AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. NORCROSS OF NEW JERSEY

At the appropriate place in subtitle B of title VIII, insert the following:

SEC. 8. TRAINING AND GUIDANCE.

(a) IN GENERAL.—The Secretary of Defense shall develop and provide clear training and guidance to acquisition officials, contracting officers, and current and potential contractors on an annual basis regarding—

(1) the authorities and requirements of Department of Defense officials to consider workplace safety and health information in the pre-award, award, and contract performance phases of the contracting process; and

(2) the availability of relevant contractor safety information on the Occupational Health and Safety Administration (OSHA) website.

(b) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract” means a Department of Defense contract for the procurement of property or services, including construction, valued in excess of $1,000,000.
(2) COVERED SUBCONTRACTOR.—The term “covered subcontractor” means a subcontractor listed in the bid for a covered contract or known by the Department of Defense to be a subcontractor of the offeror.

(c) CONSIDERATION OF SAFETY PERFORMANCE IN CONTRACTS.—

(1) SYSTEM FOR ASSIGNING SAFETY PERFORMANCE RATINGS FOR CERTAIN CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a system for assigning safety performance ratings for Department of Defense contracts in industries that have relatively high rates of occupational injuries, including manufacturing, construction, and ship building and repairing.

(2) RATINGS FOR COMPLETED CONTRACTS.—Beginning in fiscal year 2024, Department of Defense contracting officials shall assess contractor safety performance at the time of contract completion in industries that have relatively high rates of occupational injuries.

(3) EVALUATION OF SAFETY PERFORMANCE RECORDS.—Beginning in fiscal year 2024, Department of Defense contracting officials shall consider
information about prospective contractors’ records of safety performance as a factor in awarding contracts in industries that have relatively high rates of occupational injuries.

(4) **Contractor responsibility for covered subcontractors.**—The Department of Defense shall prescribe such regulations as are necessary to provide that, beginning in fiscal year 2024, prospective contractors and contractors that have contracts with the Department in industries that have relatively high rates of occupational injuries are required—

(A) to obtain and maintain information about the worker safety records of any covered subcontractors or prospective covered subcontractors on such contracts;

(B) to certify to the Department that each such covered subcontractor’s worker safety record meets or exceeds the minimum safety rating required by the Department for the prime contractor to be awarded the contract; and

(C) to disclose upon request to the Department all information related to the worker safety record of a covered subcontractor should the
Department need to independently verify a covered subcontractor’s worker safety record and rating.

(d) REGULATIONS.—Not later than 180 days following the date of the enactment of this Act, the Secretary of Defense shall issue such regulations as deemed necessary to ensure the implementation of this Act.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees and Congress a report on the health and safety records of Department of Defense contractors.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department of Defense’s existing procedures to evaluate the safety and health records of current and prospective contractors.

(B) A description of any changes made to these procedures as a result of the enactment of this Act and the issuance of regulations pursuant to subsection (d).
(C) An evaluation of the Department’s adherence to those procedures.

(D) An assessment of the current incidence of health and safety violations by Department of Defense contractors.

(E) An assessment of whether the Department of Labor should consider assuming an expanded investigatory role or a targeted enforcement program for ensuring the safety and health of workers under Department of Defense contracts.