

**AMENDMENT TO RULES COMMITTEE PRINT**

**119-22**

**OFFERED BY MR. CASAR OF TEXAS**

At the end of subtitle D of title XII, add the following:

1 **SEC. \_\_\_\_ . PROMOTION OF ECONOMIC SECURITY AND**  
2 **WORKPLACE ACCOUNTABILITY.**

3 (a) **REQUIRED DISCLOSURES.**—The Secretary shall  
4 require any meat and poultry processing entity that enters  
5 into a contract with the Department on or after the date  
6 that is 2 years after the date of enactment of this Act  
7 to disclose to the Secretary of Labor, on an annual basis  
8 and to the best of the knowledge of the entity, whether,  
9 within the preceding 3-year period, any administrative  
10 merits determination, arbitral award or decision, or civil  
11 judgment, as defined in regulations issued by the Sec-  
12 retary of Labor, has been issued against the entity, or any  
13 subcontractor of the entity, for violations of the Fair  
14 Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or  
15 regulations issued pursuant to such Act.

16 (b) **CONSULTATION.**—The Secretary of Labor shall  
17 be available, as appropriate and in coordination as de-  
18 scribed in subsection (f), for consultation with an entity

1 described in subsection (a) to assist the entity in evalu-  
2 ating any information on labor compliance submitted to  
3 such entity by a subcontractor pursuant to such sub-  
4 section.

5 (c) CORRECTIVE MEASURES.—On an annual basis,  
6 the Secretary of Labor—

7 (1) shall provide an entity that makes a disclo-  
8 sure pursuant to subsection (a) an opportunity to re-  
9 port any corrective measures taken by the entity, or  
10 any subcontractor of the entity, to correct violations  
11 of or improve compliance with the labor laws listed  
12 in such subsection, including any agreements en-  
13 tered into with an enforcement agency; and

14 (2) may negotiate with such entity corrective  
15 measures that the entity, or a subcontractor of the  
16 entity, may take in order to avoid having the entity  
17 placed on the list under subsection (d).

18 (d) LIST OF INELIGIBLE ENTITIES.—

19 (1) IN GENERAL.—For each calendar year be-  
20 ginning with the first calendar year that begins after  
21 the date that is 2 years after the date of enactment  
22 of this Act, the Secretary of Labor, in coordination  
23 as described in subsection (f), shall prepare, and  
24 submit to the Secretary of Agriculture, a list of each  
25 entity that the Secretary of Labor recommends to be

1           ineligible for a contract with the Department for  
2           that year based on—

3                   (A) serious, repeated, or pervasive viola-  
4                   tions of the labor laws listed under subsection  
5                   (a) committed by the entity or any subcon-  
6                   tractor of the entity; or

7                   (B) the failure of such entity, or any sub-  
8                   contractor of such entity, to complete any cor-  
9                   rective measure under subsection (c) within 6  
10                  months after such disclosures or conclusion of  
11                  negotiations.

12               (2) INELIGIBILITY.—The Secretary shall not  
13               solicit a contract from, or enter into contract with  
14               any entity on the list under paragraph (1) that is in  
15               effect for that year, or any of the subsequent 3  
16               years.

17               (e) REINSTATEMENT OF INELIGIBILITY.—The Sec-  
18               retary of Labor may remove an entity from the list under  
19               subsection (d) if the Secretary of Labor, in consultation  
20               with the Secretary of Agriculture, determines that the en-  
21               tity has made sufficient progress in implementing correc-  
22               tive measures pursuant to subsection (c).

23               (f) COORDINATION.—In providing the consultation  
24               described in subsection (b) and preparing the list under  
25               subsection (d), the Secretary of Labor shall coordinate,

1 as appropriate, with the National Labor Relations Board,  
2 the Equal Employment Opportunity Commission, the En-  
3 vironmental Protection Agency, any other requisite adjudi-  
4 cating agencies, States, and local governments.

5 (g) CRIMINAL PENALTY FOR FAILURE TO REPORT.—

6 (1) OFFENSE.—It shall be unlawful for an enti-  
7 ty to knowingly fail to make a disclosure required  
8 under subsection (a).

9 (2) PENALTY.—

10 (A) IN GENERAL.—A violation of para-  
11 graph (1) shall be treated as a violation of sec-  
12 tion 1031(a) of title 18, United States Code.

13 (B) GROSS LOSS TO GOVERNMENT; GROSS  
14 GAIN TO DEFENDANT.—For purposes of apply-  
15 ing section 1031 of title 18, United States  
16 Code, to a violation of paragraph (1) of this  
17 subsection, the amount that the Department  
18 pays an entity that violates such paragraph (1)  
19 under a contract described in subsection (a) of  
20 this section shall be treated as the gross loss to  
21 the Government or the gross gain to the de-  
22 fendant.

23 (h) ANNUAL REPORTS TO CONGRESS.—For each cal-  
24 endar year beginning with the first calendar year that be-  
25 gins after the date that is 2 years after the date of enact-

1 ment of this Act, Secretary shall submit a report to the  
2 Committee on Agriculture, Nutrition, and Forestry of the  
3 Senate and the Committee on Agriculture of the House  
4 of Representatives that includes—

5 (1) the number of entities on the list under sub-  
6 section (d) for the year of the report;

7 (2) the number of entities that agreed to take  
8 corrective measures under subsection (c) for such  
9 year;

10 (3) the amount of the applicable contracts for  
11 the entities described in paragraph (1) or (2);

12 (4) the number of entities that had their eligi-  
13 bility reinstated under subsection (e); and

14 (5) performance indicators and measures, as  
15 determined by the Secretary of Agriculture, assess-  
16 ing the effectiveness of the implementation by the  
17 Secretary of this Act for such year.

