

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2328

To revise and simplify certain labor laws applicable to Federal contracts,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 20), 1994

Mr. SIMON (by request) introduced the following bill; which was read twice  
and referred to the Committee on Labor and Human Resources

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## A BILL

To revise and simplify certain labor laws applicable to  
Federal contracts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Acquisition  
5 Labor Law Improvement Act of 1994”.

6 **SEC. 2. AMENDMENTS TO THE DAVIS-BACON ACT.**

7 The Act of March 3, 1931 (46 Stat. 1494) as amend-  
8 ed, commonly referred to as the “Davis-Bacon Act” (40  
9 U.S.C. 276a et seq.), is amended—

1 (1) by retitling section 1 (40 U.S.C. 276a) to  
2 read “**CONTRACT REQUIREMENTS**” and  
3 amending subsection (a) to read as follows:

4 “(a) REQUIRED PROVISIONS.—(1) IN GENERAL.—A  
5 contract described in subsection (b) which requires or in-  
6 volves the employment of mechanics and/or laborers shall  
7 contain a provision—

8 “(A) stating the minimum wages to be paid  
9 various classes of laborers and mechanics which  
10 shall be based upon the wages that will be deter-  
11 mined by the Secretary of Labor to be prevailing for  
12 the corresponding classes of laborers and mechanics  
13 employed on projects of a character similar to the  
14 contract work in the locality where the work is to be  
15 performed;

16 “(B) which stipulates that the contractor or  
17 subcontractor under the contract shall pay all labor-  
18 ers and mechanics under the contract—

19 “(i) unconditionally;

20 “(ii) not less often than once a week; and

21 “(iii) without subsequent deduction or re-  
22 bate on any account, unless otherwise author-  
23 ized in writing by such laborer or mechanic in  
24 accordance with section 186(c)(4) of title 29,  
25 United States Code or by regulations issued by

1 the Secretary of Labor, the full amounts ac-  
2 crued at the time of payment, computed at  
3 wage rates not less than those stated in the ad-  
4 vertised specifications, regardless of any con-  
5 tractual relationship which may be alleged to  
6 exist between the contractor or subcontractor  
7 and such laborers and mechanics;

8 “(C) which stipulates that the requirements of  
9 paragraph (A) shall apply to laborers and mechanics  
10 employed by the contractor or subcontractor to work  
11 directly upon the site of the work, including work at  
12 fabrication plants, batch plants, tool yards or similar  
13 facilities (other than previously established facilities  
14 of a contractor or subcontractor whose location and  
15 continuance in operation are determined wholly with-  
16 out regard to the contract work) which are not lo-  
17 cated on the project site but are dedicated exclu-  
18 sively, or nearly so, to construction of the project;  
19 and to laborers and mechanics, including truck-  
20 drivers, employed by the contractor or subcontractor  
21 to transport materials, supplies, and equipment to  
22 and/or from the site of the work (other than the  
23 hauling of materials or supplies to the site of the  
24 work from a permanent previously established facil-  
25 ity by truckdrivers employed by a bona-fide inde-

1 pendent trucking company or bona-fide material  
2 supplier), including between the actual construction  
3 location and other covered facilities; and

4 “(D) which stipulates that there may be with-  
5 held from the contractor under the contract or any  
6 contract between the same contractor and the Fed-  
7 eral Government or the District of Columbia or  
8 under any Federally assisted contract subject to  
9 Davis-Bacon prevailing wage requirements so much  
10 of accrued payments as may be considered necessary  
11 by the contracting officer or by the Secretary of  
12 Labor to pay to laborers and mechanics employed by  
13 the contractor or any subcontractor on the work the  
14 difference between the rates of wages required by  
15 the contract to be paid laborers and mechanics on  
16 the work and the rates of wages received by such la-  
17 borers and mechanics and not refunded to the con-  
18 tractor, subcontractors or their agents, and, if the  
19 violations are willful, to pay an additional equal  
20 amount as liquidated damages. Funds withheld  
21 under this section shall be placed in an interest  
22 bearing account until the disposition of the funds is  
23 administratively and/or judicially resolved.

24 “(2) POSTING.—A contractor or subcontractor under  
25 a contract described in subsection (b) shall post the scale

1 of wages required to be paid under such contract in a  
2 prominent and easily accessible place at the site of the  
3 contract work.”;

4 (2) by redesignating subsection (b) as (c), in-  
5 sserting “WAGES.—(1) DEFINITION.—” after “(c)”,  
6 redesignating “(1)” and “(2)” as “(A)” and “(B)”,  
7 redesignating “(A)” and “(B)” “(i)” and “(ii)”,  
8 changing all references to “subparagraph (2)(A)” to  
9 “subparagraph (B)(i)”, changing all references to  
10 “subparagraph (2)(B)” to “subparagraph (B)(ii)”,  
11 changing all references to “paragraph (1)” to “sub-  
12 paragraph (A)”, change all references to “paragraph  
13 (2)” to “subparagraph (B)”, and by inserting “(2)  
14 OVERTIME.—” at the beginning of the last para-  
15 graph of the subsection;

16 (3) by inserting the following as new subsection  
17 (b) of section 1 (40 U.S.C. 276a) to read as follows:

18 “(b) COVERED CONTRACTS.—(1) IN GENERAL.—  
19 The requirements of this section shall apply to any con-  
20 tract to which the United States or the District of Colum-  
21 bia is a party—

22 “(A) for the new construction, complete reha-  
23 bilitation or reconstruction, including painting and  
24 decorating, of public buildings or public works of the  
25 United States or the District of Columbia within the

1 geographical limits of the States of the Union or the  
2 District of Columbia in excess of \$100,000; and

3 “(B) for the repair and/or alteration, including  
4 painting and decorating, of public buildings or public  
5 works of the United States or the District of Colum-  
6 bia within the geographical limits of the States of  
7 the Union or the District of Columbia in excess of  
8 \$50,000.

9 “(2) LEASES OF REAL PROPERTY.—The require-  
10 ments of this section shall apply to any contract to which  
11 the United States or the District of Columbia is a party  
12 for the new construction, complete rehabilitation or recon-  
13 struction, including painting and decorating, of any build-  
14 ing or work which is so constructed, rehabilitated or recon-  
15 structed for lease to, and in preparation for occupancy and  
16 use by, the United States or the District of Columbia  
17 where such lease provides for an average annual rental  
18 in excess of \$100,000, provided, that any use of the build-  
19 ing or work other than by the United States or the Dis-  
20 trict of Columbia will be functionally or quantitatively inci-  
21 dental to the use and occupancy by the United States or  
22 the District of Columbia.

23 “(3) FEDERALLY ASSISTED.—(A) The requirements  
24 of this Act apply as provided in subparagraph (B) of this  
25 paragraph to any project for the construction, rehabilita-

1 tion, reconstruction, alteration or repair, including paint-  
2 ing and decorating, of buildings or works which are fi-  
3 nanced in whole or in part by loans, grants, revolving  
4 funds, loan guarantees, or other assistance from the Unit-  
5 ed States pursuant to a statute which (i) is enacted after  
6 the effective date of this Act unless exempted or otherwise  
7 limited by Federal law, or (ii) contains a provision requir-  
8 ing the payment of prevailing wages as determined by the  
9 Secretary of Labor pursuant to this Act.

10 “(B) The provisions of this Act shall apply to Feder-  
11 ally assisted projects if the amount of Federal financial  
12 assistance provided for the project exceeds the applicable  
13 thresholds set forth in this subsection for contracts to  
14 which the United States or the District of Columbia is  
15 a party. In the case of loan guarantees or other assistance  
16 for which the instrument of Federal financing or assist-  
17 ance does not have an aggregate dollar amount or cannot  
18 be determined, this Act shall apply when the value of the  
19 assisted project exceeds the applicable threshold set forth  
20 in this subsection for projects to which the United States  
21 or the District of Columbia is a party.

22 “(4) ADJUSTMENTS FOR CHANGES IN DOLLAR VAL-  
23 UES.—The amounts of the thresholds set forth in para-  
24 graph (1) shall be adjusted by the Secretary of Labor each  
25 year that is divisible by 5 to the amount that is equal to

1 the fiscal year 1994 constant dollar value of the amount  
2 set forth. Any amount, as so adjusted, shall be rounded  
3 to the nearest \$1,000. The adjusted threshold shall be ef-  
4 fective upon publication in the Federal Register to con-  
5 tracts for which bids are solicited or negotiations con-  
6 cluded after such publication.

7 “(5) PROHIBITION ON SPLITTING CONTRACTS.—No  
8 project that would, if procured under a single contract,  
9 be subject to the requirements of this Act may be divided  
10 into multiple contracts of lesser value to avoid the applica-  
11 tion of this Act.

12 “(6) PREEMPTION.—Neither the requirements of  
13 subsection (a) nor the provisions of any other Federal law  
14 or regulation related to prevailing wages shall, solely by  
15 reason of such prevailing wage provisions preempt the ap-  
16 plication of requirements for the payment of wages or  
17 fringe benefits or both adopted by State, local or tribal  
18 governments otherwise applicable to contracts for the con-  
19 struction, rehabilitation or reconstruction, repair or alter-  
20 ation, including painting and decorating, of buildings and  
21 works financed in whole or in part by loans, grants, revolv-  
22 ing funds, loan guarantees, or other assistance from the  
23 United States, unless compliance with such requirement  
24 would make it impossible to comply with the requirements  
25 of subsection (a).”;

1           (4) by retitling section 3 (40 U.S.C. 276a-2(a))  
2           to read **“ENFORCEMENT”** and amending sub-  
3           section (a) to read as follows:

4           “(a) ADMINISTRATIVE PROCEDURES.—(1) PAY-  
5 MENTS.—The Secretary of Labor is hereby authorized and  
6 directed to pay directly to laborers and mechanics from  
7 any accrued payments withheld under the contract or any  
8 contract between the same contractor and the Federal  
9 Government or District of Columbia or under any Feder-  
10 ally assisted contract subject to Davis-Bacon prevailing  
11 wage requirements any wages found to be due laborers  
12 and mechanics pursuant to this Act, and if the violations  
13 were willful, for payment of an additional equal amount  
14 as liquidated damages. Any sum not paid to an employee  
15 because of inability to do so within 3 years shall be depos-  
16 ited into the miscellaneous receipts of the United States  
17 Treasury. If the accrued payments withheld are insuffi-  
18 cient to reimburse all the laborers and mechanics with re-  
19 spect to whom there has been a failure to pay the wages  
20 required by this Act, the Secretary or any laborer or me-  
21 chanic or any organization authorized to represent such  
22 laborer or mechanic may, within one year of the conclusion  
23 of all administrative proceedings, bring an action against  
24 the contractor and the contractor’s sureties or other re-  
25 sponsible parties for the payment of wages and liquidated

1 damages found due by the Secretary. In such an action  
2 it shall be no defense that such laborers and mechanics  
3 accepted or agreed to accept less than the required rate  
4 of wages or voluntarily made refunds. Every suit insti-  
5 tuted under this subparagraph shall be brought in the  
6 United States district court for the district in which the  
7 contract was performed, where the contractor or sub-  
8 contractor is currently doing business, or where the con-  
9 tractor or subcontractor maintains its payroll records, ir-  
10 respective of the amount in controversy in such suit. In  
11 such suits, the parties must conform to chapter 7 of title  
12 5 of the United States Code.

13       “(2) DEBARMENT.—The Secretary of Labor is fur-  
14 ther authorized and directed to provide the names of per-  
15 sons or firms whom the Secretary has found to have dis-  
16 regarded their obligations to employees and subcontrac-  
17 tors to the General Services Administration for inclusion  
18 on the governmentwide List of Parties Excluded from  
19 Federal Procurement and Nonprocurement Programs. No  
20 contract shall be awarded to the person or firm appearing  
21 on this list or to any firm, corporation, partnership, or  
22 association in which such person or firm has an interest  
23 until three years have elapsed from the date the persons’  
24 or firms’ name is entered on the electronic version of the  
25 list.

1       “(3) AUTHORITY.—The Secretary of Labor shall pre-  
2 scribe appropriate standards, regulations and procedures  
3 in order to assure coordination of administration and con-  
4 sistency of enforcement of this Act which shall be observed  
5 by the Federal agencies responsible for administration of  
6 contracts described in subsection (b) of section 1 of this  
7 Act. The Secretary of Labor and the Federal agencies  
8 awarding contracts or providing financial assistance to  
9 projects are authorized to investigate compliance by any  
10 contractor or subcontractor with the requirements of the  
11 Act, and may take such action to secure compliance with  
12 such requirements as may be appropriate. The Secretary  
13 shall have the power to issue orders requiring the attend-  
14 ance and testimony of witnesses and the production of evi-  
15 dence under oath. Witnesses shall be paid the same fees  
16 and mileage that are paid witnesses in the courts of the  
17 United States. In the case of contumacy, failure, or refusal  
18 of any person to obey such order, any district court of  
19 the United States or of any territory or possession, within  
20 the jurisdiction of which the inquiry is carried on, or with-  
21 in the jurisdiction of which said person who is guilty of  
22 contumacy, failure, or refusal is found, or resides or trans-  
23 acts business, upon application by the petitioner, shall  
24 have jurisdiction to issue to such person an order requir-  
25 ing such person to appear before the Secretary or a rep-

1 representative designated by the Secretary, to produce evi-  
2 dence if, as, and when so ordered, and to give testimony  
3 relating to the matter under investigation or in question;  
4 and any failure to obey such order of the court may be  
5 punished by said court as a contempt thereof.”;

6 (5) by amending subsection (b) of section 3 (40  
7 U.S.C. 276a-2(b)) to read as follows:

8 “(b) REVIEW PROCEDURES.—(1) ACTION BY THE  
9 SECRETARY.—The Secretary of Labor shall issue regula-  
10 tions providing procedures for making determinations re-  
11 garding the application of this Act to given contracts.

12 “(2) COVERAGE REVIEW.—(i) Any interested person,  
13 as defined in regulations issued by the Secretary of Labor,  
14 shall have the right to request the Secretary of Labor to  
15 make a determination regarding the applicability of the  
16 Act to a contract. Such determination shall be binding  
17 upon the Federal agencies awarding contracts or providing  
18 financial assistance and any recipient of financial assist-  
19 ance. If the Secretary notifies the contracting agency that  
20 the contract is subject to the Act, the contracting author-  
21 ity shall include in the contract the provisions required  
22 by section 1, including any applicable wage determination  
23 issued by the Secretary or his authorized representative,  
24 through the exercise of any and all authority that may  
25 be needed (including, where necessary, its authority to ne-

1 gotiate or amend, its authority to pay any necessary addi-  
2 tional costs, and its authority under any contract provision  
3 authorizing changes, cancellation, and termination).

4 “(ii) Any person adversely affected or aggrieved by  
5 a determination by the Secretary of Labor made on a peti-  
6 tion filed pursuant to paragraph (i), may obtain review  
7 of such determination in any United States court of ap-  
8 peals for the circuit in which such person is located, or  
9 in the United States Court of Appeals for the District of  
10 Columbia, by filing in such court within 60 days following  
11 issuance of such determination, a written petition praying  
12 that such determination be modified or set aside. A copy  
13 of such petition shall be forthwith transmitted by the clerk  
14 of the court in which it is filed to the Secretary and to  
15 other interested persons. Review shall conform to Chapter  
16 7 of Title 5 of the United States Code.”; and

17 (6) by amending section 3 (40 U.S.C. 276a-2)  
18 to add a new subsection (c) to read as follows:

19 “(c) RIGHT OF ACTION.—(1) IN GENERAL.—A la-  
20 borer or mechanic employed pursuant to a contract, sub-  
21 contract, loan, grant or other agreement which incor-  
22 porates the provision required by section 1, or an organi-  
23 zation authorized by such laborer or mechanic to represent  
24 the laborer or mechanic, who has not been paid in full  
25 therefor shall have the right to sue the contractor and/or

1 subcontractor and the contractors' sureties for the  
2 amount, or balance thereof, unpaid and, if the violations  
3 were willful, for an additional equal amount as liquidated  
4 damages, and to prosecute said action to final execution  
5 and judgment for the sum or sums justly due the laborer  
6 or mechanic. A copy of the complaint shall be served on  
7 the Secretary of Labor. Such an action shall be com-  
8 menced not later than 180 days after the day on which  
9 the last labor was performed under the contract with re-  
10 spect to which the action is brought, except that such time  
11 allowed for commencement shall be tolled if the contract  
12 is under investigation or review, including review of the  
13 applicability of the Act to the contract, by the Secretary  
14 of Labor pursuant to section 2(b) of this Act. In such an  
15 action it shall be no defense that such laborers and me-  
16 chanics accepted or agreed to accept less than the required  
17 rate of wages or voluntarily made refunds. Any action that  
18 requires a determination of the applicability of the Act  
19 shall first be referred by the Court to the Secretary of  
20 Labor for the opportunity to make a decision pursuant  
21 to paragraph (b)(2) of this section. No action may be  
22 brought or maintained under this paragraph by a laborer  
23 or mechanic with respect to the laborers' or mechanics'  
24 wages if an administrative proceeding or judicial action

1 has been brought by the Secretary for the payment of  
2 wages alleged due such laborers or mechanics.

3 “(2) ACTIONS.—Every suit instituted under para-  
4 graph (c)(1) shall be brought in the United States District  
5 Court for the district in which the contract was performed,  
6 where the contractor or subcontractor is currently doing  
7 business, or where the contractor or subcontractor main-  
8 tains its payroll records, irrespective of the amount in con-  
9 troversy in such suit.

10 “(3) ATTORNEY’S FEE.—The Court in any action  
11 brought under paragraph (c)(1) shall, in addition to any  
12 judgment awarded to the plaintiff or plaintiffs, allow a  
13 reasonable attorney’s fee to be paid by the defendant and  
14 the cost of the action.”.

15 **SEC. 3. AMENDMENTS TO THE COPELAND ACT.**

16 Section 2 of the Act of June 13, 1934 (48 Stat 948)  
17 as amended, commonly referred to as the “Copeland Act”  
18 (40 U.S.C. 276c), is amended to read as follows:

19 “(a) The Secretary of Labor shall make reasonable  
20 regulations for contractors and subcontractors engaged in  
21 the construction, prosecution, completion or repair and/or  
22 alteration of buildings or works subject to the Davis-  
23 Bacon Act, as amended (40 U.S.C. 276a et seq.), or to  
24 the requirement of payment of wages determined in ac-  
25 cordance with the Davis-Bacon Act. The regulations shall

1 include provisions (1) requiring contractors and sub-  
2 contractors to submit along with each payment request  
3 under the contract a signed statement certifying that all  
4 persons employed in the performance of work under the  
5 contract have been paid the full amount of wages earned  
6 without deductions, except as permitted by regulations  
7 under this Act, during the period covered by the payment  
8 request and certifying that all payroll records maintained  
9 and/or submitted by the contractor or subcontractor under  
10 subsections (b) and (c) of this section are correct and ac-  
11 curate, and (2) requiring lessors to submit monthly during  
12 the period of construction subject to prevailing wage provi-  
13 sions of the Davis-Bacon Act a signed statement certifying  
14 that all persons employed in performance of work under  
15 the contract have been paid the full amount of wages  
16 earned without deductions, except as permitted by regula-  
17 tions under this Act, during the period covered by the pay-  
18 ment request and certifying that all payroll records main-  
19 tained and/or submitted by the contractor or subcontrac-  
20 tor under subsections (b) and (c) of this section are cor-  
21 rect and accurate. Section 1001 of title 18 of the United  
22 States Code (Criminal Code and Criminal Procedure) shall  
23 apply to such statements.

24       “(b) Such regulations shall provide, among other  
25 things—

1           “(1) in the case of contracts which exceed  
2           \$100,000 (as adjusted under section (b)(3) of 40  
3           U.S.C. 276a), that all contractors and subcontractors,  
4           unless waived by the Secretary of Labor, shall  
5           furnish with respect to persons employed in such  
6           work not later than the 10th day of each month a  
7           payroll statement which sets forth at least the following  
8           information for each person for each payroll  
9           period ending during the preceding calendar month:  
10          the name, address, social security number, employment  
11          classification, number of hours worked daily  
12          and during the payroll period, hourly rates of wages  
13          paid (including rates of contributions or costs anticipated  
14          for bona fide fringe benefits), all deductions  
15          made, and actual wages paid, and

16          “(2) procedures for waiving the requirement for  
17          submission of monthly payroll statements based on  
18          criteria established by the Secretary of Labor. Such  
19          criteria shall include, but are not limited to, the contractor  
20          or subcontractor; (A) has never been debarred for  
21          disregarding its obligations to employees under the Act of  
22          March 3, 1931 (46 Stat. 1494) as amended, commonly referred  
23          to as the “Davis-Bacon Act” or any other labor standards  
24          statute, (B) has demonstrated a thorough knowledge of the  
25

1 requirements of the Davis-Bacon Act through a his-  
2 tory of compliance with the requirements of the  
3 Davis-Bacon Act over a substantial period of time,  
4 and (C) has otherwise demonstrated through per-  
5 formance that it is a responsible contractor.

6 “(c)(1) Each contractor and subcontractor shall  
7 maintain payroll and other basic records relating to pay-  
8 roll as required by regulations issued by the Secretary of  
9 Labor and shall preserve such records for a period of three  
10 years after completion of the contract work.

11 “(2) The contractor or subcontractor shall submit  
12 payroll and related records to the contracting officer or  
13 the authorized representatives of the Secretary of Labor  
14 upon request, and make payroll and related records avail-  
15 able for inspection upon request. If a contractor or sub-  
16 contractor fails to make records available in a timely man-  
17 ner as required herein, the Secretary of Labor or author-  
18 ized representatives or the contracting officer may sus-  
19 pend all payments to the contractor or subcontractor. Any  
20 statement provided under this section, excepting social se-  
21 curity numbers, may be obtained by any person from any  
22 department, agency, or contracting authority which is re-  
23 quired by law, regulation, or the terms of a contract,  
24 grant, or other agreement, to maintain a record of such

1 statement without regard to the provisions of section 552  
2 of title 5, United States Code.

3 “(3) The Secretary of Labor may require by sub-  
4 poena testimony and the production of payroll and related  
5 records access to which is provided by this section. Any  
6 such subpoena in the case of contumacy or refusal to obey,  
7 shall be enforceable by order of an appropriate United  
8 States district court.

9 “(4) The Secretary of Labor may debar contractors,  
10 subcontractors or other persons pursuant to section  
11 3(a)(2) of the Davis-Bacon Act who fail to submit payroll  
12 records when requested to do so or who fail or refuse to  
13 make payroll records available for inspection, including  
14 contractors and subcontractors who fail to retain required  
15 records, or who maintain or provide false payroll records.

16 “(5) Any contractor, subcontractor or other person  
17 whose duty it shall be to employ, direct, or control any  
18 laborer or mechanic employed in the performance of any  
19 contract to which this Act applies who other than inad-  
20 vertently provides false payroll records to the Government  
21 under any mechanism provided for in this section, shall  
22 be subject to a fine of not to exceed \$25,000, or by impris-  
23 onment for not more than one year, or both, in the discre-  
24 tion of the court having jurisdiction thereof.

1       “(d) This section shall not apply to any contract or  
2 project that is exempted by its size from the application  
3 of the Act of March 3, 1931 (46 Stat. 1494) as amended,  
4 commonly referred to as the “Davis-Bacon Act”, 40  
5 U.S.C. 276a et seq.”.

6 **SEC. 4. CONTRACT WORK HOURS AND SAFETY STANDARDS**

7                   **ACT.**

8       The Contract Work Hours and Safety Standards Act,  
9 as amended (40 U.S.C. 327–333) is amended—

10           (1) by striking, in subsection 330(a), “Comp-  
11 troller General of the United States” and substitut-  
12 ing “Secretary of Labor”;

13           (2) by striking, in subsection 333(d)(1),  
14 “Comptroller General” and substituting “General  
15 Services Administration”; and

16           (3) by amending subsection 333(d)(2) to read  
17 as follows:

18           “(2) The General Services Administration shall  
19 include each name so transmitted on the govern-  
20 mentwide List of Parties Excluded from Federal  
21 Procurement or Nonprocurement Programs. No con-  
22 tract shall be awarded to the person or firm appear-  
23 ing on the list or to any firm, corporation, partner-  
24 ship, or association in which such person or firm has  
25 a substantial interest until three years have elapsed

1 from the date the persons' or firms' name is entered  
2 on the electronic version of the list.”.

3 **SEC. 5. SERVICE CONTRACT ACT.**

4 The Service Contract Act Public Law 89–286) as  
5 amended (41 U.S.C. 351(a)), is amended—

6 (1) by striking, in subsection 4(d), “, if author-  
7 ized by the Secretary,” and “not exceeding five,”;

8 (2) by amending subsection (a) of section 5 to  
9 read as follows:

10 “(a) The Secretary is directed to provide the names  
11 of persons or firms that the Secretary has found to have  
12 violated this Act to the General Services Administration  
13 for inclusion on the governmentwide List of Parties Ex-  
14 cluded from Federal Procurement or Nonprocurement  
15 Programs. Unless the Secretary determines otherwise be-  
16 cause of unusual circumstances, no contract of the United  
17 States shall be awarded to the person or firm appearing  
18 on this list or to any firm, corporation, partnership, or  
19 association in which such person or firm as a substantial  
20 interest until three years have elapsed from the date the  
21 persons' or firms' name is entered on the electronic version  
22 of the list.”; and

23 (3) by striking paragraph (2) of section 7 and  
24 redesignating paragraphs (3) through (7) as (2)  
25 through (6).

1 **SEC. 6. EFFECTIVE DATE.**

2       This Act shall apply to all contracts entered into pur-  
3 suant to negotiations concluded or invitations for bid is-  
4 sued on or after 180 days from the date of enactment of  
5 this Act.

○

S 2328 IS—2