AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MS. OCASIO-CORTEZ OF NEW YORK

Add at the end of subtitle A of title VIII the following:

1 SEC. _____. COMPLIANCE PROCEDURES FOR PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY FEDERAL CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—Section 4714 of title 41, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b) COMPLIANCE.—

“(1) PROCEDURES FOR SUBMISSION OF COMPLAINT.—The Secretary of Labor shall establish procedures under which an applicant for a position with a Federal contractor may submit to the Secretary a complaint, or any other information, relating to compliance by the contractor with the requirement under subsection (a)(1)(B).

“(2) INVESTIGATION OF COMPLIANCE.—In addition to the authority to investigate compliance by
a contractor with the requirement under subsection (a)(1)(B) pursuant to a complaint submitted under paragraph (1) of this subsection, the Secretary of Labor may investigate compliance with subsection (a)(1)(B) in conducting a compliance evaluation under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation).

“(3) PUBLICATION.—The Secretary of Labor shall make the procedures described in paragraph (1) available to the public by issuing rules or other guidance, a determined appropriate by the Secretary.”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “head of an executive agency” and inserting “Secretary of Labor”;

(ii) by inserting “, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation)” after “determines”;
(iii) by striking “such head” and inserting “the Secretary of Labor”; and

(iv) in subparagraph (C), by striking “warning” and inserting “notice”; and

(B) in paragraph (2)—

(i) by striking “head of an executive agency” and inserting “Secretary of Labor”;

(ii) by inserting “, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation),” after “determines”;

(iii) by striking “such head” and inserting “the Secretary of Labor”;

(iv) by inserting “as may be necessary” after “Federal agencies”; and

(v) by striking subparagraph (C) and inserting the following:

“(C) taking any of the actions described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and
section 60–1.27 of title 41, Code of Federal
Regulations (or any successor regulation).”.

(b) DEFENSE CONTRACTS.—Section 4657 of title 10,
United States Code, is amended—

(1) by amending subsection (b) to read as fol-

``(b) COMPLIANCE.—

``(1) PROCEDURES FOR SUBMISSION OF COM-

plaint.—The Secretary of Labor shall establish
procedures under which an applicant for a position
with a Federal contractor may submit to the Sec-
retary of Labor a complaint, or any other informa-
tion, relating to compliance by the contractor with
subsection (a)(1)(B).

``(2) INVESTIGATION OF COMPLIANCE.—In ad-
dition to the authority to investigate compliance by
a contractor with subsection (a)(1)(B) pursuant to a
complaint submitted under paragraph (1) of this
subsection, the Secretary of Labor may investigate
compliance with subsection (a)(1)(B) in conducting
a compliance evaluation under section 60–1.20, 60–
300.60, or 60–741.60 of title 41, Code of Federal
Regulations (or any successor regulation).

``(3) PUBLICATION.—The Secretary of Labor
shall make the procedures described in paragraph
(1) available to the public by issuing rules or other
guidance, a determined appropriate by the Sec-
retary.”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Defense” and insert-
ing “Labor”;

(ii) by inserting “of Labor” before
“shall”;

(iii) by inserting “, based upon the re-
results of a complaint investigation or com-
pliance evaluation conducted by the Sec-
retary of Labor under section 60–1.20,
60–300.60, or 60–741.60 of title 41, Code
of Federal Regulations (or any successor
regulation)” after “determines”; and

(iv) in subparagraph (C), by striking
“warning” and inserting “notice”; and

(B) in paragraph (2)—

(i) by striking “Secretary of Defense”
and inserting “Secretary of Labor”; 

(ii) by inserting “as may be nec-
essary” after “Federal agencies”; and

(iii) by striking subparagraph (C) and
inserting the following:
“(C) taking any of the actions described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations (or any successor regulation).”.

(c) APPLICATION.—This section, and the amendments made by this section, shall apply with respect to contracts awarded on or after the date that is 16 months after the date of the enactment of this Act.