

105TH CONGRESS  
1ST SESSION

# H. R. 1624

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 HOUSE OF REPRESENTATIVES

MAY 15, 1997

Mr. EVANS (for himself, Mr. GEPHARDT, Mr. BONIOR, Ms. NORTON, Mr. COYNE, Mr. FROST, Mr. OLVER, Ms. SLAUGHTER, Mr. HOLDEN, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. KLINK, Mr. MASCARA, Mr. DOYLE, Mr. HINCHEY, Mr. BORSKI, Mr. RUSH, Mr. MARTINEZ, Mr. TORRES, Ms. CARSON, Mr. ABERCROMBIE, Mr. SANDERS, Mr. BROWN of California, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Education and the Workforce, 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

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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”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to improve the efficiency  
3 and effectiveness and protect the integrity of the Federal  
4 procurement and assistance systems by ensuring that the  
5 Federal Government does business with responsible con-  
6 tractors and participants.

7 **SEC. 3. DEBARMENT AND SUSPENSION FOR VIOLATORS OF**  
8 **CERTAIN LABOR AND SAFETY LAWS.**

9       (a) DEBARMENT AND SUSPENSION.—The Secretary  
10 of Labor may debar or suspend a person from procure-  
11 ment activities or nonprocurement activities upon a find-  
12 ing, in accordance with procedures developed under this  
13 section, that the person violated any of the following laws:

14           (1) The National Labor Relations Act (29  
15 U.S.C. 151 et seq.).

16           (2) The Fair Labor Standards Act of 1938 (29  
17 U.S.C. 201 et seq.).

18           (3) The Occupational Safety and Health Act  
19 (29 U.S.C. 651 et seq.).

20           (4) Section 4212(a) of title 38, United States  
21 Code.

22       (b) PROCEDURES.—The Secretary of Labor and the  
23 National Labor Relations Board shall jointly develop pro-  
24 cedures to determine whether a violation of a law listed  
25 in subsection (a) is serious enough to warrant debarment  
26 or suspension under that subsection. The procedures shall

1 provide for an assessment of the nature and extent of com-  
2 pliance with such laws, including whether there are or  
3 were single or multiple violations of those laws or other  
4 labor or safety laws and whether the violations occur or  
5 have occurred at one facility, several facilities, or through-  
6 out the company concerned. In developing the procedures,  
7 the Secretary and the Board shall consult with depart-  
8 ments and agencies of the Federal Government and pro-  
9 vide, to the extent feasible, for ongoing exchanges of infor-  
10 mation between the departments and agencies and the De-  
11 partment of Labor and the Board in order to accurately  
12 carry out such assessments.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “debar” means to exclude, pursu-  
15 ant to established administrative procedures, from  
16 Government contracting and subcontracting, or from  
17 participation in nonprocurement activities, for a  
18 specified period of time commensurate with the seri-  
19 ousness of the failure or offense or the inadequacy  
20 of performance.

21 (2) The term “suspend” means to disqualify,  
22 pursuant to established administrative procedures,  
23 from Government contracting and subcontracting, or  
24 from participation in nonprocurement activities, for  
25 a temporary period of time because an entity or indi-

1       vidual is suspected of engaging in criminal, fraudu-  
2       lent, or seriously improper conduct.

3           (3) The term “procurement activities” means  
4       all acquisition programs and activities of the Federal  
5       Government, as defined in the Federal Acquisition  
6       Regulation.

7           (4) The term “nonprocurement activities”  
8       means all programs and activities involving Federal  
9       financial and nonfinancial assistance and benefits, as  
10      covered by Executive Order No. 12549 and the Of-  
11      fice of Management and Budget guidelines imple-  
12      menting that order.

13      (d) EFFECTIVE DATE.—This Act shall take effect on  
14      October 1, 1997.

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 one 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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