

105TH CONGRESS  
1ST SESSION

# H. R. 1378

To prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. DeLAY, Mr. BOEHNER, Mr. PAXON, Mr. LINDER, Mr. HEFLEY, Mr. BONILLA, Mr. PITTS, Mr. NETHERCUTT, Mr. TIAHRT, Mr. HUTCHINSON, Mr. STUMP, Mr. KOLBE, Mrs. CUBIN, Mr. EHRLICH, Mr. SHADEGG, Mrs. CHENOWETH, Mr. HOEKSTRA, Mr. COBURN, Mr. WICKER, Mr. SALMON, Mr. CUNNINGHAM, Mr. COOKSEY, Mr. HILLEARY, Mr. GANSKE, Mr. SCARBOROUGH, Mrs. MYRICK, Mr. WATTS of Oklahoma, Mr. JONES, Mr. PARKER, Mr. ISTOOK, Mr. TALENT, Mr. LEWIS of Kentucky, Mr. BOB SCHAFER of Colorado, Mr. COBLE, and Mr. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

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 “Open Competition and  
5 Fairness Act of 1997”.

1 **SEC. 2. PROHIBITION REGARDING CONSIDERATION OF**  
2 **CERTAIN LABOR RELATIONS POLICIES OF**  
3 **OFFERORS ON FEDERALLY FUNDED CON-**  
4 **TRACTS.**

5 Section 8(e) of the National Labor Relations Act (29  
6 U.S.C. 158(e)) is amended by adding at the end the fol-  
7 lowing: “Notwithstanding any other provision of this Act,  
8 no person may be discriminated against when bidding on  
9 a prime contract, funded in whole or in part with funds  
10 provided by the Federal Government, where such discrimi-  
11 nation is based in whole or in part on a requirement that  
12 such person enter into or adhere to a collective bargaining  
13 agreement or any similar agreement as a condition of per-  
14 forming work under the contract.”.

15 **SEC. 3. CONSTRUCTION.**

16 The amendment made by section 2 shall not be con-  
17 strued—

18 (1) to apply to subcontractors; or

19 (2)(A) to prohibit a contractor from voluntarily  
20 entering into a lawful agreement with a labor orga-  
21 nization; or

22 (B) to discourage contractors who have entered  
23 into such an agreement from bidding on Federal or  
24 federally assisted contracts.

1 **SEC. 4. APPLICATION.**

2       The amendment made by section 2 shall apply to con-  
3 tracts made directly with any agency of the Federal  
4 Government and to contracts made with any entity that  
5 is managing or operating a facility owned or controlled  
6 by the Federal Government on behalf of the Federal Gov-  
7 ernment.

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