

112TH CONGRESS  
1ST SESSION

# H. R. 1906

To amend title 41, United States Code, to prohibit executive agencies from requiring the disclosure of political contributions by an entity submitting an offer for a Federal contract.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2011

Mr. COLE (for himself, Mr. ROKITA, Mr. CONAWAY, Mr. LANKFORD, Mr. GRIFFIN of Arkansas, Mr. POMPEO, Mr. HARPER, Mr. KING of Iowa, Mr. ROGERS of Kentucky, Mrs. ELLMERS, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To amend title 41, United States Code, to prohibit executive agencies from requiring the disclosure of political contributions by an entity submitting an offer for a Federal contract.

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 “Fairness in Federal  
5 Contracting Act of 2011”.

1 **SEC. 2. PROHIBITION ON DISCLOSURE OF POLITICAL CON-**  
2 **TRIBUTIONS.**

3 (a) IN GENERAL.—Chapter 47 of title 41, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 4712. Prohibition on disclosure of political con-**  
7 **tributions**

8 “(a) PROHIBITION.—An executive agency may not re-  
9 quire an entity submitting an offer for a Federal contract  
10 or otherwise participating in acquisition of property or  
11 services by the Federal Government to disclose any of the  
12 following information as a condition of submitting the  
13 offer or otherwise participating in such acquisition:

14 “(1) Any payment consisting of a contribution,  
15 expenditure, independent expenditure, or disburse-  
16 ment for an electioneering communication that is  
17 made by the entity, its officers or directors, or any  
18 of its affiliates or subsidiaries to a candidate for  
19 election for Federal office or to a political com-  
20 mittee, or that is otherwise made with respect to any  
21 election for Federal office.

22 “(2) Any disbursement of funds (other than a  
23 payment described in paragraph (1)) made by the  
24 entity, its officers or directors, or any of its affiliates  
25 or subsidiaries to any individual or entity with the  
26 intent or the reasonable expectation that the indi-

1       vidual or entity will use the funds to make a pay-  
2       ment described in paragraph (1).

3       “(b) NO EFFECT ON OTHER DISCLOSURE REQUIRE-  
4       MENTS.—Nothing in this section may be construed to  
5       waive or otherwise affect the application to an entity de-  
6       scribed in subsection (a) of any provision of law (including  
7       the Federal Election Campaign Act of 1971) that requires  
8       the entity to disclose information on contributions, ex-  
9       penditures, independent expenditures, or electioneering  
10      communications.

11      “(c) DEFINITIONS.—In this section—

12           “(1) each of the terms ‘contribution’, ‘expendi-  
13           ture’, ‘independent expenditure’, ‘electioneering com-  
14           munication’, ‘candidate’, ‘election’, and ‘Federal of-  
15           fice’ has the meaning given such term in the Federal  
16           Election Campaign Act of 1971 (2 U.S.C. 431 et  
17           seq.); and

18           “(2) the term ‘acquisition’ has the meaning  
19           given that term in section 131 of this title.”.

20      (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21      The table of contents for chapter 47 of title 41, United  
22      States Code, is amended by inserting after the item relat-  
23      ing to section 4711 the following new item:

“4712. Prohibition on disclosure of political contributions.”.

○