

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**10**

**OFFERED BY MR. IVEY OF MARYLAND**

At the appropriate place in subtitle B of title VIII,  
insert the following:

1 **SEC. 8\_\_ . PRE-BID COMPLIANCE WITH EQUAL EMPLOY-**  
2 **MENT OPPORTUNITY REQUIREMENTS.**

3 (a) IN GENERAL.—Chapter 287 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 3906. Pre-bid compliance with equal employment**  
7 **opportunity requirements**

8 “(a) IN GENERAL.—The Secretary of Defense shall  
9 require each individual or entity that submits a bid or pro-  
10 posal with respect to a contract with the Department of  
11 Defense that is subject to section 60-1.4 of title 41, Code  
12 of Federal Regulation, (or any successor regulation), to  
13 submit with such bid or proposal documentation dem-  
14 onstrating the compliance of such individual or entity and  
15 each subcontractor identified in such bid or proposal with  
16 the requirements of the provision set forth in such section  
17 as if such individual or entity and each such subcontractor  
18 was already performing under such a contract.

1           “(b) SUBCONTRACTOR COMPLIANCE DOCUMENTA-  
2 TION.—

3                   “(1) IN GENERAL.—An individual or entity sub-  
4 ject to subsection (a) with respect to a bid or pro-  
5 posal shall require each subcontractor to provide to  
6 such individual or entity documentation dem-  
7 onstrating the compliance of the subcontractor with  
8 the requirements of the provision set forth in section  
9 60-1.4 of title 41, Code of Federal Regulation, (or  
10 any successor regulation), as if such individual or  
11 entity and each such subcontractor was already per-  
12 forming under such a contract

13                   “(2) PRE-BID DOCUMENT INCLUSION.—For a  
14 subcontractor identified in a bid or proposal with re-  
15 spect to which an individual or entity is subject to  
16 subsection (a), such individual or entity shall include  
17 in the documentation submitted under such sub-  
18 section the documentation provided under paragraph  
19 (1) by such subcontractor.

20                   “(c) COMPLIANCE UPDATE.—With respect to a con-  
21 tract with respect to which a contractor was subject to  
22 subsection (a), at the end of each 12-month period of the  
23 performance of such contractor under such contract, such  
24 contractor shall submit to the contracting officer for such  
25 contract updated documentation demonstrating the com-

1 pliance of such contractor with the requirements of the  
2 provision set forth in section 60-1.4 of title 41, Code of  
3 Federal Regulation, (or any successor regulation) during  
4 such 12-month period.

5 “(d) ENFORCEMENT.—

6 “(1) IN GENERAL.—An individual or entity that  
7 is determined to have submitted false or materially  
8 inaccurate facts or conclusions in documentation re-  
9 quired by this section shall be debarred from con-  
10 tracting with the Department of Defense for a pe-  
11 riod of four years and shall be ineligible for price ad-  
12 justments for the contract with respect to which  
13 such individual or entity submitted the documenta-  
14 tion containing the false or materially inaccurate  
15 facts or conclusions.

16 “(2) PROCESS.—Any allegation that an indi-  
17 vidual or entity submitted false or materially inac-  
18 curate facts or conclusions in documentation re-  
19 quired by this section shall be handled in the man-  
20 ner set for under subpart B of part 60-1 of title 41,  
21 United States Code (or any successor regulation).”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 for chapter 287 of title 10, United States Code, is amend-  
24 ed by adding at the end the following new item:

“3906. Pre-bid compliance with equal employment opportunity requirements.”.

1           (c) REGULATIONS.—Not later than 180 days after  
2 the date of the enactment of this Act, the Secretary of  
3 Defense shall issue regulations to carry out section 3906  
4 of title 10, United States Code, as added by subsection  
5 (a).

6           (d) EFFECTIVE DATE.—Section 3906 of title 10,  
7 United States Code, as added by subsection (a), shall  
8 apply only with respect to contracts entered into on or  
9 after the date that is 60 days after the date on which the  
10 Secretary of Defense issues the regulations required by  
11 subsection (e).

