

117TH CONGRESS
2D SESSION

H. R. 6419

To amend title 10 and title 41, United States Code, to amend the compliance procedures for the prohibition on criminal history inquiries by Federal contractors prior to conditional offers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2022

Ms. OCASIO-CORTEZ (for herself and Ms. MACE) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10 and title 41, United States Code, to amend the compliance procedures for the prohibition on criminal history inquiries by Federal contractors prior to conditional offers, 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 “Fair Chance Improve-
5 ment Act”.

1 **SEC. 2. COMPLIANCE PROCEDURES FOR INVESTIGATING**
2 **THE PROHIBITION ON CRIMINAL HISTORY IN-**
3 **QUIRIES BY FEDERAL CONTRACTORS PRIOR**
4 **TO CONDITIONAL OFFER.**

5 (a) CIVILIAN AGENCY CONTRACTS.—Section 4714(b)
6 of title 41, United States Code, is amended—

7 (1) by amending subsection (b) to read as fol-
8 lows:

9 “(b) COMPLIANCE.—

10 “(1) PROCEDURES FOR SUBMISSION OF COM-
11 PLAINT.—The Secretary of Labor shall establish,
12 and make available to the public, procedures under
13 which an applicant for a position with a Federal
14 contractor may submit to the Secretary a complaint,
15 or any other information, relating to compliance by
16 the contractor with subsection (a)(1)(B).

17 “(2) INVESTIGATION OF COMPLIANCE.—In ad-
18 dition to the authority to investigate compliance by
19 a contractor with subsection (a)(1)(B) pursuant to a
20 complaint submitted under paragraph (1) of this
21 subsection, the Secretary of Labor may investigate
22 compliance with subsection (a)(1)(B) in conducting
23 a compliance evaluation under section 60–1.20, 60–
24 300.60, or 60–741.60 of title 41, Code of Federal
25 Regulations (or any successor regulation).”; and

26 (2) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by striking “head of an executive
3 agency” and inserting “Secretary of
4 Labor”;

5 (ii) by inserting “, based upon the re-
6 sults of a complaint investigation or com-
7 pliance evaluation conducted by the Sec-
8 retary of Labor under section 60–1.20,
9 60–300.60, or 60–741.60 of title 41, Code
10 of Federal Regulations (or any successor
11 regulation)” after “determines”;

12 (iii) by striking “such head” and in-
13 serting “the Secretary of Labor”; and

14 (iv) in subparagraph (C), by striking
15 “warning” and inserting “notice”; and

16 (B) in paragraph (2)—

17 (i) by striking “head of an executive
18 agency” and inserting “Secretary of
19 Labor”;

20 (ii) by inserting “, based upon the re-
21 sults of a complaint investigation or com-
22 pliance evaluation conducted by the Sec-
23 retary of Labor under section 60–1.20,
24 60–300.60, or 60–741.60 of title 41, Code

of Federal Regulations (or any successor regulation),” after “determines”;

(iii) by striking “such head” and inserting “the Secretary of Labor”;

(iv) by inserting “as may be necessary” after “Federal agencies”; and

(v) by striking subparagraph (C) and inserting the following:

“(C) taking an action to impose a sanction described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations (or any successor regulation).”.

(b) DEFENSE CONTRACTS.—Section 2339 of title 10, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b) COMPLIANCE.—

“(1) PROCEDURES FOR SUBMISSION OF COMPLAINT.—The Secretary of Labor shall establish, and make available to the public, procedures under which an applicant for a position with a Federal contractor may submit to the Secretary a complaint,

1 or any other information, relating to compliance by
2 the contractor with subsection (a)(1)(B).

3 “(2) INVESTIGATION OF COMPLIANCE.—In ad-
4 dition to the authority to investigate compliance by
5 a contractor with subsection (a)(1)(B) pursuant to a
6 complaint submitted under paragraph (1) of this
7 subsection, the Secretary of Labor may investigate
8 compliance with subsection (a)(1)(B) in conducting
9 a compliance evaluation under section 60–1.20, 60–
10 300.60, or 60–741.60 of title 41, Code of Federal
11 Regulations (or any successor regulation).”; and

12 (2) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) by striking “head of an executive
15 agency” and inserting “Secretary of
16 Labor”;

17 (ii) by inserting “, based upon the re-
18 sults of a complaint investigation or com-
19 pliance evaluation conducted by the Sec-
20 retary of Labor under section 60–1.20,
21 60–300.60, or 60–741.60 of title 41, Code
22 of Federal Regulations (or any successor
23 regulation)” after “determines”;

24 (iii) by striking “such head” and in-
25 serting “the Secretary of Labor”; and

(iv) in subparagraph (C), by striking “warning” and inserting “notice”; and
(B) in paragraph (2)—

(i) by striking “head of an executive agency” and inserting “Secretary of Labor”;

(ii) by inserting “, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary of Labor under section 60–1.20, 60–300.60, or 60–741.60 of title 41, Code of Federal Regulations (or any successor regulation),” after “determines”;

(iii) by striking “such head” and inserting “the Secretary of Labor”;

(iv) by inserting “as may be necessary” after “Federal agencies”; and

(v) by striking subparagraph (C) and inserting the following:

“(C) taking an action to impose a sanction described under section 202(7) of Executive Order 11246 (related to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations (or any successor regulation).”.

1 (c) EFFECTIVE DATE.—This Act, and the amend-
2 ments made by this Act, shall apply with respect to con-
3 tracts awarded on or after December 20, 2022.

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