

109TH CONGRESS  
1ST SESSION

# H. R. 1449

To preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. SULLIVAN (for himself, Mrs. MUSGRAVE, Mr. WICKER, Mr. RADANOVICH, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. NORWOOD, Mrs. MYRICK, Mr. MCHENRY, Mr. INGLIS of South Carolina, Mr. FLAKE, and Mr. KING of Iowa) introduced the following bill; which was referred to the Committee on Government Reform

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# A BILL

To preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

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 “Government Neutrality  
5       in Contracting Act”.

6       **SEC. 2. PURPOSES.**

7       It is the purpose of this Act to—

4 (2) maintain Federal Government neutrality to  
5 wards the labor relations of Federal Government  
6 contractors on Federal and federally funded or as-  
7 sisted construction projects;

10 (4) expand job opportunities, especially for  
11 small and disadvantaged businesses; and

18 SEC. 3. PRESERVATION OF OPEN COMPETITION AND FED-  
19 ERAL GOVERNMENT NEUTRALITY.

## 20 (a) PROHIBITION.—

1       acting on behalf of the Federal Government with re-  
2       spect to such contract, in its bid specifications,  
3       project agreements, or other controlling documents  
4       does not—

5                   (A) require or prohibit a bidder, offeror,  
6                   contractor, or subcontractor from entering into,  
7                   or adhering to, agreements with 1 or more  
8                   labor organization, with respect to that con-  
9                   struction project or another related construction  
10                  project; or

11                  (B) otherwise discriminate against a bid-  
12                  der, offeror, contractor, or subcontractor be-  
13                  cause such bidder, offeror, contractor, or sub-  
14                  contractor—

15                    (i) became a signatory, or otherwise  
16                    adhered to, an agreement with 1 or more  
17                    labor organization with respect to that con-  
18                    struction project or another related con-  
19                    struction project; or

20                    (ii) refused to become a signatory, or  
21                    otherwise adhere to, an agreement with 1  
22                    or more labor organization with respect to  
23                    that construction project or another related  
24                    construction project.

10 (b) RECIPIENTS OF GRANTS AND OTHER ASSIST-  
11 ANCE.—The head of each executive agency that awards  
12 grants, provides financial assistance, or enters into cooper-  
13 ative agreements for construction projects after the date  
14 of enactment of this Act, shall ensure that—

22 (2) the bid specifications, project agreements,  
23 or other controlling documents for such construction  
24 projects of a construction manager acting on behalf  
25 of a recipient or party described in paragraph (1),

1 do not contain any of the requirements or prohibi-  
2 tions described in subparagraph (A) or (B) of sub-  
3 section (a)(1).

4 (c) FAILURE TO COMPLY.—If an executive agency,  
5 a recipient of a grant or financial assistance from an exec-  
6 utive agency, a party to a cooperative agreement with an  
7 executive agency, or a construction manager acting on be-  
8 half of such an agency, recipient or party, fails to comply  
9 with subsection (a) or (b), the head of the executive agency  
10 awarding the contract, grant, or assistance, or entering  
11 into the agreement, involved shall take such action, con-  
12 sistent with law, as the head of the agency determines to  
13 be appropriate.

14 (d) EXEMPTIONS.—

15 (1) IN GENERAL.—The head of an executive  
16 agency may exempt a particular project, contract,  
17 subcontract, grant, or cooperative agreement from  
18 the requirements of 1 or more of the provisions of  
19 subsections (a) and (b) if the head of such agency  
20 determines that special circumstances exist that re-  
21 quire an exemption in order to avert an imminent  
22 threat to public health or safety or to serve the na-  
23 tional security.

24 (2) SPECIAL CIRCUMSTANCES.—For purposes  
25 of paragraph (1), a finding of “special cir-

1       cumstances” may not be based on the possibility or  
2       existence of a labor dispute concerning contractors  
3       or subcontractors that are nonsignatories to, or that  
4       otherwise do not adhere to, agreements with 1 or  
5       more labor organization, or labor disputes con-  
6       cerning employees on the project who are not mem-  
7       bers of, or affiliated with, a labor organization.

1 contained any of the requirements or prohibi-  
2 tions set forth in subsection (a)(1); and

7        (e) FEDERAL ACQUISITION REGULATORY COUN-  
8 CIL.—With respect to Federal contracts to which this sec-  
9 tion applies, not later than 60 days after the date of enact-  
10 ment of this Act, the Federal Acquisition Regulatory  
11 Council shall take appropriate action to amend the Fed-  
12 eral Acquisition Regulation to implement the provisions of  
13 this section.

14 (f) DEFINITIONS.—In this section:

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