

104TH CONGRESS  
2D SESSION

# H. R. 3095

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

MARCH 14, 1996

Mr. HUTCHINSON (for himself, Mr. PAXON, Mr. BOEHNER, Mr. LARGENT, Mr. SMITH of Texas, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. SOUDER, Mr. FUNDERBURK, Mr. GOSS, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. CREMEANS, Mr. CALVERT, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, Mr. DORNAN, Mr. CHRISTENSEN, Mr. STEARNS, Mr. LINDER, Mr. COOLEY of Oregon, Mr. HAYWORTH, Mr. GOODLATTE, Mr. CRANE, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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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 Act  
5        of 1996”.

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, where such discrimi-  
11 nation 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 on the contract.”.

15 **SEC. 3. CONSTRUCTION.**

16 Section 2 shall not be construed to apply to sub-  
17 contractors or to prohibit a contractor from voluntarily en-  
18 tering into a lawful agreement with a labor organization  
19 or to discourage contractors who have entered into such  
20 an agreement from bidding on Federal contracts. Section  
21 2 shall apply to contracts made directly with any agency  
22 of the Federal Government as well as to contracts with  
23 any entity which is managing or operating a facility owned  
24 or controlled by the Federal Government on behalf of the  
25 Federal Government.