

109TH CONGRESS  
1ST SESSION

# H. R. 4329

To amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, 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 the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Davis-Bacon Enforce-  
3 ment Act of 2005”.

4 **SEC. 2. REPEATED VIOLATIONS.**

5       Section 3144 of title 40, United States Code, is  
6 amended by adding at the end the following:

7       “(c) If the Secretary determines that a contractor  
8 under a contract with the United States has engaged in  
9 a pattern of violations of this Act, the Secretary shall can-  
10 cel such contract and establish that such contractor is in-  
11 eligible to receive a contract with the United States for  
12 a 10-year period designated by the Secretary, unless the  
13 contractor is able to show the Secretary that such viola-  
14 tions were not intentional but were the result of simple  
15 and unsystematic errors.”.

16 **SEC. 3. DISCLOSURE OF INFORMATION.**

17       (a) **GENERAL RULE.**—Section 552(a) of title 5,  
18 United States Code, is amended by adding at the end the  
19 following:

20       “(7) The names and addresses of employees in pay-  
21 roll records established under a contract which is subject  
22 to subchapter IV of subtitle II of title 40, United States  
23 Code, shall be made available, notwithstanding subsection  
24 (b)(6), for inspection in connection with an audit to deter-  
25 mine compliance with such Act.”.

1       (b) CONSTRUCTION.—Section 552(a) of title 5,  
2 United States Code, shall not be construed to prevent or  
3 prohibit the disclosure required by section 552(a)(7) of  
4 title 5, United States Code, as added by the amendment  
5 made by subsection (a).

○