

118TH CONGRESS  
1ST SESSION

# H. R. 5306

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. KIM of New Jersey 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 Accountability, 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

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## 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 2023”.

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. Ban on hiring contracting officials enforceable on certain contracts.  
 Sec. 104. Ban on hiring senior officials by giant defense contractors.  
 Sec. 105. 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. 106. Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees.  
 Sec. 107. Prohibition on ownership or trading of stocks in certain companies by Department of Defense officers and employees.

#### TITLE II—LIMITING FOREIGN INFLUENCE

- Sec. 201. Ban on senior national security officials advising foreign governments.  
 Sec. 202. Ban on former military and civilian intelligence officers from foreign employment.

#### TITLE III—TRANSPARENCY

- Sec. 301. Affirmative contractor record disclosures.  
 Sec. 302. Publication of contractor evaluation ratings.  
 Sec. 303. Ownership of information.  
 Sec. 304. Financial disclosure by large contractors.  
 Sec. 305. 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) by striking “REQUIREMENT.—Each re-  
2 quest” and inserting the following: “REQUIRE-  
3 MENT.—

4 “(1) DATABASE.—Each request”;

5 (B) by striking “retained by the Depart-  
6 ment of Defense in a central database or repos-  
7 itory maintained by the General Counsel of the  
8 Department for not less than five years” and  
9 inserting “retained by the Department of De-  
10 fense in a central database or repository main-  
11 tained by the Standards of Conduct Office of  
12 the Department for not less than 10 years”;

13 (C) by inserting “and shall be posted on a  
14 publicly available internet website of the Gen-  
15 eral Counsel Standards of Conduct Office”  
16 after “opinion was provided”; and

17 (D) by inserting after paragraph (1) the  
18 following new paragraph:

19 “(2) INSPECTOR GENERAL REVIEW.—The In-  
20 spector General of the Department of Defense shall  
21 conduct periodic reviews not less than biannually to  
22 ensure that written opinions are being requested,  
23 provided, and retained in accordance with the re-  
24 quirements of this section, as well as any related  
25 matters.”.

1 **SEC. 102. REQUIREMENTS FOR DEFENSE CONTRACTORS**  
2 **RELATING TO CERTAIN FORMER DEPART-**  
3 **MENT OF DEFENSE OFFICIALS AND LOB-**  
4 **BYING ACTIVITIES.**

5 (a) IN GENERAL.—Chapter 365 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 4705. Defense contractors report: requirements**  
9 **concerning former Department of De-**  
10 **fense officials and lobbying activities**

11 “(a) IN GENERAL.—Each contract for the procure-  
12 ment of goods or services in excess of \$10,000,000, other  
13 than a contract for the procurement of office supplies or  
14 food and beverage (vending) services, that is entered into  
15 by the Department of Defense shall include a provision  
16 under which the contractor agrees to submit to the Sec-  
17 retary of Defense, not later than April 1 of each year such  
18 contract is in effect, a written report setting forth the in-  
19 formation required by subsection (b). The Secretary of  
20 Defense shall make these reports publicly available on a  
21 government website not later than July 1 of each year  
22 such contract is in effect.

23 “(b) REPORT INFORMATION.—Except as provided in  
24 subsection (c), a report by a contractor under subsection  
25 (a) shall—

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

1           “(A) is a former officer or employee of the  
2           Department of Defense or a former or retired  
3           member of the armed forces who served—

4                   “(i) in an Executive Schedule position  
5                   under subchapter II of chapter 53 of title  
6                   5;

7                   “(ii) in a position in the Senior Exec-  
8                   utive Service under subchapter VIII of  
9                   chapter 53 of title 5;

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

13                  “(iv) as a program manager, deputy  
14                  program manager, procuring contracting  
15                  officer, administrative contracting officer,  
16                  source selection authority, member of the  
17                  source selection evaluation board, or chief  
18                  of a financial or technical evaluation team  
19                  for a contract with a value in excess of  
20                  \$10,000,000; and

21           “(B) during the preceding calendar year  
22           was provided compensation by the contractor, if  
23           such compensation was first provided by the  
24           contractor not more than four years after such

1 officer, employee, or member left service in the  
2 Department of Defense;

3 “(2) in the case of each person listed under  
4 subparagraph (A)—

5 “(A) identify the agency in which such per-  
6 son was employed or served on active duty dur-  
7 ing the last two years of such person’s service  
8 with the Department of Defense;

9 “(B) state such person’s job title and iden-  
10 tify each major defense system, contract, modi-  
11 fication, subcontract, task order, and delivery  
12 order in excess of \$10,000,000, if any, on which  
13 such person performed any work with the De-  
14 partment of Defense during the last two years  
15 of such person’s service with the Department;  
16 and

17 “(C) state such person’s current job title  
18 with the contractor and identify each major de-  
19 fense system, contract, modification, sub-  
20 contract, task order, and delivery order in ex-  
21 cess of \$10,000,000, on which such person has  
22 performed any work on behalf of the contractor;  
23 and

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

25 “(A) a statement that—

1 “(i) lists each specific issue for which  
2 the contractor, any employee of the con-  
3 tractor, or any lobbyist paid by the con-  
4 tractor engaged in lobbying activities with  
5 the Department of Defense;

6 “(ii) specifies the Federal rule or reg-  
7 ulation, Executive order, or other program,  
8 policy, contract, or position of the Depart-  
9 ment of Defense to which the lobbying ac-  
10 tivities described in clause (i) related;

11 “(iii) lists each lobbying activity relat-  
12 ing to the Department of Defense that the  
13 contractor, any employee of the contractor,  
14 or any lobbyist paid by the contractor has  
15 engaged in on behalf of the contractor, in-  
16 cluding—

17 “(I) each document prepared by  
18 the contractor, any employee of the  
19 contractor, or any lobbyist paid by the  
20 contractor that was submitted to an  
21 officer or employee of the Department  
22 of Defense by the lobbyist;

23 “(II) each meeting that was a  
24 lobbying contact with an officer or  
25 employee of the Department of De-

1 fense, including the subject of the  
2 meeting, the date of the meeting, and  
3 the name and position of each indi-  
4 vidual who attended the meeting;

5 “(III) each phone call made to an  
6 officer or employee of the Department  
7 of Defense that was a lobbying con-  
8 tact, including the subject of the  
9 phone call, the date of the phone call,  
10 and the name and position of each in-  
11 dividual who was on the phone call;  
12 and

13 “(IV) each electronic communica-  
14 tion (including emails, text messages,  
15 and other forms of electronic commu-  
16 nication) sent to an officer or em-  
17 ployee of the Department of Defense  
18 that was a lobbying contact, including  
19 the subject of the electronic commu-  
20 nication, the date of the electronic  
21 communication, and the name and po-  
22 sition of each individual who received  
23 the electronic communication;

24 “(iv) lists the name of each employee  
25 of the contractor who—



1 “(I) did not participate in a lob-  
2 bying contact with an officer or em-  
3 ployee of the Department of Defense;  
4 and

5 “(II) engaged in lobbying activi-  
6 ties in support of a lobbying contact  
7 with an officer or employee of the De-  
8 partment of Defense; and

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

11 “(B) a copy of any document transmitted  
12 to an officer or employee of the Department of  
13 Defense in the course of the lobbying activities  
14 described in subparagraph (A)(iv)(II).

15 “(c) DEFINITIONS.—In subsection (b)(3), the terms  
16 ‘client’, ‘lobbying activities’, ‘lobbying contact’, and ‘lob-  
17 byist’ have the meanings given the terms in section 3 of  
18 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).”.

19 (b) EFFECTIVE DATE.—This section and the amend-  
20 ments made by this section shall apply with respect to con-  
21 tracts entered into on or after that date.

22 **SEC. 103. BAN ON HIRING CONTRACTING OFFICIALS EN-**  
23 **FORCEABLE ON CERTAIN CONTRACTS.**

24 (a) PROHIBITION.—

1           (1) IN GENERAL.—Any contract for the pro-  
2           curement of goods or services, other than a contract  
3           for the procurement of commercial products or serv-  
4           ices, with a value of excess of \$10,000,000 shall in-  
5           clude a contract clause prohibiting the contractor  
6           from providing compensation to a former Depart-  
7           ment of Defense official described in paragraph (2)  
8           within four years after such former official leaves  
9           service in the Department of Defense.

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

24                   (A) participated in the contract or license  
25           selection;

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

3 (C) granted the contract or license.

4 (b) ADMINISTRATIVE ACTIONS.—In the event that an  
5 official or former official of the Department of Defense  
6 described in subsection (a)(2), or a Department of De-  
7 fense contractor, knowingly fails to comply with the re-  
8 quirements of this subsection, the Secretary of Defense  
9 may take any of the administrative actions set forth in  
10 section 2105 of title 41, United States Code, that the Sec-  
11 retary of Defense determines to be appropriate.

12 (c) DEFINITIONS.—In this section:

13 (1) COMMERCIAL PRODUCT.—The term “com-  
14 mercial product” means any of the following:

15 (A) A product, other than real property,  
16 that—

17 (i) is customarily used by the general  
18 public or by nongovernmental entities for  
19 purposes other than governmental pur-  
20 poses; and

21 (ii) has been sold, leased, or licensed  
22 to the general public.

23 (B) A product that—

1 (i) evolved from a product described  
2 in subparagraph (A) through advances in  
3 technology or performance; and

4 (ii) is not yet available in the commer-  
5 cial marketplace but will be available in the  
6 commercial marketplace in time to satisfy  
7 the delivery requirements under a Federal  
8 Government solicitation.

9 (C) A product that would satisfy the cri-  
10 teria in subparagraph (A) or (B) were it not  
11 for—

12 (i) modifications customarily available  
13 in the commercial marketplace; or

14 (ii) minor modifications made to meet  
15 Federal Government requirements.

16 (D) Any combination of products meeting  
17 the requirements of subparagraph (A), (B), or  
18 (C) that are customarily combined and sold in  
19 combination to the general public.

20 (E) A product, or combination of products,  
21 referred to in subparagraphs (A) through (D),  
22 even though the product, or combination of  
23 products, is transferred between or among sepa-  
24 rate divisions, subsidiaries, or affiliates of a  
25 contractor.

1 (F) A nondevelopmental item if the pro-  
2 curing agency determines, in accordance with  
3 conditions in the Federal Acquisition Regula-  
4 tion, that—

5 (i) the product was developed exclu-  
6 sively at private expense; and

7 (ii) has been sold in substantial quan-  
8 tities, on a competitive basis, to multiple  
9 State and local governments or to multiple  
10 foreign governments.

11 (2) COMMERCIAL SERVICE.—The term “com-  
12 mercial service” means any of the following:

13 (A) Installation services, maintenance serv-  
14 ices, repair services, training services, and other  
15 services if—

16 (i) those services are procured for  
17 support of a commercial product, regard-  
18 less of whether the services are provided by  
19 the same source or at the same time as the  
20 commercial product; and

21 (ii) the source of the services provides  
22 similar services contemporaneously to the  
23 general public under terms and conditions  
24 similar to those offered to the Federal  
25 Government.

1 (B) Services of a type sold competitively,  
2 in substantial quantities, in the commercial  
3 marketplace—

4 (i) based on established catalog or  
5 market prices;

6 (ii) for specific tasks performed or  
7 specific outcomes to be achieved; and

8 (iii) under standard commercial terms  
9 and conditions.

10 (C) A service described in subparagraph  
11 (A) or (B), even though the service is trans-  
12 ferred between or among separate divisions,  
13 subsidiaries, or affiliates of a contractor.

14 **SEC. 104. BAN ON HIRING SENIOR OFFICIALS BY GIANT DE-**  
15 **FENSE CONTRACTORS.**

16 (a) PROHIBITION.—

17 (1) IN GENERAL.—Any Department of Defense  
18 contract for the procurement of goods or services  
19 with a giant defense contractor shall include a con-  
20 tract clause prohibiting the contractor from hiring or  
21 paying (including as a consultant, lobbyist, or law-  
22 yer) any covered Department of Defense official  
23 within four years after such former official leaves  
24 service in the Department of Defense.

25 (2) DEFINITIONS.—In this section:

1 (A) COVERED DEPARTMENT OF DEFENSE  
2 OFFICIAL.—The term “covered Department of  
3 Defense official” means a former officer or em-  
4 ployee of the Department of Defense or a  
5 former or retired member of the Armed Forces  
6 who served—

7 (i) in an Executive Schedule position  
8 under subchapter II of chapter 53 of title  
9 5, United States Code;

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

13 (iii) in a position compensated at a  
14 rate of pay for grade O–6 or above under  
15 section 201 of title 37, United States  
16 Code; or

17 (iv) in a supervisory position com-  
18 pensated at a rate of pay for grade GS–15  
19 of the General Schedule under section  
20 5107 of title 5, United States Code, or  
21 higher.

22 (B) GIANT DEFENSE CONTRACTOR.—The  
23 term “giant defense contractor” means a con-  
24 tractor (other than an institution of higher edu-  
25 cation) that received an average of more than

1           \$1,000,000,000 in annual revenue from the De-  
2           partment of Defense or the Department of En-  
3           ergy for contracted work related to the United  
4           States nuclear program in the previous three  
5           fiscal years.

6           (b) ADMINISTRATIVE ACTIONS.—In the event that a  
7           covered Department of Defense official, or a Department  
8           of Defense contractor, knowingly fails to comply with the  
9           requirements of this section, the Secretary of Defense may  
10          take any of the administrative actions set forth in section  
11          2105 of title 41, United States Code, that the Secretary  
12          of Defense determines to be appropriate.

13          (c) ANNUAL REPORT.—The Inspector General of the  
14          Department of Defense shall submit to the Committee on  
15          Armed Services of the Senate and the Committee on  
16          Armed Services of the House of Representatives an annual  
17          report listing the officials or former officials of the Depart-  
18          ment of Defense described in subsection (a)(2)(A), or any  
19          Department of Defense contractor, subject to any of the  
20          administrative actions from the Secretary of Defense  
21          under the requirements of subsection (b) during the prior  
22          calendar year.



1 **SEC. 105. MODIFICATION OF PROHIBITION ON LOBBYING**  
2 **ACTIVITIES WITH RESPECT TO THE DEPART-**  
3 **MENT OF DEFENSE BY CERTAIN OFFICERS**  
4 **OF THE ARMED FORCES AND CIVILIAN EM-**  
5 **PLOYEES OF THE DEPARTMENT OF DEFENSE**  
6 **FOLLOWING SEPARATION FROM MILITARY**  
7 **SERVICE OR EMPLOYMENT WITH THE DE-**  
8 **PARTMENT.**

9 Section 1045 of the National Defense Authorization  
10 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.  
11 1555) is amended—

12 (1) in subsection (a)—

13 (A) in the subsection heading, by striking  
14 “TWO-YEAR PROHIBITION” and inserting  
15 “FOUR-YEAR PROHIBITION”;

16 (B) in paragraph (1), by striking “during  
17 the two-year period” and inserting “during the  
18 four-year period”; and

19 (C) in paragraph (2)(A), by striking  
20 “grade O–9 or higher” and inserting “grade O–  
21 6 or higher”;

22 (2) by striking subsection (b);

23 (3) by redesignating subsection (c) as sub-  
24 section (b); and

25 (4) in subsection (b)(1)(A), as redesignated by  
26 paragraph (3), by inserting “, including activities in

1 support of lobbying contact with an officer or em-  
2 ployee of the Department of Defense” before the pe-  
3 riod at the end.

4 **SEC. 106. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF**  
5 **PERSONAL INTEREST REQUIREMENTS FOR**  
6 **DEPARTMENT OF DEFENSE OFFICERS AND**  
7 **EMPLOYEES.**

8 Section 1117 of the National Defense Authorization  
9 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.  
10 971 note prec.) is amended—

11 (1) in subsection (a)—

12 (A) by striking “particular matter” and in-  
13 serting “covered matter”;

14 (B) by striking “where any of the following  
15 organizations is a party or represents a party to  
16 the matter:” and inserting “where any of the  
17 following organizations or entities is a party or  
18 represents a party to the matter, or where the  
19 officer or employee knows, or reasonably should  
20 know, the matter is likely to have a direct and  
21 predictable effect on the financial interests of  
22 any of the following organizations or entities:”;

23 (C) in paragraph (1), by striking “2  
24 years” and inserting “4 years”; and

1 (D) by inserting after paragraph (2) the  
 2 following new paragraph:

3 “(3) A former direct competitor or client of any  
 4 organization for which the officer or employee has  
 5 served as an employee, officer, director, trustee, or  
 6 general partner in the past 4 years.”;

7 (2) by redesignating subsection (c) as sub-  
 8 section (d); and

9 (3) by inserting after subsection (b) the fol-  
 10 lowing new subsection:

11 “(c) COVERED MATTER DEFINED.—In this section,  
 12 the term ‘covered matter’—

13 “(1) means any matter that involves delibera-  
 14 tion, decision, or action that is focused upon the in-  
 15 terests of a specific person or a discrete and identifi-  
 16 able class of persons; and

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

20 **SEC. 107. PROHIBITION ON OWNERSHIP OR TRADING OF**  
 21 **STOCKS IN CERTAIN COMPANIES BY DEPART-**  
 22 **MENT OF DEFENSE OFFICERS AND EMPLOY-**  
 23 **EES.**

24 (a) PROHIBITION ON OWNERSHIP AND TRADING  
 25 PUBLICLY TRADED STOCKS.—Section 988(a) of title 10,

1 United States Code, is amended by striking “if that com-  
2 pany is one of the 10 entities awarded the most amount  
3 of contract funds by the Department of Defense in a fiscal  
4 year during the five preceding fiscal years” and inserting  
5 “if, during the preceding calendar year, the company re-  
6 ceived more than \$100,000,000 in revenue from the De-  
7 partment of Defense, including through 1 or more con-  
8 tracts with the Department”.

9 (b) DEFINITION OF COVERED OFFICIAL.—Section  
10 988 of title 10, United States Code, is amended—

11 (1) by redesignating subsection (c) as sub-  
12 section (d); and

13 (2) in paragraph (1) of subsection (d), as redes-  
14 ignated by paragraph (1) of this section, by striking  
15 “means any” and all that follows through the period  
16 at the end of subparagraph (B) and inserting  
17 “means any official described in section 847(c) of  
18 the National Defense Authorization Act for Fiscal  
19 Year 2008 (10 U.S.C. 1701 note).”.

20 (c) PENALTY.—Section 988 of title 10, United States  
21 Code, as amended by subsection (b), is further amended  
22 by inserting after subsection (b) the following new sub-  
23 section:

1 “(c) PENALTIES.—Whoever violates subsection (a)  
2 shall be subject to the penalties set forth in section 216  
3 of title 18, United States Code.”.

4 **TITLE II—LIMITING FOREIGN**  
5 **INFLUENCE**

6 **SEC. 201. BAN ON SENIOR NATIONAL SECURITY OFFICIALS**  
7 **ADVISING FOREIGN GOVERNMENTS.**

8 Section 207(f) of title 18, United States Code, is  
9 amended—

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

12 (2) by inserting after paragraph (2) the fol-  
13 lowing new paragraph:

14 “(3) PERMANENT RESTRICTION.—Any person  
15 who has been employed as a senior official in the  
16 White House, the Department of State, the Depart-  
17 ment of Defense, or the Department of the Treasury  
18 who performs compensated work for the benefit of a  
19 foreign entity that stands to benefit from the knowl-  
20 edge obtained by the person as a result of such  
21 United States Government employment, shall be  
22 punished as provided in section 216 of this title.”.

1 **SEC. 202. BAN ON FORMER MILITARY AND CIVILIAN INTEL-**  
2 **LIGENCE OFFICERS FROM FOREIGN EMPLOY-**  
3 **MENT.**

4 All military and civilian intelligence personnel em-  
5 ployed by a military intelligence organization possessing  
6 a security clearance, upon separation from service or res-  
7 ignation, are prohibited from obtaining employment with  
8 a foreign government or a private company doing work  
9 predominantly on behalf of a foreign government. Any in-  
10 telligence personnel who performs compensated work for  
11 the benefit of a foreign entity that stands to benefit from  
12 the knowledge obtained by the person as a result of such  
13 United States Government employment, shall be punished  
14 as provided in section 216 of title 18, United States Code.

15 **TITLE III—TRANSPARENCY**

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

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

22 (1) In the case of a contract with the Depart-  
23 ment of Defense for goods or services above the sim-  
24 plified acquisition threshold specified in section 134  
25 of title 41, United States Code, copies of all con-  
26 tracts, subcontracts, purchase orders, delivery or-

1       ders, task orders, lease agreements, and assignments  
2       entered into with the Department of Defense during  
3       the previous 3 fiscal years.

4           (2) In the case of a contract with the Depart-  
5       ment of Defense for goods or services in excess of  
6       \$10,000,000, all records related to lack of perform-  
7       ance, failure to meet contract requirements, and any  
8       resulting corrective action plans, cure notices, show  
9       cause notices, and non-conformance reports.

10          (3) The contractor report required under sec-  
11       tion 4705 of title 10, United States Code, as added  
12       by section 102 of this Act.

13   **SEC. 302. PUBLICATION OF CONTRACTOR EVALUATION**  
14                           **RATINGS.**

15       Section 2313(c) of title 41, United States Code, is  
16       amended by adding at the end the following new para-  
17       graph:

18           “(9) Contractor evaluation ratings as provided  
19       for at paragraph (b)(4) of section 1503 of part 42  
20       of title 48, Code of Federal Regulations, as of the  
21       date of enactment of this paragraph.”.

22   **SEC. 303. OWNERSHIP OF INFORMATION.**

23       Any entity of the Department of Defense that enters  
24       into a contract or agreement with, or provides funding to,

1 a nongovernmental entity for the purposes of procuring  
2 goods or services shall—

3 (1) for the purposes of paragraph (3), be  
4 deemed to have control over all information of the  
5 entity related to—

6 (A) any costs or the expenditure of any  
7 funds related to the contract or agreement; and

8 (B) any other information related to the  
9 performance of the contract or agreement;

10 (2) provide access to the information described  
11 in paragraph (1), which shall be considered an  
12 “agency record”, to any person upon request made  
13 pursuant to paragraph (3); and

14 (3) include compliance with this subsection as a  
15 material term in any contract, agreement, or renewal  
16 of a contract or agreement with any nongovern-  
17 mental entity for the purposes of procuring goods or  
18 services.

19 **SEC. 304. FINANCIAL DISCLOSURE BY LARGE CONTRAC-**  
20 **TORS.**

21 (a) DISCLOSURE REQUIREMENT.—

22 (1) IN GENERAL.—The Secretary of Defense  
23 shall require a covered contractor, as a condition for  
24 entering into a contract with the Department of De-  
25 fense, to make publicly available on an annual basis



1 the following information (excluding information de-  
2 termined to be classified by the Secretary):

3 (A) Audited financial statements.

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

8 (C) A description of all Federal political  
9 spending, including lobbying, by the contractor.

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

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

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

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

1 **SEC. 305. 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 a pub-  
6 licly available internet website of such department the in-  
7 formation specified in subsection (b) related to each officer  
8 in a general or flag officer grade under the jurisdiction  
9 of such Secretary, including any such officer on the re-  
10 serve active-status list.

11 (b) INFORMATION.—The information on an officer  
12 referred to in subsection (a) is as follows:

13 (1) The officer's name.

14 (2) The officer's current billet.

15 (3) A biographical summary of the officer.

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

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

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

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

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

