AMENDMENT TO RULES COMMITTEE PRINT 116-19

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

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

SEC. 898. REQUIREMENTS CONCERNING FORMER DEPARTMENT OF DEFENSE OFFICIALS AND LOBBYING ACTIVITIES.

(a) REQUIREMENTS.—

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

“§2410t. Defense contractors report: requirements concerning former Department of Defense officials and lobbying activities

“(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial products or commercial services, that is entered into by the Secretary of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract

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is in effect, a written report setting forth the information
required by subsection (b).

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

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

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

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

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

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

“(iv) as a program manager, deputy
program manager, procuring contracting
officer, administrative contracting officer,
source selection authority, member of the
source selection evaluation board, or chief
of a financial or technical evaluation team
for such a contract; and
“(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than four years after such former officer or employee of the Department of Defense, or such former or retired member of the armed forces, left service in the Department of Defense;

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

“(A) identify the department or entity in which such person was employed or served on active duty during the last two years of such person’s service with the Department of Defense;

“(B) state such person’s job title and identify any project on which such person performed any work or for which such person provided any goods pursuant to a contract with the Department of Defense during the last two years of such person’s service with the Department; and

“(C) state such person’s current job title with the contractor and identify each project on which such person has performed any work or
for which such person provided any goods on
behalf of the contractor; and
“(3) if the contractor is a client, include—
“(A) a statement that—
“(i) lists each specific issue for which
the contractor, any employee of the con-
tractor, or any lobbyist paid by the con-
tractor engaged in lobbying activities di-
rected at the Department of Defense; and
“(ii) specifies the Federal rule or reg-
ulation, Executive order, or other program,
policy, contract, or position of the Depart-
ment of Defense to which the lobbying ac-
tivities described in clause (i) related;
“(iii) lists each lobbying activity di-
rected at the Department of Defense that
the contractor, any employee of the con-
tractor, or any lobbyist paid by the con-
tractor has engaged in on behalf of the
contractor, including—
“(I) each document prepared by
the contractor, any employee of the
contractor, or any lobbyist paid by the
contractor that was submitted to an
officer or employee of the Department of Defense by the lobbyist;

“(II) each meeting that was a lobbying contact with an officer or employee of the Department of Defense, including the subject of the meeting, the date of the meeting, and the name and position of each individual who attended the meeting;

“(III) each phone call made to an officer or employee of the Department of Defense that was a lobbying contact, including the subject of the phone call, the date of the phone call, and the name and position of each individual who was on the phone call;

“(IV) each electronic communication sent to an officer or employee of the Department of Defense that was a lobbying contact, including the subject of the electronic communication, the date of the electronic communication, and the name and position of each in-
dividual who received the electronic communication;
“(iv) lists the name of each employee of the contractor who—
“(I) did not participate in a lobbying contact with an officer or employee of the Department of Defense; and
“(II) engaged in lobbying activities in support of a lobbying contact with an officer or employee of the Department of Defense; and
“(v) describes the lobbying activities referred to in clause (iv)(II); and
“(B) a copy of any document transmitted to an officer or employee of the Department of Defense in the course of the lobbying activities described in subparagraph (A)(iv)(II).
“(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a pre-
previous annual report filed by such contractor under this section.

“(d) Public Access to Reports.—The Secretary of Defense shall make any report described under subsection (a) publicly available on a website of the Department of Defense not later than 45 days after the receipt of such report.

“(e) Definitions.—In subsection (b)(3), the terms ‘client’, ‘lobbying activities’, ‘lobbying contact’, and ‘lobbyist’ have the meanings given the terms in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

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

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.