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:

SEC. ___.

(a) None of the funds made available by this Act shall be used by the Office of Foreign Labor Certification to process or approve an Application for Temporary Employment Certification submitted by or on behalf of a petitioning employer that has had an administrative merits determination, arbitral award or decision, or civil judgment, rendered against it in the preceding 3 years for violations of:

(1) the Fair Labor Standards Act of 1938;

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

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

(4) the National Labor Relations Act;

(5) subchapter IV of chapter 31 of title 40, United States Code (known as the “Davis-Bacon Act”);
(6) chapter 67 of title 41, United States Code (known as the “McNamara-O’Hara Service Contract Act”),

(7) Executive Order No. 11246 (42 United States Code 2000e note; relating to equal employment opportunity),

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

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

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

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

(12) the American with Disabilities Act of 1990;

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

(14) Federal Government standards establishing a minimum wage for contractors; or

(15) equivalent State or local laws.

(b) For purposes of subsection (a), the term “petitioning employer” shall also include——

(1) any businesses in which the employer has involvement or over which it has any level of interest, ownership or control; and
(2) any businesses in which any principal of the employer has any level of interest, ownership, or control.