

108TH CONGRESS
2D SESSION

H. R. 4385

To provide for the suspension from Federal procurement and nonprocurement activities of persons that have not paid a fine resulting from a violation of the Occupational Safety and Health Act of 1970 that causes the death of an employee.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2004

Mr. LYNCH introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, 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 suspension from Federal procurement and nonprocurement activities of persons that have not paid a fine resulting from a violation of the Occupational Safety and Health Act of 1970 that causes the death of an employee.

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. FEDERAL CONTRACTS SUSPENSION FOR UN-**
2 **PAID FINES RESULTING FROM VIOLATIONS**
3 **OF OSHA THAT CAUSE DEATH OF AN EM-**
4 **PLOYEE.**

5 (a) SUSPENSION.—Section 17(e) of the Occupational
6 Safety and Health Act of 1970 (29 U.S.C. 666(e)) is
7 amended—

8 (1) by striking “(e)” and inserting “(e)(1)”;
9 and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2)(A) The Secretary shall suspend a person from
13 procurement activities and nonprocurement activities upon
14 a finding by the Secretary that the person has not paid
15 a fine imposed for a violation of paragraph (1). Such sus-
16 pension shall continue until a finding by the Secretary
17 that the fine is paid.

18 “(B) In this paragraph:

19 “(i) The term ‘suspend’ means to disqualify,
20 pursuant to established administrative procedures,
21 from Government contracting and subcontracting, or
22 from participation in nonprocurement activities.

23 “(ii) The term ‘procurement activities’ means
24 all acquisition programs and activities of the Federal
25 Government, as defined in the Federal Acquisition
26 Regulation.

1 “(iii) The term ‘nonprocurement activities’
2 means all programs and activities involving Federal
3 financial and nonfinancial assistance and benefits, as
4 covered by Executive Order No. 12549 and the Of-
5 fice of Management and Budget guidelines imple-
6 menting that order.”.

7 (b) REGULATIONS.—The Federal Acquisition Regula-
8 tion and the guidelines implementing Executive Order No.
9 12549 shall be revised to include provisions to carry out
10 the amendments made by subsection (a).

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