

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 4909
OFFERED BY MR. ELLISON OF MINNESOTA**

At the end of title VIII, insert the following new subtitle:

1 **Subtitle E—Model Employer**
2 **Program for Contractors**

3 **SEC. 851. SHORT TITLE AND PURPOSES.**

4 (a) **SHORT TITLE.**—This subtitle may be cited as the
5 “Department of Defense Model Employer Act of 2016”.

6 (b) **PURPOSES.**—The purposes of this subtitle are to
7 use Federal purchasing power to incentivize private-sector
8 firms—

9 (1) to create good jobs for America’s workers;

10 (2) to rebuild the America’s middle class;

11 (3) to address America’s crisis of income in-
12 equality; and

13 (4) to invigorate the economy by increasing the
14 purchasing power of working Americans.

15 **SEC. 852. MODEL EMPLOYER.**

16 For purposes of this subtitle, a model employer is one
17 which—

1 (1) respects employees' rights to bargain collec-
2 tively without being forced to take strike action to
3 win better wages and working conditions;

4 (2) offers to each employee a living wage, de-
5 cent benefits including health care, paid leave for
6 sickness and caregiving, as well as predictable and
7 stable work schedules; and

8 (3) affirmatively demonstrates an exemplary
9 standard of compliance with workplace protection
10 laws, including laws governing labor relations, wages
11 and hours, and health and safety.

12 **SEC. 853. APPLICATION TO FEDERAL CONTRACTS AND AS-**
13 **SISTANCE.**

14 (a) **ELIGIBILITY FOR AWARD OF PROCUREMENT**
15 **CONTRACTS.**—No contract for the acquisition of supplies
16 or services shall be awarded under this Act to a contractor
17 that is not a model employer, unless there is no offer from
18 an entity that is a model employer.

19 (b) **ELIGIBILITY OF FINANCIAL AND NON FINANCIAL**
20 **ASSISTANCE.**—No other forms of financial or nonfinancial
21 assistance may be made under this Act to any entity that
22 is not a model employer when there is a similarly situated
23 model employer that could receive the assistance, unless
24 doing so would substantially undermine the value of the
25 assistance to the public good.

1 (c) INCORPORATION INTO FUTURE FEDERAL CON-
2 TRACTS AND ASSISTANCE AGREEMENTS.—Beginning on
3 January 1, 2017, each agency authorized to award con-
4 tracts or provide assistance under this Act shall incor-
5 porate into each new contract, contract-like instrument,
6 or assistance agreement a clause requiring the contractor
7 to conduct itself as a model employer for the duration of
8 the contract.

9 (d) EXCLUSIONS.—None of the provisions of this sec-
10 tion shall be interpreted to apply to—

11 (1) direct Federal statutory entitlements;

12 (2) mandatory awards;

13 (3) direct awards to foreign governments or
14 public international organizations;

15 (4) benefits to an individual as a personal enti-
16 tlement; or

17 (5) Federal employment.

18 **SEC. 854. IMPLEMENTATION.**

19 (a) MODEL EMPLOYER STANDARDS.—The Secretary
20 of Defense shall issue regulations implementing the Model
21 Employer Standards of section 852 so as to effect the pol-
22 icy and purposes of this subtitle within 180 days after the
23 date of the enactment of this Act.

24 (b) PROCUREMENT POLICY.—The Administrator of
25 General Services, the Secretary of Defense, and the Ad-

1 administrator of the National Aeronautics and Space Admin-
2 istration, in coordination with the Office of Federal Pro-
3 curement Policy, shall amend the Federal Acquisition Reg-
4 ulation within 180 days after the date of the enactment
5 of this Act to effect the policy and purposes of this sub-
6 title, and subsequently as necessary to continue to effect
7 the policy and purposes of this subtitle.

8 (c) DEBARMENT OR SUSPENSION.—

9 (1) An organization that acquires any form of
10 financial or non-financial benefit or a contract au-
11 thorized under this Act through the operation of the
12 procedure described in section 853 of this subtitle
13 shall be placed on the excluded parties list estab-
14 lished by Executive Orders 12549 and 12689 for a
15 period of at least 2 years if it fails to remain a
16 model employer for the duration of the benefit.

17 (2) An organization that violates a model em-
18 ployer clause in a contract or agreement required by
19 section 853(c) shall be placed on the Excluded Par-
20 ties List enacted by Executive Orders 12549 and
21 12689 for a period of 3 years.

22 (3) Parties which are suspended multiple times
23 may be debarred permanently.

1 **SEC. 855. SEVERABILITY.**

2 If any provision of this subtitle, or applying such pro-
3 vision to any person or circumstance, is held to be invalid,
4 the remainder of this subtitle and the application of the
5 provisions of such to any person or circumstance shall not
6 be affected thereby

