

108TH CONGRESS  
1ST SESSION

# H. R. 1888

To require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2003

Mr. KLECZKA introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, 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. PUBLIC DISCLOSURE OF NONCOMPETITIVE**  
4 **CONTRACTING FOR THE RECONSTRUCTION**  
5 **OF INFRASTRUCTURE IN IRAQ.**

6 (a) DISCLOSURE REQUIRED.—The head of an execu-  
7 tive agency of the United States that enters into a con-  
8 tract for the repair, maintenance, or construction of infra-  
9 structure in Iraq without full and open competition shall  
10 publish in the Federal Register or Commerce Business

1 Daily and otherwise make available to the public, not later  
2 than 30 days after the date on which the contract is en-  
3 tered into, the following information:

4 (1) The amount of the contract.

5 (2) A brief description of the scope of the con-  
6 tract.

7 (3) A discussion of how the executive agency  
8 identified, and solicited offers from, potential con-  
9 tractors to perform the contract, together with a list  
10 of the potential contractors that were issued solicita-  
11 tions for the offers.

12 (4) The justification and approval documents  
13 on which was based the determination to use proce-  
14 dures other than procedures that provide for full and  
15 open competition.

16 (b) CLASSIFIED INFORMATION.—

17 (1) AUTHORITY TO WITHHOLD.—The head of  
18 an executive agency may—

19 (A) withhold from publication and disclo-  
20 sure under subsection (a) any document that is  
21 classified for restricted access in accordance  
22 with an Executive order in the interest of na-  
23 tional defense or foreign policy; and

24 (B) redact any part so classified that is in  
25 a document not so classified before publication

1           and disclosure of the document under sub-  
2           section (a).

3           (2) AVAILABILITY TO CONGRESS.—In any case  
4           in which the head of an executive agency withholds  
5           information under paragraph (1), the head of such  
6           executive agency shall make available an unredacted  
7           version of the document containing that information  
8           to the chairman and ranking member of each of the  
9           following committees of Congress:

10                   (A) The Committee on Governmental Af-  
11                   fairs of the Senate.

12                   (B) The Committee on Government Re-  
13                   form of the House of Representatives.

14                   (C) Each committee that the head of the  
15                   executive agency determines has legislative ju-  
16                   risdiction for the operations of such department  
17                   or agency to which the information relates.

18           (c) DEFINITIONS.—In this section, the terms “execu-  
19           tive agency” and “full and open competition” have the  
20           meanings given such terms in section 4 of the Office of  
21           Federal Procurement Policy Act (41 U.S.C. 403).

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