AMENDMENT TO RULES COMMITTEE PRINT 118-10

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

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

SEC. 8. PREFERENCE FOR OFFERORS THAT MEET CERTAIN REQUIREMENTS.

(a) In General.—Chapter 241 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 3310. PREFERENCE FOR OFFERORS THAT MEET CERTAIN REQUIREMENTS.

"(a) In General.—In awarding contracts for the procurement of goods or services, the Secretary of Defense shall prioritize offerors that meet any of the following qualifications:

"(1) The offeror has entered into an agreement—

"(A) with a labor organization;

"(B) that provides the manner in which the offeror will—

"(i) act with respect to lawful efforts by such labor organization to organize the
employees of such offeror, including an
agreement that the offeror will not assist,
deter, or promote such efforts; and
“(ii) engage in collective bargaining
with such labor organization; and
“(C) that is effective for the duration of
the contract to be awarded.
“(2) The offeror has entered into an agreement
with a majority of the employees of the offeror or a
labor organization, effective for the duration of the
contract to be awarded, not to hire individuals to re-
place any employee of the offeror engaged in any
strike, picketing, or other concerted refusal to work
or to close a business in response to such a strike,
picketing, or other refusal to work.
“(3) The offeror has a collective bargaining
agreement with a labor organization or a majority of
the employees of the offeror.
“(b) PRIORITIZATION ORDER.—The Secretary of De-
fense shall further prioritize an offeror under subsection
(a) for each qualification described in such subsection that
such offeror meets.
“(c) APPLICATION.—The prioritization required
under this section shall—
“(1) be applied after any other preference or priority applicable to the award of the contract;
“(2) be accorded weight that is not less than such other preference or priority; and
“(3) not be construed as superseding or replacing any such other preference or priority.
“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt, displace, or supplant any provision of the National Labor Relations Act (29 U.S.C. 151 et seq.).
“(e) EMPLOYEE; EMPLOYER; LABOR ORGANIZATION DEFINED.—In this section, the terms ‘employee’, ‘employer’, and ‘labor organization’ have the meanings given such terms in section 2 of the National Labor Relations Act (29 U.S.C. 152).”.

(b) CLERICAL AMENDMENT.—The table of sections for Chapter 241 of title 10, United States Code, is amended by adding at the end the following new item:
“3310. Preference for offerors that meet certain requirements.”.

(c) APPLICABILITY.—This section and the amendments made by this section shall apply only with respect to contracts entered into on or after the date of the enactment of this Act.