

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:

1 **SEC. 8** ____. **TRAINING AND GUIDANCE.**

2 (a) **IN GENERAL.**—The Secretary of Defense shall
3 develop and provide clear training and guidance to acquisi-
4 tion officials, contracting officers, and current and poten-
5 tial contractors on an annual basis regarding—

6 (1) the authorities and requirements of Depart-
7 ment of Defense officials to consider workplace safe-
8 ty and health information in the pre-award, award,
9 and contract performance phases of the contracting
10 process; and

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

14 (b) **DEFINITIONS.**—In this section:

15 (1) **COVERED CONTRACT.**—The term “covered
16 contract” means a Department of Defense contract
17 for the procurement of property or services, includ-
18 ing construction, valued in excess of \$1,000,000.

1 (2) COVERED SUBCONTRACTOR.—The term
2 “covered subcontractor” means a subcontractor list-
3 ed in the bid for a covered contract or known by the
4 Department of Defense to be a subcontractor of the
5 offeror.

6 (c) CONSIDERATION OF SAFETY PERFORMANCE IN
7 CONTRACTS.—

8 (1) SYSTEM FOR ASSIGNING SAFETY PERFORM-
9 ANCE RATINGS FOR CERTAIN CONTRACTS.—Not
10 later than 180 days after the date of the enactment
11 of this Act, the Secretary of Defense shall develop
12 a system for assigning safety performance ratings
13 for Department of Defense contracts in industries
14 that have relatively high rates of occupational inju-
15 ries, including manufacturing, construction, and ship
16 building and repairing.

17 (2) RATINGS FOR COMPLETED CONTRACTS.—
18 Beginning in fiscal year 2024, Department of De-
19 fense contracting officials shall assess contractor
20 safety performance at the time of contract comple-
21 tion in industries that have relatively high rates of
22 occupational injuries.

23 (3) EVALUATION OF SAFETY PERFORMANCE
24 RECORDS.—Beginning in fiscal year 2024, Depart-
25 ment of Defense contracting officials shall consider

1 information about prospective contractors' records of
2 safety performance as a factor in awarding contracts
3 in industries that have relatively high rates of occu-
4 pational injuries.

5 (4) CONTRACTOR RESPONSIBILITY FOR COV-
6 ERED SUBCONTRACTORS.—The Department of De-
7 fense shall prescribe such regulations as are nec-
8 essary to provide that, beginning in fiscal year 2024,
9 prospective contractors and contractors that have
10 contracts with the Department in industries that
11 have relatively high rates of occupational injuries are
12 required—

13 (A) to obtain and maintain information
14 about the worker safety records of any covered
15 subcontractors or prospective covered sub-
16 contractors on such contracts;

17 (B) to certify to the Department that each
18 such covered subcontractor's worker safety
19 record meets or exceeds the minimum safety
20 rating required by the Department for the
21 prime contractor to be awarded the contract;
22 and

23 (C) to disclose upon request to the Depart-
24 ment all information related to the worker safe-
25 ty record of a covered subcontractor should the

1 Department need to independently verify a cov-
2 ered subcontractor's worker safety record and
3 rating.

4 (d) REGULATIONS.—Not later than 180 days fol-
5 lowing the date of the enactment of this Act, the Secretary
6 of Defense shall issue such regulations as deemed nec-
7 essary to ensure the implementation of this Act.

8 (e) COMPTROLLER GENERAL REPORT.—

9 (1) IN GENERAL.—Not later than two years
10 after the date of enactment of this Act, the Comp-
11 troller General of the United States shall submit to
12 the congressional defense committees and Congress
13 a report on the health and safety records of Depart-
14 ment of Defense contractors.

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

17 (A) A description of the Department of
18 Defense's existing procedures to evaluate the
19 safety and health records of current and pro-
20 spective contractors.

21 (B) A description of any changes made to
22 these procedures as a result of the enactment of
23 this Act and the issuance of regulations pursu-
24 ant to subsection (d).

1 (C) An evaluation of the Department's ad-
2 herence to those procedures.

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

6 (E) An assessment of whether the Depart-
7 ment of Labor should consider assuming an ex-
8 panded investigatory role or a targeted enforce-
9 ment program for ensuring the safety and
10 health of workers under Department of Defense
11 contracts.

