

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**13**

**OFFERED BY MR. SMITH OF NEW JERSEY**

In the appropriate place in title LX, insert the following:

1 **SEC. \_\_. ENSURING THAT CONTRACTOR EMPLOYEES ON**  
2 **ARMY CORPS PROJECTS ARE PAID PRE-**  
3 **VAILING WAGES AS REQUIRED BY LAW.**

4 (a) IN GENERAL.—The Assistant Secretary of the  
5 Army for Civil Works shall take the following actions with  
6 respect to the monitoring of Federal construction contrac-  
7 tors used by the Army Corps of Engineers to ensure that  
8 contractor employees are paid prevailing wages as required  
9 by law:

10 (1) Provide to each Army Corps district clari-  
11 fying and uniform guidance about the percentage of  
12 payroll records to review and the frequency of re-  
13 view.

14 (2) Take such steps as may be necessary to en-  
15 sure that the Chief of Engineers and the Com-  
16 manding General of the Army Corps of Engineers—

17 (A) update payroll review procedures for  
18 all Army Corps districts for both civil and mili-

1           tary construction and issue consistent and spe-  
2           cific guidance to:

3                   (i) ensure review of 100 percent of  
4                   payrolls;

5                   (ii) properly determine the wage rate  
6                   and classification of each worker;

7                   (iii) properly weight all local factors  
8                   that may impact payroll review, including  
9                   the prevailing local wage and the size of  
10                  the project;

11                  (iv) conduct weekly payroll reviews  
12                  and determine if there's a disproportionate  
13                  employment of laborers in certain classi-  
14                  fications;

15                  (v) create a standard form to consist-  
16                  ently document each payroll review and  
17                  provide a checklist of each step that must  
18                  be included in payroll reviews;

19                  (vi) establish an annual training for  
20                  Corps officials to ensure consistent en-  
21                  forcement and understanding of procedures  
22                  for payroll reviews;

23                  (B) establish a process to be followed for  
24                  all Army Corps districts for both civil and mili-

1            tary construction for consistently and specifi-  
2            cally documenting on-site inspections including:

3                    (i) daily on-site inspections by Corps  
4            officials;

5                    (ii) the number of workers, their clas-  
6            sification, type of work performed, and ful-  
7            fillment of wage posting requirements;

8                    (iii) the number and frequency of em-  
9            ployee interviews to determine the correct-  
10           ness of employee classifications, rates of  
11           pay, fringe benefits, and hours worked;

12                   (iv) a standard form to consistently  
13           document each on-site inspection which in-  
14           cludes the number of workers, classifica-  
15           tion of each worker on-site, and posting of  
16           wage rates; and

17                   (v) annual training for Corps officials  
18           to ensure consistent enforcement and un-  
19           derstanding of procedures for on-site in-  
20           spections.

21           (b) ENFORCEMENT.—Upon discovering any substan-  
22           tial or willful violation of federal law as it pertains to con-  
23           tractor employees being paid prevailing wages, the Army  
24           Corps shall—

1           (1) withhold payment to the contractor until  
2           back wages are paid to the employee who was under-  
3           paid; and

4           (2) refer the contactor to the Department of  
5           Labor to conduct an investigation to determine if  
6           the contactor should be debarred from receiving fu-  
7           ture federal contracts.

