

**AMENDMENT TO RULES COMMITTEE PRINT**

**117-54**

**OFFERED BY MS. OCASIO-CORTEZ OF NEW YORK**

At the end of subtitle B of title VIII, insert the following:

1 **SEC. \_\_\_\_ . COMPLIANCE PROCEDURES FOR INVESTIGATING**  
2 **THE PROHIBITION ON CRIMINAL HISTORY IN-**  
3 **QUIRIES BY FEDERAL CONTRACTORS PRIOR**  
4 **TO CONDITIONAL OFFER.**

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

7 (1) by amending subsection (b) to read as fol-  
8 lows:

9 “(b) COMPLIANCE.—

10 “(1) PROCEDURES FOR SUBMISSION OF COM-  
11 PLAINT.—The Secretary of Defense shall establish,  
12 and make available to the public, procedures under  
13 which an applicant for a position with a Department  
14 of Defense contractor may submit to the Secretary  
15 a complaint, or any other information, relating to  
16 compliance by the contractor with subsection  
17 (a)(1)(B).

1           “(2) INVESTIGATION OF COMPLIANCE.—In ad-  
2           dition to the authority to investigate compliance by  
3           a contractor with subsection (a)(1)(B) pursuant to a  
4           complaint submitted under paragraph (1) of this  
5           subsection, the Secretary of Defense may investigate  
6           compliance with subsection (a)(1)(B) in conducting  
7           a compliance evaluation under section 60–1.20, 60–  
8           300.60, or 60–741.60 of title 41, Code of Federal  
9           Regulations (or any successor regulation).”; and

10           (2) in subsection (c)—

11           (A) in paragraph (1)—

12           (i) by inserting “, based upon the re-  
13           sults of a complaint investigation or com-  
14           pliance evaluation conducted by the Sec-  
15           retary of Defense under section 60–1.20,  
16           60–300.60, or 60–741.60 of title 41, Code  
17           of Federal Regulations (or any successor  
18           regulation)” after “determines”;

19           (ii) in subparagraph (C), by striking  
20           “warning” and inserting “notice”; and

21           (B) in paragraph (2)—

22           (i) by inserting “, based upon the re-  
23           sults of a complaint investigation or com-  
24           pliance evaluation conducted by the Sec-  
25           retary of Defense under section 60–1.20,

1                   60–300.60, or 60–741.60 of title 41, Code  
2                   of Federal Regulations (or any successor  
3                   regulation),” after “determines”;

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

6                   (iii) by striking subparagraph (C) and  
7                   inserting the following:

8                   “(C) taking an action to impose a sanction  
9                   described under section 202(7) of Executive  
10                  Order 11246 (related to equal employment op-  
11                  portunity) and section 60–1.27 of title 41, Code  
12                  of Federal Regulations (or any successor regu-  
13                  lation).”.

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

16                  (1) by amending subsection (b) to read as fol-  
17                  lows:

18                  “(b) COMPLIANCE.—

19                  “(1) PROCEDURES FOR SUBMISSION OF COM-  
20                  PLAINT.—The Secretary of Labor shall establish,  
21                  and make available to the public, procedures under  
22                  which an applicant for a position with a Federal  
23                  contractor may submit to the Secretary a complaint,  
24                  or any other information, relating to compliance by  
25                  the contractor with subsection (a)(1)(B).

1           “(2) INVESTIGATION OF COMPLIANCE.—In ad-  
2           dition to the authority to investigate compliance by  
3           a contractor with subsection (a)(1)(B) pursuant to a  
4           complaint submitted under paragraph (1) of this  
5           subsection, the Secretary of Labor may investigate  
6           compliance with subsection (a)(1)(B) in conducting  
7           a compliance evaluation under section 60–1.20, 60–  
8           300.60, or 60–741.60 of title 41, Code of Federal  
9           Regulations (or any successor regulation).”; and

10           (2) in subsection (c)—

11           (A) in paragraph (1)—

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

15           (ii) by inserting “, based upon the re-  
16           sults of a complaint investigation or com-  
17           pliance evaluation conducted by the Sec-  
18           retary of Labor under section 60–1.20,  
19           60–300.60, or 60–741.60 of title 41, Code  
20           of Federal Regulations (or any successor  
21           regulation)” after “determines”;

22           (iii) by striking “such head” and in-  
23           serting “the Secretary of Labor”; and

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

1 (B) in paragraph (2)—

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

5 (ii) by inserting “, based upon the re-  
6 sults of a complaint investigation or com-  
7 pliance evaluation conducted by the Sec-  
8 retary of Labor under section 60–1.20,  
9 60–300.60, or 60–741.60 of title 41, Code  
10 of Federal Regulations (or any successor  
11 regulation),” after “determines”;

12 (iii) by striking “such head” and in-  
13 sserting “the Secretary of Labor”;

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

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

18 “(C) taking an action to impose a sanction  
19 described under section 202(7) of Executive  
20 Order 11246 (related to equal employment op-  
21 portunity) and section 60–1.27 of title 41, Code  
22 of Federal Regulations (or any successor regu-  
23 lation).”.

1           (c) EFFECTIVE DATE.—This Act, and the amend-  
2 ments made by this Act, shall apply with respect to con-  
3 tracts awarded on or after December 20, 2022.

