

106TH CONGRESS  
1ST SESSION

# S. 1339

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

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## IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

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

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## 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, 1999.

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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