

106TH CONGRESS
1ST SESSION

S. 1194

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

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1999

Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. ASHCROFT, Mr. GRAMM, Mr. KYL, Mr. HAGEL, Mr. INHOFE, Mr. FRIST, Mr. BOND, Mr. THURMOND, Mrs. HUTCHISON, Mr. McCONNELL, Mr. ENZI, Mr. WARNER, Mr. DEWINE, Mr. SESSIONS, Mr. COCHRAN, Mr. BUNNING, Mr. ROBERTS, Mr. GORTON, Mr. SHELBY, Mr. THOMAS, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 Act
5 of 1999”.

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
17 construed—

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
24 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 Gov-
4 ernment and to contracts made with any entity that is
5 managing or operating a facility owned or controlled by
6 the Federal Government on behalf of the Federal Govern-
7 ment.

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