

**AMENDMENT TO DIVISION A OF RULES**  
**COMMITTEE PRINT 117-12**  
**OFFERED BY MR. POCAN OF WISCONSIN**

At the end of division A of the bill (before the short title), insert the following:

1       SEC. \_\_\_\_.

2       (a) None of the funds made available by this Act shall  
3 be used by the Office of Foreign Labor Certification to  
4 process or approve an Application for Temporary Employ-  
5 ment Certification submitted by or on behalf of a peti-  
6 tioning employer that has had an administrative merits  
7 determination, arbitral award or decision, or civil judg-  
8 ment, rendered against it in the preceding 3 years for vio-  
9 lations of:

10           (1) the Fair Labor Standards Act of 1938;

11           (2) the Occupational Safety and Health Act of  
12       1970;

13           (3) the Migrant and Seasonal Agricultural  
14       Worker Protection Act;

15           (4) the National Labor Relations Act;

16           (5) subchapter IV of chapter 31 of title 40,  
17       United States Code (known as the “Davis-Bacon  
18       Act”);

1 (6) chapter 67 of title 41, United States Code  
2 (known as the “McNamara-O’Hara Service Contract  
3 Act”),

4 (7) Executive Order No. 11246 (42 United  
5 States Code 2000e note; relating to equal employ-  
6 ment opportunity),

7 (8) section 503 of the Rehabilitation Act of  
8 1973;

9 (9) section 4212 of title 38, United States  
10 Code;

11 (10) the Family and Medical Leave Act of  
12 1993;

13 (11) title VII of the Civil Rights Act of 1964;

14 (12) the American with Disabilities Act of  
15 1990;

16 (13) the Age Discrimination in Employment  
17 Act of 1967;

18 (14) Federal Government standards estab-  
19 lishing a minimum wage for contractors; or

20 (15) equivalent State or local laws.

21 (b) For purposes of subsection (a), the term “peti-  
22 tioning employer” shall also include—

23 (1) any businesses in which the employer has  
24 involvement or over which it has any level of inter-  
25 est, ownership or control; and

1           (2) any businesses in which any principal of the  
2           employer has any level of interest, ownership, or  
3           control.

