

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

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

1 **SEC. 8__ . PREFERENCE FOR OFFERORS THAT MEET CER-**
2 **TAIN REQUIREMENTS.**

3 (a) IN GENERAL.—Chapter 241 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“SEC. 3310. PREFERENCE FOR OFFERORS THAT MEET CER-**
7 **TAIN REQUIREMENTS.**

8 “(a) IN GENERAL.—In awarding contracts for the
9 procurement of goods or services, the Secretary of Defense
10 shall prioritize offerors that meet any of the following
11 qualifications:

12 “(1) The offeror has entered into an agree-
13 ment—

14 “(A) with a labor organization;

15 “(B) that provides the manner in which
16 the offeror will—

17 “(i) act with respect to lawful efforts
18 by such labor organization to organize the

1 employees of such offeror, including an
2 agreement that the offeror will not assist,
3 deter, or promote such efforts; and

4 “(ii) engage in collective bargaining
5 with such labor organization; and

6 “(C) that is effective for the duration of
7 the contract to be awarded.

8 “(2) The offeror has entered into an agreement
9 with a majority of the employees of the offeror or a
10 labor organization, effective for the duration of the
11 contract to be awarded, not to hire individuals to re-
12 place any employee of the offeror engaged in any
13 strike, picketing, or other concerted refusal to work
14 or to close a business in response to such a strike,
15 picketing, or other refusal to work.

16 “(3) The offeror has a collective bargaining
17 agreement with a labor organization or a majority of
18 the employees of the offeror.

19 “(b) PRIORITIZATION ORDER.—The Secretary of De-
20 fense shall further prioritize an offeror under subsection
21 (a) for each qualification described in such subsection that
22 such offeror meets.

23 “(c) APPLICATION.—The prioritization required
24 under this section shall—

1 “(1) be applied after any other preference or
2 priority applicable to the award of the contract;

3 “(2) be accorded weight that is not less than
4 such other preference or priority; and

5 “(3) not be construed as superseding or replac-
6 ing any such other preference or priority.

7 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to preempt, displace, or supplant
9 any provision of the National Labor Relations Act (29
10 U.S.C. 151 et seq.).

11 “(e) **EMPLOYEE; EMPLOYER; LABOR ORGANIZATION**
12 **DEFINED.**—In this section, the terms ‘employee’, ‘em-
13 ployer’, and ‘labor organization’ have the meanings given
14 such terms in section 2 of the National Labor Relations
15 Act (29 U.S.C. 152).”.

16 (b) **CLERICAL AMENDMENT.**—The table of sections
17 for Chapter 241 of title 10, United States Code, is amend-
18 ed by adding at the end the following new item:

 “3310. Preference for offerors that meet certain requirements.”.

19 (c) **APPLICABILITY.**—This section and the amend-
20 ments made by this section shall apply only with respect
21 to contracts entered into on or after the date of the enact-
22 ment of this Act.

