined based on whether such employ-
16 ment would reasonably involve the use or disclosure
17 or appropriation of sources, methods, or skills that
18 could pose a threat to the interests of the United
19 States when employed by other countries or enable
20 the repression of the nationals of such countries.

21 **TITLE III—TRANSPARENCY**

22 **SEC. 301. AFFIRMATIVE CONTRACTOR RECORD DISCLO-** 23 **SURES.**

24 The Secretary of Defense shall publish on a publicly
25 available internet website the following information to the

1 extent such information is unclassified and non-confiden-
2 tial:

3 (1) In the case of a contract with the Depart-
4 ment of Defense for goods or services above the sim-
5 plified acquisition threshold specified in section 134
6 of title 41, United States Code—

7 (A) copies of each contract or task order
8 or delivery order the contractor on such con-
9 tract has entered into with the Department of
10 Defense during the previous three fiscal years;
11 and

12 (B) past performance information about
13 the contractor to the extent available.

14 (2) In the case of a contract with the Depart-
15 ment of Defense for goods or services in excess of
16 \$10,000,000, all correspondence and documents re-
17 lated to the contract.

18 **SEC. 302. EXTENSION OF FOIA TO PRIVATE CONTRACTORS.**

19 (a) DEFINITIONS.—In this section—

20 (1) the term “covered contractor” means a pri-
21 vate contractor that entered into a contract with the
22 Department;

23 (2) the term “covered record” means any
24 record produced using Federal funds during the per-

1 formance of a Department contract by a covered
2 contractor; and

3 (3) the term “Secretary” means the Secretary
4 of Defense.

5 (b) APPLICATION OF FOIA.—A covered record shall
6 be—

7 (1) considered an agency record for purposes of
8 section 552(f)(2) of title 5, United States Code,
9 whether in the possession of a covered contractor or
10 the Secretary; and

11 (2) subject to section 552 of title 5, United
12 States Code (commonly known as the “Freedom of
13 Information Act”), to the same extent as if the
14 record was maintained by the Secretary.

15 (c) INCLUSION OF FOIA PROVISIONS.—In any con-
16 tract entered into by a covered contractor with the Sec-
17 retary, the Secretary shall include provisions relating to
18 the application of section 552 of title 5, United States
19 Code (commonly known as the “Freedom of Information
20 Act”) to any covered records produced during the fulfill-
21 ment of the contract.

22 **SEC. 303. FINANCIAL DISCLOSURE BY LARGE CONTRAC-**
23 **TORS.**

24 (a) DISCLOSURE REQUIREMENT.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall require a covered contractor, as a condition for
3 entering into a contract with the Department of De-
4 fense, to make publicly available the following infor-
5 mation (excluding information determined to be clas-
6 sified by the Secretary):

7 (A) Audited financial statements.

8 (B) A listing of the salaries of employees
9 performing work on the contract that receive
10 compensation from the contractor in excess of
11 \$250,000 per year.

12 (C) A description of all Federal political
13 spending by the contractor.

14 (2) SUSPENSION AND DEBARMENT.—The Sec-
15 retary of Defense may suspend or debar any covered
16 contractor that fails to comply with the disclosure
17 requirements under paragraph (1).

18 (3) COVERED CONTRACTOR DEFINED.—The
19 term “covered contractor” means a contractor (other
20 than an institution of higher education as defined in
21 section 101 of the Higher Education Act of 1965
22 (20 U.S.C. 1001)) that—

23 (A) received more than \$10,000,000 in an-
24 nual revenue from Federal Government con-

1 tracts or licenses in any of the previous three
2 fiscal years; or

3 (B) earned more than 20 percent of its
4 total annual revenue from Federal Government
5 contracts or licenses in any of the previous
6 three fiscal years.

7 **SEC. 304. AVAILABILITY ON THE INTERNET OF CERTAIN IN-**
8 **FORMATION ABOUT OFFICERS SERVING IN**
9 **GENERAL OR FLAG OFFICER GRADES.**

10 (a) AVAILABILITY REQUIRED.—The Secretary of
11 each military department shall make publicly available on
12 an internet website of such department the information
13 specified in subsection (b) with respect to each officer in
14 a general or flag officer grade under the jurisdiction of
15 such Secretary, including any such officer on the reserve
16 active-status list (as defined in section 101(7) of title 10,
17 United States Code).

18 (b) INFORMATION.—The information on an officer
19 specified by this subsection to be made available pursuant
20 to subsection (a) is the information as follows:

- 21 (1) The officer's name.
- 22 (2) The officer's current billet.
- 23 (3) A biographical summary of the officer.
- 24 (4) Any financial disclosures made by the offi-
25 cer to or for Department of Defense purposes.

1 (5) Any substantiated reports of an Inspector
2 General in the Department Defense involving con-
3 duct of the officer.

4 (6) Summaries of any command climate survey
5 conducted with respect to a command of the officer.

6 (c) REDACTION.—Information made available pursu-
7 ant to subsection (a) may be redacted in a manner that
8 accords with the provisions of section 552a of title 5,
9 United States Code (commonly referred to as the “Privacy
10 Act”).

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