

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on _____

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 of leaving service” and inserting “within four
9 years of leaving service”; and

10 (2) in subsection (b)—

1 (A) in paragraph (1)—

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

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

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

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

24 (a) REQUIREMENTS.—

1 (1) IN GENERAL.—Chapter 141 of title 10,
2 United States Code is amended by adding at the end
3 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 services, that is entered into by the Department
11 of Defense shall include a provision under which the con-
12 tractor agrees to submit to the Secretary of Defense, not
13 later than April 1 of each year such contract is in effect,
14 a written report setting forth the information required by
15 subsection (b).

16 “(b) REPORT INFORMATION.—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 a contract with a value in excess of
14 \$10,000,000; and

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

21 “(2) in the case of each person listed under
22 subparagraph (A)—

23 “(A) identify the agency in which such per-
24 son was employed or served on active duty dur-

1 ing the last two years of such person’s service
2 with the Department of Defense;

3 “(B) state such person’s job title and iden-
4 tify each major defense system, if any, on which
5 such person performed any work with the De-
6 partment of Defense during the last two years
7 of such person’s service with the Department;
8 and

9 “(C) state such person’s current job title
10 with the contractor and identify each major de-
11 fense system on which such person has per-
12 formed any work on behalf of the contractor;
13 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 with
20 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 relat-
2 ing to the Department of Defense that the
3 contractor, any employee of the contractor,
4 or any lobbyist paid by the contractor has
5 engaged in on behalf of the contractor, in-
6 cluding—

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

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

“Sec. 2410t. Defense contractors: requirements concerning former Department
of Defense officials.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on the date of the enact-
21 ment of this Act, and shall apply with respect to contracts
22 entered into on or after that date.

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

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

15 **SEC. 104. BAN ON HIRING CONTRACTING OFFICIALS EN-**
16 **FORCEABLE ON CERTAIN CONTRACTS.**

17 (a) PROHIBITION.—

18 (1) IN GENERAL.—Any contract for the pro-
19 curement of goods or services, other than a contract
20 for the procurement of commercial products or serv-
21 ices, with a value of excess of \$10,000,000 shall in-
22 clude a contract clause prohibiting the contractor
23 from providing compensation to a former Depart-
24 ment of Defense official described in paragraph (2)
25 within four years after such former official leaves
26 service in the Department of Defense.

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

14 (A) participated in the contract or license
15 selection;

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

18 (C) granted the contract or license.

19 (b) ADMINISTRATIVE ACTIONS.—In the event that an
20 official or former official of the Department of Defense
21 described in subsection (a)(2), or a Department of De-
22 fense contractor, knowingly fails to comply with the re-
23 quirements of this subsection, the Secretary of Defense
24 may take any of the administrative actions set forth in

1 section 2105 of title 41, United States Code that the Sec-
2 retary of Defense determines to be appropriate.

3 **SEC. 105. BAN ON HIRING SENIOR OFFICIALS BY GIANT DE-**
4 **FENSE CONTRACTORS.**

5 (a) PROHIBITION.—

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

14 (2) DEFINITIONS.—In this section:

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

21 (i) in an Executive Schedule position
22 under subchapter II of chapter 53 of title
23 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) that received an average of more than
16 \$1,000,000,000 in annual revenue from the De-
17 partment of Defense or the Department of En-
18 ergy for contracted work related to the United
19 States nuclear program in the previous three
20 fiscal years.

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

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

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

12 Section 1045 of the National Defense Authorization
13 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
14 1555) is amended—

15 (1) in subsection (a)—

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

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

22 (C) in paragraph (2)(A), by striking
23 “grade O–9 or higher” and inserting “grade O–
24 6 or higher”;

25 (2) by striking subsection (b);

1 (3) by redesignating subsection (c) as sub-
2 section (b); and

3 (4) in subsection (b)(1), as redesignated by
4 paragraph (3), by inserting “, including activities in
5 support of lobbying contact with an officer or em-
6 ployee of the Department of Defense” before the pe-
7 riod at the end.

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

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

18 (1) Any organization, including a trade organi-
19 zation, for which the officer or employee has served
20 as an employee, officer, director, trustee, or general
21 partner in the past 4 years.

22 (2) A former direct competitor or client of any
23 organization for which the officer or employee has
24 served as an employee, officer, director, trustee, or
25 general partner in the past 4 years.

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

3 (b) CONSTRUCTION.—Nothing in this section shall be
4 construed to terminate, alter, or make inapplicable any
5 other prohibition or limitation in law or regulation on the
6 participation of officers or employees of the Department
7 of Defense in covered matters having an effect on their
8 or related financial or other personal interests.

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

11 (1) means any matter that involves deliberation,
12 decision, or action that is focused upon the interests
13 of specific person or a discrete and identifiable class
14 of persons; and

15 (2) includes policy making that is narrowly fo-
16 cused on the interests of a discrete and identifiable
17 class of persons.

18 **SEC. 108. PROHIBITION ON OWNERSHIP OR TRADING OF**
19 **STOCKS IN CERTAIN COMPANIES BY DEPART-**
20 **MENT OF DEFENSE OFFICERS AND EMPLOY-**
21 **EES.**

22 (a) PROHIBITION ON OWNERSHIP AND TRADING BY
23 CERTAIN SENIOR OFFICIALS.—

24 (1) PROHIBITION.—An official of the Depart-
25 ment of Defense described in paragraph (2) may not

1 own or trade a publicly traded stock of a company
2 if, during the preceding calendar year, the company
3 received more than \$1,000,000,000 in revenue from
4 the Department of Defense, including through one
5 or more contracts with the Department.

6 (2) DEPARTMENT OF DEFENSE OFFICIALS.—
7 An official of the Department of Defense described
8 in this paragraph is any current Department of De-
9 fense official described by section 847(c) of the Na-
10 tional Defense Authorization Act for Fiscal Year
11 2008 (10 U.S.C. 1701 note).

12 (3) NATURE OF OFFENSE.—Ownership or a
13 trade of a stock in violation of paragraph (1) is an
14 offense under section 208 of title 18, United States
15 Code.

16 (b) PROHIBITION ON OWNERSHIP AND TRADING BY
17 ALL OFFICERS AND EMPLOYEES.—An officer or employee
18 of the Department of Defense may not own or trade a
19 publicly traded stock of a company that is a contractor
20 or subcontractor of the Department if the Office of Stand-
21 ards and Compliance of the Office of the General Counsel
22 of the Department of Defense determines that the value
23 of the stock may be directly or indirectly influenced by
24 any official action of the officer or employee for the De-
25 partment.

1 (c) INAPPLICABILITY TO MUTUAL FUNDS.—For pur-
2 poses of this section, publically-traded stock does not in-
3 clude a widely-held investment fund described in section
4 102(f)(8) of the Ethics in Government Act of 1978 (5
5 U.S.C. App.).

6 **TITLE II—LIMITING FOREIGN**
7 **INFLUENCE**

8 **SEC. 201. ANNUAL REPORTS ON APPROVAL OF EMPLOY-**
9 **MENT OR COMPENSATION OF RETIRED GEN-**
10 **ERAL OR FLAG OFFICERS BY FOREIGN GOV-**
11 **ERNMENTS FOR EMOLUMENTS CLAUSE PUR-**
12 **POSES.**

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

15 (1) by redesignating subsection (c) as sub-
16 section (d); and

17 (2) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) ANNUAL REPORTS ON APPROVALS FOR RE-
20 TIRED GENERAL AND FLAG OFFICERS.—(1) Not later
21 than January 31 each year, the Secretaries of the military
22 departments shall jointly submit to the appropriate com-
23 mittees and Members of Congress a report on each ap-
24 proval under subsection (b) for employment or compensa-
25 tion described in subsection (a) for a retired member of

1 the armed forces in a general or flag officer grade that
2 was issued during the preceding year.

3 “(2) In this subsection, the appropriate committees
4 and Members of Congress are—

5 “(A) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate;

8 “(B) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives;

11 “(C) the Majority Leader and the Minority
12 Leader of the Senate; and

13 “(D) the Speaker of the House of Representa-
14 tives and the Minority Leader of the House of Rep-
15 resentatives.”.

16 (b) SCOPE OF FIRST REPORT.—The first report sub-
17 mitted pursuant to subsection (c) of section 908 of title
18 37, United States Code (as amended by subsection (a) of
19 this section), after the date of the enactment of this Act
20 shall cover the five-year period ending with the year before
21 the year in which such report is submitted.

22 **SEC. 202. ADVISING FOREIGN GOVERNMENTS.**

23 Section 207(f) of title 18, United States Code, is
24 amended—

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

3 (2) by inserting after paragraph (2) the fol-
4 lowing new paragraph:

5 “(3) PERMANENT RESTRICTION WITHOUT
6 PRIOR APPROVAL.—

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

18 “(B) LIMITATION ON APPROVAL.—The
19 Secretary of State may not approve any work
20 described in subparagraph (A) that conflicts
21 with the national security interests of the
22 United States, as determined by the Secretary
23 and verified by the Director of National Intel-
24 ligence.

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

13 **SEC. 203. BAN ON FORMER MILITARY AND CIVILIAN INTEL-**
14 **LIGENCE OFFICERS FROM FOREIGN EMPLOY-**
15 **MENT.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (b), military and intelligence officers possessing a security
18 clearance, upon separation from service or resignation, are
19 prohibited from obtaining employment with a foreign gov-
20 ernment or a private company doing work predominantly
21 on behalf of a foreign government.

22 (b) EXEMPTION.—

23 (1) IN GENERAL.—Employment with the Gov-
24 ernment of Australia, of Canada, of New Zealand, or

1 of the United Kingdom is not subject to the prohibi-
2 tion under subsection (a).

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

16 **TITLE III—TRANSPARENCY**

17 **SEC. 301. AFFIRMATIVE CONTRACTOR RECORD DISCLO-** 18 **SURES.**

19 The Secretary of Defense shall publish on a publicly
20 available Internet website the following information to the
21 extent such information is unclassified and non-confiden-
22 tial:

23 (1) In the case of a contract with the Depart-
24 ment of Defense for goods or services above the sim-

1 plified acquisition threshold specified in section 134
2 of title 41, United States Code—

3 (A) copies of each contract and task deliv-
4 ery order the contractor on such contract has
5 entered into with the Department of Defense
6 during the previous three fiscal years; and

7 (B) past performance information about
8 the contractor to the extent it is maintained by
9 the Department.

10 (2) In the case of a contract with the Depart-
11 ment of Defense for goods or services in excess of
12 \$10,000,000, all correspondence and documents re-
13 lated to the contract.

14 (3) The contractor report required under sec-
15 tion 2410t of title 10, United States Code, as added
16 by section 102 of this Act.

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

18 (a) DEFINITIONS.—In this section—

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

22 (2) the term “covered record” means any
23 record produced using Federal funds during the ful-
24 fillment of a Department contract by a covered con-
25 tractor; and

1 (3) the term “Department” means the Depart-
2 ment of Defense.

3 (b) APPLICATION OF FOIA.—A covered record shall
4 be—

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

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

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

20 **SEC. 303. FINANCIAL DISCLOSURE BY LARGE CONTRAC-**
21 **TORS.**

22 (a) DISCLOSURE REQUIREMENT.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall require a covered contractor, as a condition for
25 entering into a contract with the Department of De-

1 fense, to make publicly available the following infor-
2 mation (excluding information determined to be clas-
3 sified by the Secretary):

4 (A) Audited financial statements.

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

9 (C) A description of all Federal political
10 spending by the contractor.

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

15 (3) **COVERED CONTRACTOR DEFINED.**—The
16 term “covered contractor” means a contractor (other
17 than an institute of higher education) that—

18 (A) received more than \$10,000,000 in an-
19 nual revenue from Federal Government con-
20 tracts or licenses in any of the previous three
21 fiscal years; or

22 (B) earned more than 20 percent of its
23 total annual revenue from Federal Government
24 contracts or licenses in any of the previous
25 three fiscal years.

1 **SEC. 304. AVAILABILITY ON THE INTERNET OF CERTAIN IN-**
2 **FORMATION ABOUT OFFICERS SERVING IN**
3 **GENERAL OR FLAG OFFICER GRADES.**

4 (a) AVAILABILITY REQUIRED.—The Secretary of
5 each military department shall make available on an Inter-
6 net website of such department available to the public in-
7 formation specified in subsection (b) on each officer in a
8 general or flag officer grade under the jurisdiction of such
9 Secretary, including any such officer on the reserve active-
10 status list.

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

14 (1) The officer's name.

15 (2) The officer's current billet.

16 (3) A biographical summary of the officer.

17 (4) Any financial disclosures made by the offi-
18 cer to or for Department of Defense purposes.

19 (5) Any substantiated reports of an Inspector
20 General in the Department Defense involving con-
21 duct of the officer.

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

24 (c) REDACTION.—Information made available pursu-
25 ant to subsection (a) may be redacted in a manner that
26 accords with the provisions of section 552a of title 5,

1 United States Code (commonly referred to as the “Privacy
2 Act”).