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:

SEC. 8. PRE-BID COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS.

(a) IN GENERAL.—Chapter 287 of title 10, United States Code, is amended by adding at the end the following new section:

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

“(a) IN GENERAL.—The Secretary of Defense shall require each individual or entity that submits a bid or proposal with respect to a contract with the Department of Defense that is subject to section 60-1.4 of title 41, Code of Federal Regulation, (or any successor regulation), to submit with such bid or proposal documentation demonstrating the compliance of such individual or entity and each subcontractor identified in such bid or proposal with the requirements of the provision set forth in such section as if such individual or entity and each such subcontractor was already performing under such a contract.
“(b) Subcontractor Compliance Documentation.—

“(1) IN GENERAL.—An individual or entity subject to subsection (a) with respect to a bid or proposal shall require each subcontractor to provide to such individual or entity documentation demonstrating the compliance of the subcontractor with the requirements of the provision set forth in section 60-1.4 of title 41, Code of Federal Regulation, (or any successor regulation), as if such individual or entity and each such subcontractor was already performing under such a contract.

“(2) Pre-Bid Document Inclusion.—For a subcontractor identified in a bid or proposal with respect to which an individual or entity is subject to subsection (a), such individual or entity shall include in the documentation submitted under such subsection the documentation provided under paragraph (1) by such subcontractor.

“(c) Compliance Update.—With respect to a contract with respect to which a contractor was subject to subsection (a), at the end of each 12-month period of the performance of such contractor under such contract, such contractor shall submit to the contracting officer for such contract updated documentation demonstrating the com-
pliance of such contractor with the requirements of the
provision set forth in section 60-1.4 of title 41, Code of
Federal Regulation, (or any successor regulation) during
such 12-month period.

“(d) ENFORCEMENT.—

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

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

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

“3906. Pre-bid compliance with equal employment opportunity requirements.”.
(c) Regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations to carry out section 3906 of title 10, United States Code, as added by subsection (a).

(d) Effective Date.—Section 3906 of title 10, United States Code, as added by subsection (a), shall apply only with respect to contracts entered into on or after the date that is 60 days after the date on which the Secretary of Defense issues the regulations required by subsection (c).