

AMENDMENT TO RULES COMMITTEE PRINT 117-

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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 provides each employee of the
13 offeror not less than seven days of paid sick leave,
14 seven days of paid family and medical leave, and
15 seven days of paid vacation per year.

16 “(2) The offeror has a pay ratio of not greater
17 than 100 to 1.

18 “(3) The offeror publicly discloses—

1 “(A) the gender and racial composition of
2 the employees of the offeror; and

3 “(B) any differences—

4 “(i) between the median pay paid by
5 the offeror to males employees of the offer-
6 or and the median pay paid by the offeror
7 to females employees of the offeror; and

8 “(ii) between the median pay paid by
9 the offeror to employees of the offeror of
10 each racial and ethnic identity.

11 “(4) The offeror commits to abstain from en-
12 gaging in Rule 10b-18 purchases (as defined under
13 section 240.10b-18(a) of title 17, Code of Federal
14 Regulations) for the duration of the contracting
15 term except solely for purposes of acquiring shares
16 so as to avoid dilution to existing stockholders and
17 to provide shares necessary to implement the
18 offeror’s equity compensation plans.

19 “(5) The offeror has not effected a Rule 10b-
20 18 purchase (as defined under section 240.10b-18(a)
21 of title 17, Code of Federal Regulations) during the
22 three-year period immediately preceding the date of
23 submission, except solely for purposes of acquiring
24 shares so as to avoid dilution to existing stock-

1 holders and to provide shares necessary to imple-
2 ment the offeror's equity compensation plans.

3 “(6) The offeror permits part-time employees of
4 the offeror to participate in a pension plan that in-
5 cludes either a qualified cash or deferred arrange-
6 ment (as defined in section 401(k) of the Internal
7 Revenue Code of 1986) or a salary reduction agree-
8 ment (as described in section 403(b) of such Code)
9 in the same manner as similarly situated full-time
10 employees of the offeror, if such a program exists
11 for full-time employees.

12 “(7) The offeror permits part-time employees of
13 the offeror to accrue paid and unpaid sick days and
14 family and medical leave in the same manner as
15 similarly situated full-time employees of the offeror.

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

20 “(c) APPLICATION.—The prioritization required
21 under this section shall—

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

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

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

3 “(d) PAY RATIO DEFINED.—In this section, the term
4 ‘pay ratio’ means the ratio described in section
5 229.402(u)(1)(iii) of title 17, Code of Federal Regulations
6 (or any successor regulation), except that if the highest
7 compensated employee of the offeror is not the principal
8 executive officer, the ratio shall be determined based on
9 the compensation of such highest compensated em-
10 ployee.”.

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

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

14 (c) APPLICABILITY.—This section and the amend-
15 ments made by this section shall apply only with respect
16 to contracts entered into on or after the date of the enact-
17 ment of this Act.

