

107TH CONGRESS  
1ST SESSION

# H. R. 99

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

JANUARY 3, 2001

Mr. HAYWORTH 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 2001”.

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, if such discrimina-  
11 tion 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 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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