

110TH CONGRESS
1ST SESSION

H. R. 1775

To amend section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) to require the disclosure of certain information related to Federal contractors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. CARDOZA introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) to require the disclosure of certain information related to Federal contractors, 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.**

4 This Act may be cited as the “Freedom of Informa-
5 tion Improvement Act”.

1 **SEC. 2. REQUIREMENTS RELATING TO DISCLOSURE OF**
2 **GOVERNMENT CONTRACTING INFORMATION**
3 **UNDER FREEDOM OF INFORMATION ACT.**

4 Section 552 of title 5, United States Code (popularly
5 known as the Freedom of Information Act), is amended
6 by adding at the end the following new subsection:

7 “(h) CONTRACTOR INFORMATION.—(1) For purposes
8 of a request made that involves access to records relating
9 to Federal contracts, the following provisions apply:

10 “(A) Information submitted, whether vol-
11 untarily or involuntarily, to the Federal Govern-
12 ment to obtain, amend, or clarify a contract
13 with the Federal Government or any part of
14 such a contract shall not be considered to be
15 trade secrets or commercial or financial infor-
16 mation that is privileged or confidential, as de-
17 scribed in subsection (b)(4), unless the informa-
18 tion is proprietary information.

19 “(B) An agency shall release information
20 with respect to a Federal contract in response
21 to a request under this section relating to the
22 following unless the information is shown to be
23 exempt under subsection (b):

24 “(i) Any information relating to
25 whether a contractor, or a subcontractor
26 under the contractor, actually performed

1 the worked required under the terms of the
2 contract.

3 “(ii) Any information that indicates
4 the use of substandard materials or work
5 practices in performing the contract.

6 “(iii) Any information related to the
7 information described in subparagraph (A)
8 or (B) that is discovered as part of a Gov-
9 ernment review, audit, or investigation of
10 the contract, or that is revealed because of
11 the existence of credible evidence raising
12 doubts concerning the contractor’s per-
13 formance because the contractor has been
14 subject to a Federal or State investigation
15 for past poor performance or similar
16 charges, or the contractor has been the
17 subject of credible and consistent press re-
18 ports pertaining to performance of govern-
19 ment contracts.

20 “(C) An agency shall release information
21 with respect to a Federal contract in response
22 to a request under this section if disclosure of
23 the information will contribute to public under-
24 standing and knowledge unless the information
25 is shown to be exempt under subsection (b).

1 “(D) Any information released pursuant to
2 this subsection shall relate solely to the Federal
3 contract involved and not to unrelated aspects
4 of the company concerned.

5 “(2) In this subsection, the term ‘proprietary infor-
6 mation’ means information relating to a product or proc-
7 ess that is used, produced, or marketed under an exclusive
8 legal right of the inventor or maker of that product or
9 process.”.

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