

106TH CONGRESS
1ST SESSION

H. R. 1227

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Mr. EVANS (for himself, Mr. FILNER, Mr. BROWN of Ohio, Ms. NORTON, Mr. BONIOR, Mr. PASTOR, Mrs. MINK of Hawaii, Mr. RUSH, Ms. KAPTUR, Mr. COYNE, Mr. MARTINEZ, Mr. KILDEE, Mr. BARRETT of Wisconsin, Mr. MASCARA, Mr. TIERNEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. VENTO, Mr. DOYLE, Mr. BALDACCI, Mr. GEJDENSON, Mr. LIPINSKI, Mr. GREEN of Texas, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. KLINK, Mr. GEPHARDT, Mr. HINCHEY, Mr. HOLDEN, Mr. BROWN of California, Mr. STRICKLAND, and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Education and the Workforce, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Procurement
3 and Assistance Integrity Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to improve the efficiency
6 and effectiveness and protect the integrity of the Federal
7 procurement and assistance systems by ensuring that the
8 Federal Government does business with responsible con-
9 tractors and participants.

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

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

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

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

21 (3) The Occupational Safety and Health Act
22 (29 U.S.C. 651 et seq.).

23 (4) Section 4212(a) of title 38, United States
24 Code.

25 (b) PROCEDURES.—The Secretary of Labor and the
26 National Labor Relations Board shall jointly develop pro-

1 cedures to determine whether a violation of a law listed
2 in subsection (a) is serious enough to warrant debarment
3 or suspension under that subsection. The procedures shall
4 provide for an assessment of the nature and extent of com-
5 pliance with such laws, including whether there are or
6 were single or multiple violations of those laws or other
7 labor or safety laws and whether the violations occur or
8 have occurred at one facility, several facilities, or through-
9 out the company concerned. In developing the procedures,
10 the Secretary and the Board shall consult with depart-
11 ments and agencies of the Federal Government and pro-
12 vide, to the extent feasible, for ongoing exchanges of infor-
13 mation between the departments and agencies and the De-
14 partment of Labor and the Board in order to accurately
15 carry out such assessments.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “debar” means to exclude, pursu-
18 ant to established administrative procedures, from
19 Government contracting and subcontracting, or from
20 participation in nonprocurement activities, for a
21 specified period of time commensurate with the seri-
22 ousness of the failure or offense or the inadequacy
23 of performance.

24 (2) The term “suspend” means to disqualify,
25 pursuant to established administrative procedures,

1 from Government contracting and subcontracting, or
2 from participation in nonprocurement activities, for
3 a temporary period of time because an entity or indi-
4 vidual is suspected of engaging in criminal, fraudu-
5 lent, or seriously improper conduct.

6 (3) The term “procurement activities” means
7 all acquisition programs and activities of the Federal
8 Government, as defined in the Federal Acquisition
9 Regulation.

10 (4) The term “nonprocurement activities”
11 means all programs and activities involving Federal
12 financial and nonfinancial assistance and benefits, as
13 covered by Executive Order No. 12549 and the Of-
14 fice of Management and Budget guidelines imple-
15 menting that order.

16 (d) EFFECTIVE DATE.—This Act shall take effect on
17 October 1, 1999.

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

22 (f) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Secretary of Labor and

- 1 the National Labor Relations Board shall jointly submit
- 2 to Congress a report on the implementation of this Act.

○