

Amendment No. __

Offered by Rep. Jim McGovern (MA-02)

Amendment Description:

This amendment bars any meat and poultry processing entity from entering into a contract with USDA if the entity has been found to engage in serious, repeated, or pervasive violations of child labor laws.

AMENDMENT TO _____
OFFERED BY MR. MCGOVERN OF
MASSACHUSETTS

Add at the end the following:

1 SEC. 10109. PROMOTION OF ECONOMIC SECURITY AND
2 WORKPLACE ACCOUNTABILITY.

3 (a) REQUIRED DISCLOSURES.—The Secretary of Ag-
4 riculture shall require any meat and poultry processing en-
5 tity that enters into a contract with the Department of
6 Agriculture on or after the date that is 2 years after the
7 date of enactment of this Act to disclose to the Secretary
8 of Labor, on an annual basis and to the best of the knowl-
9 edge of the entity, whether, within the preceding 3-year
10 period, any administrative merits determination, arbitral
11 award or decision, or civil judgment, as defined in regula-
12 tions issued by the Secretary of Labor, has been issued
13 against the entity, or any subcontractor of the entity, for
14 violations of the Fair Labor Standards Act of 1938 (29
15 U.S.C. 201 et seq.) or regulations issued pursuant to such
16 Act.

17 (b) CONSULTATION.—The Secretary of Labor shall
18 be available, as appropriate and in coordination as de-
19 scribed in subsection (f), for consultation with an entity

1 described in subsection (a) to assist the entity in evalu-
2 ating any information on labor compliance submitted to
3 such entity by a subcontractor pursuant to such sub-
4 section.

5 (c) CORRECTIVE MEASURES.—On an annual basis,
6 the Secretary of Labor—

7 (1) shall provide an entity that makes a disclo-
8 sure pursuant to subsection (a) an opportunity to re-
9 port any corrective measures taken by the entity, or
10 any subcontractor of the entity, to correct violations
11 of or improve compliance with the labor laws listed
12 in such subsection, including any agreements en-
13 tered into with an enforcement agency; and

14 (2) may negotiate with such entity corrective
15 measures that the entity, or a subcontractor of the
16 entity, may take in order to avoid having the entity
17 placed on the list under subsection (d).

18 (d) LIST OF INELIGIBLE ENTITIES.—

19 (1) IN GENERAL.—For each calendar year be-
20 ginning with the first calendar year that begins after
21 the date that is 2 years after the date of enactment
22 of this Act, the Secretary of Labor, in coordination
23 as described in subsection (f), shall prepare, and
24 submit to the Secretary of Agriculture, a list of each
25 entity that the Secretary of Labor recommends to be

1 ineligible for a contract with the Department of Ag-
2 riculture for that year based on—

3 (A) serious, repeated, or pervasive viola-
4 tions of the labor laws listed under subsection
5 (a) committed by the entity or any subcon-
6 tractor of the entity; or

7 (B) the failure of such entity, or any sub-
8 contractor of such entity, to complete any cor-
9 rective measure under subsection (c) within 6
10 months after such disclosures or conclusion of
11 negotiations.

12 (2) INELIGIBILITY.—The Secretary of Agri-
13 culture shall not solicit a contract from, or enter
14 into contract with any entity on the list under para-
15 graph (1) that is in effect for that year, or any of
16 the subsequent 3 years.

17 (e) REINSTATEMENT OF INELIGIBILITY.—The Sec-
18 retary of Labor may remove an entity from the list under
19 subsection (d) if the Secretary of Labor, in consultation
20 with the Secretary of Agriculture, determines that the en-
21 tity has made sufficient progress in implementing correc-
22 tive measures pursuant to subsection (c).

23 (f) COORDINATION.—In providing the consultation
24 described in subsection (b) and preparing the list under
25 subsection (d), the Secretary of Labor shall coordinate,

1 as appropriate, with the National Labor Relations Board,
2 the Equal Employment Opportunity Commission, the En-
3 vironmental Protection Agency, any other requisite adjudi-
4 cating agencies, States, and local governments.

5 (g) CRIMINAL PENALTY FOR FAILURE TO REPORT.—

6 (1) OFFENSE.—It shall be unlawful for an enti-
7 ty to knowingly fail to make a disclosure required
8 under subsection (a).

9 (2) PENALTY.—

10 (A) IN GENERAL.—A violation of para-
11 graph (1) shall be treated as a violation of sec-
12 tion 1031(a) of title 18, United States Code.

13 (B) GROSS LOSS TO GOVERNMENT; GROSS
14 GAIN TO DEFENDANT.—For purposes of apply-
15 ing section 1031 of title 18, United States
16 Code, to a violation of paragraph (1) of this
17 subsection, the amount that the Department of
18 Agriculture pays an entity that violates such
19 paragraph (1) under a contract described in
20 subsection (a) of this section shall be treated as
21 the gross loss to the Government or the gross
22 gain to the defendant.

23 (h) ANNUAL REPORTS TO CONGRESS.—For each cal-
24 endar year beginning with the first calendar year that be-
25 gins after the date that is 2 years after the date of enact-

1 ment of this Act, Secretary of Agriculture shall submit
2 a report to the Committee on Agriculture, Nutrition, and
3 Forestry of the Senate and the Committee on Agriculture
4 of the House of Representatives that includes—

5 (1) the number of entities on the list under sub-
6 section (d) for the year of the report;

7 (2) the number of entities that agreed to take
8 corrective measures under subsection (c) for such
9 year;

10 (3) the amount of the applicable contracts for
11 the entities described in paragraph (1) or (2);

12 (4) the number of entities that had their eligi-
13 bility reinstated under subsection (e); and

14 (5) performance indicators and measures, as
15 determined by the Secretary of Agriculture, assess-
16 ing the effectiveness of the implementation by the
17 Secretary of Agriculture of this Act for such year.

