

117TH CONGRESS
1ST SESSION

S. 2314

To ensure the safety of workers of contractors that serve and supply the
Armed Forces and the accountable use of taxpayer dollars.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Ms. WARREN introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To ensure the safety of workers of contractors that serve
and supply the Armed Forces and the accountable use
of taxpayer dollars.

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 “Improving Worker
5 Safety in Contracting Act of 2021”.

6 **SEC. 2. DEPARTMENT OF DEFENSE CONTRACTOR WORK-**
7 **PLACE SAFETY AND ACCOUNTABILITY.**

8 (a) TRAINING AND GUIDANCE.—The Secretary of
9 Defense shall develop and provide clear training and guid-
10 ance to acquisition officials, contracting officers, and cur-

1 rent and potential contractors on an annual basis regard-
2 ing—

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

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

11 (b) COMPTROLLER GENERAL REPORT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the
14 Comptroller General of the United States shall sub-
15 mit to the Department of Defense and the congres-
16 sional defense committees a report on the health and
17 safety records of Department of Defense contrac-
18 tors.

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

21 (A) A description of the Department of
22 Defense's existing procedures to evaluate the
23 safety and health records of current and pro-
24 spective contractors.

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

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

6 (D) An assessment of whether the Depart-
 7 ment of Labor has the resources to investigate
 8 and identify safety and health violations by De-
 9 partment of Defense contractors.

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

16 (F) An evaluation of the training and guid-
 17 ance developed under subsection (a).

18 (c) DEFINITIONS.—In this section:

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

23 (2) COVERED SUBCONTRACTOR.—The term
 24 “covered subcontractor” means a subcontractor list-
 25 ed in the bid for a covered contract or known by the

1 Department of Defense to be a subcontractor of the
2 offeror.

3 (d) CONSIDERATION OF SAFETY PERFORMANCE IN
4 CONTRACTS.—

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

14 (2) RATINGS FOR COMPLETED CONTRACTS.—
15 Beginning in fiscal year 2023, Department of De-
16 fense contracting officials shall assess contractor
17 safety performance at the time of contract comple-
18 tion in industries that have relatively high rates of
19 occupational injuries.

20 (3) EVALUATION OF SAFETY PERFORMANCE
21 RECORDS.—Beginning in fiscal year 2023, Depart-
22 ment of Defense contracting officials shall consider
23 information about prospective contractors' records of
24 safety performance as a factor in awarding contracts

- 1 in industries that have relatively high rates of occu-
- 2 pational injuries.

