AMENDMENT TO RULES COMMITTEE PRINT 116-19

OFFERED BY MR. SMITH OF NEW JERSEY

At the end of subtitle G of title VIII, add the following new section:

SEC. 898. GAO REPORT ON CONTRACTING PRACTICES OF THE CORPS OF ENGINEERS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the contracting practices of the Corps of Engineers, with a specific focus on how the Corps of Engineers complies with and enforces the requirement to pay prevailing wages on federally financed construction jobs, as required by subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act). The study shall consider the following:

(1) Any programs or protocols the Corps of Engineers has in place for the purpose of carrying out its Davis-Bacon Act enforcement obligations as set forth in the Federal Acquisition Regulation.

(2) Any programs or protocols the Corps of Engineers has in place for the purpose of identifying and addressing independent contractor
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misclassification on projects subject to the Davis-Bacon Act.

(3) The frequency with which the Corps of Engineers conducts site visits on each covered project to monitor Davis-Bacon Act compliance.

(4) The frequency with which the Corps of Engineers monitors certified payroll reports submitted by contractors and subcontractors on each covered project.

(5) Whether the Corps of Engineers accepts and investigates complaints of Davis-Bacon Act violations submitted by third parties, such as contractors and workers’ rights organizations.

(6) Whether the Corps of Engineers maintains a database listing all contractors and subcontractors who have, in one way or another, violated the Davis-Bacon Act and whether the Corps consults this database as part of its contract award process.

(7) The frequency, over the last five years, with which the Corps of Engineers penalized, disqualified, terminated, or moved for debarment of a contractor for Davis-Bacon violations.

(8) How the Corps of Engineers verifies that the contractors it hires for its projects are properly licensed.
(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Education and Labor, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation of the Senate a report that summarizes the results of the study required under subsection (a), together with any recommendations for legislative or regulatory action that would improve the efforts of enforcing the requirement to pay prevailing wages on federally financed construction jobs.