

105TH CONGRESS
1ST SESSION

S. 1098

To provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws.

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 Procurement
5 and Assistance Integrity Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to improve the efficiency
8 and effectiveness and protect the integrity of the Federal
9 procurement and assistance systems by ensuring that the

1 Federal Government does business with responsible con-
2 tractors and participants.

3 **SEC. 3. DEBARMENT AND SUSPENSION FOR VIOLATORS OF**
4 **CERTAIN LABOR AND SAFETY LAWS.**

5 (a) DEBARMENT AND SUSPENSION.—The Secretary
6 of Labor may debar or suspend a person from procure-
7 ment activities or nonprocurement activities upon a find-
8 ing, in accordance with procedures developed under this
9 section, that the person violated any of the following laws:

10 (1) The National Labor Relations Act (29
11 U.S.C. 151 et seq.).

12 (2) The Fair Labor Standards Act of 1938 (29
13 U.S.C. 201 et seq.).

14 (3) The Occupational Safety and Health Act
15 (29 U.S.C. 651 et seq.).

16 (4) Section 4212(a) of title 38, United States
17 Code.

18 (b) PROCEDURES.—The Secretary of Labor and the
19 National Labor Relations Board shall jointly develop pro-
20 cedures to determine whether a violation of a law listed
21 in subsection (a) is serious enough to warrant debarment
22 or suspension under that subsection. The procedures shall
23 provide for an assessment of the nature and extent of com-
24 pliance with such laws, including whether there are or
25 were single or multiple violations of those laws or other

1 labor or safety laws and whether the violations occur or
2 have occurred at one facility, several facilities, or through-
3 out the company concerned. In developing the procedures,
4 the Secretary and the Board shall consult with depart-
5 ments and agencies of the Federal Government and pro-
6 vide, to the extent feasible, for ongoing exchanges of infor-
7 mation between the departments and agencies and the De-
8 partment of Labor and the Board in order to accurately
9 carry out such assessments.

10 (c) DEFINITIONS.—In this section:

11 (1) DEBAR.—The term “debar” means to ex-
12 clude, pursuant to established administrative proce-
13 dures, from Federal Government contracting and
14 subcontracting, or from participation in nonprocure-
15 ment activities, for a specified period of time com-
16 mensurate with the seriousness of the failure or of-
17 fense or the inadequacy of performance.

18 (2) NONPROCUREMENT ACTIVITIES.—The term
19 “nonprocurement activities” means all programs and
20 activities involving Federal financial and non-
21 financial assistance and benefits, as covered by Ex-
22 ecutive Order No. 12549 and the Office of Manage-
23 ment and Budget guidelines implementing that
24 order.

1 (3) PROCUREMENT ACTIVITIES.—The term
2 “procurement activities” means all acquisition pro-
3 grams and activities of the Federal Government, as
4 defined in the Federal Acquisition Regulation.

5 (4) SUSPEND.—The term “suspend” means to
6 disqualify, pursuant to established administrative
7 procedures, from Federal Government contracting
8 and subcontracting, or from participation in non-
9 procurement activities, for a temporary period of
10 time because an entity or individual is suspected of
11 engaging in criminal, fraudulent, or seriously im-
12 proper conduct.

13 (d) EFFECTIVE DATE.—This Act shall take effect on
14 October 1, 1997.

15 (e) REGULATIONS.—The Federal Acquisition Regula-
16 tion and the regulations issued pursuant to Executive
17 Order No. 12549 shall be revised to include provisions to
18 carry out this Act.

19 (f) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Secretary of Labor and
21 the National Labor Relations Board shall jointly submit
22 to Congress a report on the implementation of this Act.

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