

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 117-54**  
**OFFERED BY MS. JAYAPAL OF WASHINGTON**

At the end of title LVIII of division E, add the following:

1 **SEC. 5806. PROHIBITION ON CONTRACTING WITH PERSONS**  
2 **WITH WILLFUL OR REPEATED VIOLATIONS**  
3 **OF THE FAIR LABOR STANDARDS ACT OF**  
4 **1938.**

5 (a) INITIATION OF DEBARMENT PROCEEDINGS.—

6 (1) IN GENERAL.—The Secretary of Labor shall  
7 initiate a debarment proceeding with respect to a  
8 covered person for whom information regarding two  
9 or more willful or repeated violations of the Fair  
10 Labor Standards Act of 1938 (29 U.S.C. 201 et  
11 seq.) (as determined by a disposition described  
12 under subsection (c)(1) of section 2313 of title 41,  
13 United States Code, and issued in the last five  
14 years) is included in the database established under  
15 subsection (a) of such section.

16 (2) LENGTH OF DEBARMENT.—Notwith-  
17 standing any other provision of law, the Secretary of

1 Labor may determine the length of a debarment  
2 under paragraph (1).

3 (b) DATABASES.—Not later than 180 days after the  
4 date of enactment of this Act, the Secretary of Labor shall  
5 ensure that the enforcement and compliance databases of  
6 the Department of Labor—

7 (1) identify persons that have been finally adju-  
8 dicated to have violated labor laws;

9 (2) list each person, identified by the tax identi-  
10 fication number of the person, that is suspended or  
11 debarred for a violation of a labor law; and

12 (3) are accessible to contracting officers and  
13 suspension and debarment officials at all Federal  
14 agencies.

15 (c) REVISION OF FAR.—The Federal Acquisition  
16 Regulation shall be revised to require contracting offi-  
17 cers—

18 (1) when renewing or awarding a contract, to  
19 check the database in subsection (b) for suspensions  
20 or debarments described under that subsection when  
21 determining present responsibility and conducting a  
22 past performance evaluation;

23 (2) to enter relevant information from the data-  
24 base in subsection (b) into past performance evalua-

1 tions in the Contractor Performance Assessment and  
2 Reporting System; and

3 (3) to coordinate with the Labor Advisor of the  
4 agency and consult with experts regarding alleged  
5 violations of labor law.

6 (d) DEFINITIONS.—In this section—

7 (1) the term “covered person” means any indi-  
8 vidual, enterprise, or firm applying for a contract  
9 worth \$500,000 or more;

10 (2) the term “Federal agency” has the meaning  
11 given that term in section 102 of title 40, United  
12 States Code;

13 (3) the term “labor law” includes—

14 (A) subchapter IV of chapter 31 of title  
15 40, United States Code (commonly referred to  
16 as the “Davis Bacon Act”);

17 (B) chapter 67 of subtitle II of title 41,  
18 United States Code (commonly referred to as  
19 the “Services Contracting Act”); and

20 (C) the Fair Labor Standards Act of 1938  
21 (29 U.S.C. 201 et seq.); and

22 (4) the term “willful” has the meaning given  
23 that term in section 578.3 of title 29, Code of Fed-  
24 eral Regulations.

