

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MR. NORCROSS OF NEW JERSEY

Add at the end of subtitle F of title VIII the following new section:

1 **SEC. 8___. DEPARTMENT OF DEFENSE CONTRACTOR**
2 **WORKPLACE SAFETY AND ACCOUNTABILITY.**

3 (a) TRAINING AND GUIDANCE.—The Secretary of
4 Defense shall develop and provide clear training and guid-
5 ance to acquisition officials, contracting officers, and cur-
6 rent and potential contractors on an annual basis regard-
7 ing—

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

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

16 (b) CONSIDERATION OF SAFETY PERFORMANCE IN
17 CONTRACTS.—

1 (1) SYSTEM FOR ASSIGNING SAFETY PERFORM-
2 ANCE RATINGS FOR CERTAIN CONTRACTS.—

3 (A) IN GENERAL.—Not later than 180
4 days after the date of the enactment of this
5 Act, the Secretary of Defense, in consultation
6 with the Secretary of Labor and the Secretary
7 of Health and Human Services, shall develop a
8 system for assigning safety performance ratings
9 for Department of Defense contracts in indus-
10 tries that have relatively high rates of occupa-
11 tional injuries, including manufacturing, con-
12 struction, and ship building and repairing.

13 (B) RANKINGS.—The following contractors
14 shall receive a higher ranking in the system de-
15 scribed in subparagraph (A):

16 (i) Contractors who have included the
17 adoption and implementation of an occupa-
18 tional health and safety management plan
19 that complies with either International Or-
20 ganization for Standardization 45001 or
21 American National Standards Institute
22 Z10.

23 (ii) Contractors who have imple-
24 mented a system for employees to be cer-
25 tified under the 30-hour safety course of

1 the Occupational Safety and Health Ad-
2 ministration.

3 (2) RATINGS FOR COMPLETED CONTRACTS.—
4 Beginning in fiscal year 2023, Department of De-
5 fense contracting officials shall assess contractor
6 safety performance at the time of contract comple-
7 tion in industries that have relatively high rates of
8 occupational injuries and rank each contractor.

9 (3) EVALUATION OF SAFETY PERFORMANCE
10 RECORDS.—Beginning in fiscal year 2023, Depart-
11 ment of Defense contracting officials shall consider
12 information about prospective contractors' records of
13 safety performance as a factor in awarding contracts
14 in industries that have relatively high rates of occu-
15 pational injuries.

16 (c) DEFINITIONS.—In this section:

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

21 (2) COVERED SUBCONTRACTOR.—The term
22 “covered subcontractor” means a subcontractor list-
23 ed in the bid for a covered contract or known by the
24 Department of Defense to be a subcontractor of the
25 offeror.

1 (3) SAFETY PERFORMANCE.—The term “safety
2 performance” includes illness rates, injury rates,
3 compliance with recordkeeping and reporting re-
4 quirements, and instances of retaliation or discrimi-
5 nation for reporting or exercising rights under the
6 Occupational Safety and Health Act of 1970 (29
7 U.S.C. 651 et seq.) Act, including through work-
8 place safety incentive programs and post-incident
9 drug testing policies.

