

118TH CONGRESS
1ST SESSION

S. 2050

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

JUNE 20, 2023

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

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) REQUIREMENTS.—

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

9 **“§ 2410t. Defense contractors report: requirements**
10 **concerning former Department of De-**
11 **fense officials and lobbying activities**

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

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

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

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

5 “(i) in an Executive Schedule position
6 under subchapter II of chapter 53 of title
7 5;

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

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

14 “(iv) as a program manager, deputy
15 program manager, procuring contracting
16 officer, administrative contracting officer,
17 source selection authority, member of the
18 source selection evaluation board, or chief
19 of a financial or technical evaluation team
20 for a contract with a value in excess of
21 \$10,000,000; and

22 “(B) during the preceding calendar year
23 was provided compensation by the contractor, if
24 such compensation was first provided by the
25 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 (2) CLERICAL AMENDMENT.—The table of sec-
 20 tions at the beginning of chapter 141 of such title
 21 is amended by adding at the end the following new
 22 item:

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

23 (3) EFFECTIVE DATE.—The amendments made
 24 by paragraphs (1) and (2) shall take effect on the

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

4 (b) FUTURE TRANSFER.—

5 (1) TRANSFER AND REDESIGNATION.—Section
6 2410t of title 10, United States Code, as added by
7 subsection (a), is transferred to chapter 363, as
8 added by section 1862(b) of the William M. (Mac)
9 Thornberry National Defense Authorization Act for
10 Fiscal Year 2021 (Public Law 116–283), and reded-
11 igned as section 4661.

12 (2) CLERICAL AMENDMENTS.—

13 (A) TARGET CHAPTER TABLE OF SEC-
14 TIONS.—The table of sections at the beginning
15 of chapter 363 of title 10, United States Code,
16 as added by section 1862(b) of the William M.
17 (Mac) Thornberry National Defense Authoriza-
18 tion Act for Fiscal Year 2021 (Public Law
19 116–283), is amended by inserting after the
20 item relating to section 4660 the following:

“Sec. 4661. Defense contractors report: requirements concerning former De-
partment of Defense officials and lobbying activities.”.

21 (B) ORIGIN CHAPTER TABLE OF SEC-
22 TIONS.—The table of sections at the beginning
23 of chapter 141 of title 10, United States Code,

1 is amended by striking the item relating to sec-
2 tion 2410t.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on January 1,
5 2024.

6 (4) REFERENCES; SAVINGS PROVISIONS; RULE
7 OF CONSTRUCTION.—Sections 1883 through 1885 of
8 the William M. (Mac) Thornberry National Defense
9 Authorization Act for Fiscal Year 2021 (Public Law
10 116–283) shall apply with respect to the amend-
11 ments made under this subsection as if such amend-
12 ments were made under title XVIII of such Act.

13 **SEC. 103. BAN ON HIRING CONTRACTING OFFICIALS EN-**
14 **FORCEABLE ON CERTAIN CONTRACTS.**

15 (a) PROHIBITION.—

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

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

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

19 (C) granted the contract or license.

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

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

6 (A) A product, other than real property,
7 that—

8 (i) is customarily used by the general
9 public or by nongovernmental entities for
10 purposes other than governmental pur-
11 poses; and

12 (ii) has been sold, leased, or licensed
13 to the general public.

14 (B) A product that—

15 (i) evolved from a product described
16 in subparagraph (A) through advances in
17 technology or performance; and

18 (ii) is not yet available in the commer-
19 cial marketplace but will be available in the
20 commercial marketplace in time to satisfy
21 the delivery requirements under a Federal
22 Government solicitation.

23 (C) A product that would satisfy the cri-
24 teria in subparagraph (A) or (B) were it not
25 for—

1 (i) modifications customarily available
2 in the commercial marketplace; or

3 (ii) minor modifications made to meet
4 Federal Government requirements.

5 (D) Any combination of products meeting
6 the requirements of subparagraph (A), (B), or
7 (C) that are customarily combined and sold in
8 combination to the general public.

9 (E) A product, or combination of products,
10 referred to in subparagraphs (A) through (D),
11 even though the product, or combination of
12 products, is transferred between or among sepa-
13 rate divisions, subsidiaries, or affiliates of a
14 contractor.

15 (F) A nondevelopmental item if the pro-
16 curing agency determines, in accordance with
17 conditions in the Federal Acquisition Regula-
18 tion, that—

19 (i) the product was developed exclu-
20 sively at private expense; and

21 (ii) has been sold in substantial quan-
22 tities, on a competitive basis, to multiple
23 State and local governments or to multiple
24 foreign governments.

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

3 (A) Installation services, maintenance serv-
4 ices, repair services, training services, and other
5 services if—

6 (i) those services are procured for
7 support of a commercial product, regard-
8 less of whether the services are provided by
9 the same source or at the same time as the
10 commercial product; and

11 (ii) the source of the services provides
12 similar services contemporaneously to the
13 general public under terms and conditions
14 similar to those offered to the Federal
15 Government.

16 (B) Services of a type sold competitively,
17 in substantial quantities, in the commercial
18 marketplace—

19 (i) based on established catalog or
20 market prices;

21 (ii) for specific tasks performed or
22 specific outcomes to be achieved; and

23 (iii) under standard commercial terms
24 and conditions.

1 (C) A service described in subparagraph
2 (A) or (B), even though the service is trans-
3 ferred between or among separate divisions,
4 subsidiaries, or affiliates of a contractor.

5 **SEC. 104. BAN ON HIRING SENIOR OFFICIALS BY GIANT DE-**
6 **FENSE 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, lobbyist, or law-
13 yer) any covered Department of Defense official
14 within four years after such former official leaves
15 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 a position compensated at a
5 rate of pay for grade O–6 or above under
6 section 201 of title 37, United States
7 Code; or

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

13 (B) GIANT DEFENSE CONTRACTOR.—The
14 term “giant defense contractor” means a con-
15 tractor (other than an institution of higher edu-
16 cation) that received an average of more than
17 \$1,000,000,000 in annual revenue from the De-
18 partment of Defense or the Department of En-
19 ergy for contracted work related to the United
20 States nuclear program in the previous three
21 fiscal years.

22 (b) ADMINISTRATIVE ACTIONS.—In the event that a
23 covered Department of Defense official, or a Department
24 of Defense contractor, knowingly fails to comply with the
25 requirements of this section, the Secretary of Defense may

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

4 (c) ANNUAL REPORT.—The Inspector General of the
5 Department of Defense shall submit to the Committee on
6 Armed Services of the Senate and the Committee on
7 Armed Services of the House of Representatives an annual
8 report listing the officials or former officials of the Depart-
9 ment of Defense described in subsection (a)(2)(A), or any
10 Department of Defense contractor, subject to any of the
11 administrative actions from the Secretary of Defense
12 under the requirements of subsection (b) during the prior
13 calendar year.

14 **SEC. 105. MODIFICATION OF PROHIBITION ON LOBBYING**
15 **ACTIVITIES WITH RESPECT TO THE DEPART-**
16 **MENT OF DEFENSE BY CERTAIN OFFICERS**
17 **OF THE ARMED FORCES AND CIVILIAN EM-**
18 **PLOYEES OF THE DEPARTMENT OF DEFENSE**
19 **FOLLOWING SEPARATION FROM MILITARY**
20 **SERVICE OR EMPLOYMENT WITH THE DE-**
21 **PARTMENT.**

22 Section 1045 of the National Defense Authorization
23 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
24 1555) is amended—

25 (1) in subsection (a)—

1 (A) in the subsection heading, by striking
2 “TWO-YEAR PROHIBITION” and inserting
3 “FOUR-YEAR PROHIBITION”;

4 (B) in paragraph (1), by striking “during
5 the two-year period” and inserting “during the
6 four-year period”; and

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

10 (2) by striking subsection (b);

11 (3) by redesignating subsection (c) as sub-
12 section (b); and

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

18 **SEC. 106. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF**
19 **PERSONAL INTEREST REQUIREMENTS FOR**
20 **DEPARTMENT OF DEFENSE OFFICERS AND**
21 **EMPLOYEES.**

22 Section 1117 of the National Defense Authorization
23 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
24 971 note prec.) is amended—

25 (1) in subsection (a)—

1 (A) by striking “particular matter” and in-
2 serting “covered matter”;

3 (B) by striking “where any of the following
4 organizations is a party or represents a party to
5 the matter:” and inserting “where any of the
6 following organizations or entities is a party or
7 represents a party to the matter, or where the
8 officer or employee knows, or reasonably should
9 know, the matter is likely to have a direct and
10 predictable effect on the financial interests of
11 any of the following organizations or entities:”;

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

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

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

20 (2) by redesignating subsection (c) as sub-
21 section (d); and

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection:

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

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

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

8 **SEC. 107. PROHIBITION ON OWNERSHIP OR TRADING OF**
9 **STOCKS IN CERTAIN COMPANIES BY DEPART-**
10 **MENT OF DEFENSE OFFICERS AND EMPLOY-**
11 **EES.**

12 (a) PROHIBITION ON OWNERSHIP AND TRADING
13 PUBLICLY TRADED STOCKS.—Section 988(a) of title 10,
14 United States Code, is amended by striking “if that com-
15 pany is one of the 10 entities awarded the most amount
16 of contract funds by the Department of Defense in a fiscal
17 year during the five preceding fiscal years” and inserting
18 “if, during the preceding calendar year, the company re-
19 ceived more than \$100,000,000 in revenue from the De-
20 partment of Defense, including through 1 or more con-
21 tracts with the Department”.

22 (b) DEFINITION OF COVERED OFFICIAL.—Section
23 988 of title 10, United States Code, is amended—

24 (1) by redesignating subsection (c) as sub-
25 section (d); and

1 (2) in paragraph (1) of subsection (d), as redesi-
2 gnated by paragraph (1) of this section, by striking
3 “means any” and all that follows through the period
4 at the end of subparagraph (B) and inserting
5 “means any official described in section 847(c) of
6 the National Defense Authorization Act for Fiscal
7 Year 2008 (10 U.S.C. 1701 note).”.

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

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

15 **TITLE II—LIMITING FOREIGN**
16 **INFLUENCE**

17 **SEC. 201. BAN ON SENIOR NATIONAL SECURITY OFFICIALS**
18 **ADVISING FOREIGN GOVERNMENTS.**

19 Section 207(f) of title 18, United States Code, is
20 amended—

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

23 (2) by inserting after paragraph (2) the fol-
24 lowing new paragraph:

1 “(3) PERMANENT RESTRICTION.—Any person
2 who has been employed as a senior official in the
3 White House, the Department of State, the Depart-
4 ment of Defense, or the Department of the Treasury
5 who performs compensated work for the benefit of a
6 foreign entity that stands to benefit from the knowl-
7 edge obtained by the person as a result of such
8 United States Government employment, shall be
9 punished as provided in section 216 of this title.”.

10 **SEC. 202. BAN ON FORMER MILITARY AND CIVILIAN INTEL-**
11 **LIGENCE OFFICERS FROM FOREIGN EMPLOY-**
12 **MENT.**

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

1 **TITLE III—TRANSPARENCY**

2 **SEC. 301. AFFIRMATIVE CONTRACTOR RECORD DISCLO-**
3 **SURES.**

4 The Secretary of Defense shall publish on a publicly
5 available internet website the following information to the
6 extent such information is unclassified and non-confiden-
7 tial:

8 (1) In the case of a contract with the Depart-
9 ment of Defense for goods or services above the sim-
10 plified acquisition threshold specified in section 134
11 of title 41, United States Code, copies of all con-
12 tracts, subcontracts, purchase orders, delivery or-
13 ders, task orders, lease agreements, and assignments
14 entered into with the Department of Defense during
15 the previous 3 fiscal years.

16 (2) In the case of a contract with the Depart-
17 ment of Defense for goods or services in excess of
18 \$10,000,000, all records related to lack of perform-
19 ance, failure to meet contract requirements, and any
20 resulting corrective action plans, cure notices, show
21 cause notices, and non-conformance reports.

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

1 **SEC. 302. PUBLICATION OF CONTRACTOR EVALUATION**
2 **RATINGS.**

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

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

10 **SEC. 303. OWNERSHIP OF INFORMATION.**

11 Any entity of the Department of Defense that enters
12 into a contract or agreement with, or provides funding to,
13 a nongovernmental entity for the purposes of procuring
14 goods or services shall—

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

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

20 (B) any other information related to the
21 performance of the contract or agreement;

22 (2) provide access to the information described
23 in paragraph (1), which shall be considered an
24 “agency record”, to any person upon request made
25 pursuant to paragraph (3); and

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

4 (A) received more than \$10,000,000 in an-
5 nual revenue from Federal Government con-
6 tracts or licenses in any of the previous three
7 fiscal years; or

8 (B) earned more than 20 percent of its
9 total annual revenue from Federal Government
10 contracts or licenses in any of the previous
11 three fiscal years.

12 **SEC. 305. AVAILABILITY ON THE INTERNET OF CERTAIN IN-**
13 **FORMATION ABOUT OFFICERS SERVING IN**
14 **GENERAL OR FLAG OFFICER GRADES.**

15 (a) AVAILABILITY REQUIRED.—The Secretary of
16 each military department shall make available on a pub-
17 licly available internet website of such department the in-
18 formation specified in subsection (b) related to each officer
19 in a general or flag officer grade under the jurisdiction
20 of such Secretary, including any such officer on the re-
21 serve active-status list.

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

24 (1) The officer’s name.

25 (2) The officer’s current billet.

1 (3) A biographical summary of the officer.

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

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

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

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

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