

115TH CONGRESS  
1ST SESSION

# H. R. 4112

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2017

Mr. POCAN (for himself, Ms. SCHAKOWSKY, Mr. CICILLINE, Mr. DESAULNIER, Ms. LEE, Mr. CONYERS, Mr. NADLER, Mr. TAKANO, Ms. KAPTUR, Mr. NORCROSS, Mr. PALLONE, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Armed Services

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## 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 “Contractor Account-  
5 ability and Workplace Safety Act of 2017”.

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

3 (a) IDENTIFICATION OF KNOWN WORKPLACE SAFE-  
4 TY AND HEALTH VIOLATIONS.—

5 (1) IN GENERAL.—A contracting officer, prior  
6 to awarding or renewing a covered contract, shall, as  
7 part of the responsibility determination, consider any  
8 identified violations of the Occupational Safety and  
9 Health Act of 1970 (29 U.S.C. 651 et seq.) or  
10 equivalent State laws by the offeror, and by any cov-  
11 ered subcontractors.

12 (2) RESPONSIBILITY DETERMINATION.—The  
13 contracting officer shall consider violations described  
14 in paragraph (1) in determining whether the offeror  
15 is a responsible source with a satisfactory record of  
16 performance that meets mission and ethical stand-  
17 ards.

18 (3) REFERRAL OF INFORMATION TO SUSPEN-  
19 SION AND DEBARMENT OFFICIALS.—As appropriate,  
20 a contracting officer shall refer matters related to  
21 violations described in paragraph (1) to the Depart-  
22 ment of Defense's suspension and debarment official  
23 in accordance with Department procedures.

24 (b) CONTRACTOR RIGHTS.—The Secretary of De-  
25 fense shall establish policies and practices—

1           (1) ensuring that when making responsibility  
2           determinations, contracting officers request that  
3           contractors provide any and all information the con-  
4           tractors deem necessary to demonstrate responsi-  
5           bility prior to final determinations;

6           (2) establishing mechanisms for contractors to  
7           have an expedited process to review any information  
8           used to support determinations of non-responsibility;  
9           and

10          (3) establishing mechanisms for contractors to  
11          have an expedited process to appeal determinations  
12          of non-responsibility.

13          (c) PROTEST RIGHTS.—The Secretary of Defense  
14          shall protect the rights of contractors to protest bids and  
15          appeal actions taken pursuant to this section.

16          (d) TRAINING AND GUIDANCE.—The Secretary of  
17          Defense shall develop and provide clear training and guid-  
18          ance to acquisition officials, contracting officers, and cur-  
19          rent and potential contractors regarding implementation  
20          policies and practices for this section.

21          (e) COMPTROLLER GENERAL REPORT.—

22                (1) IN GENERAL.—Not later than 180 days  
23                after the date of the enactment of this Act, the  
24                Comptroller General of the United States shall sub-  
25                mit to the Department of Defense and the congress-

1 sional defense committees a report on the health and  
2 safety records of Department of Defense contrac-  
3 tors.

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

6 (A) A description of the Department of  
7 Defense’s existing procedures to evaluate the  
8 safety and health records of current and pro-  
9 spective contractors.

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

12 (C) An assessment of the current incidence  
13 of health and safety violations by Department  
14 contractors.

15 (D) An assessment of whether the Depart-  
16 ment of Labor has the resources to investigate  
17 and identify safety and health violations by De-  
18 partment of Defense contractors.

19 (E) An assessment of whether the Depart-  
20 ment of Labor should consider assuming an ex-  
21 panded investigatory role or a targeted enforce-  
22 ment program for ensuring the safety and  
23 health of workers under Department of Defense  
24 contracts.

25 (f) DEFINITIONS.—In this section:

1           (1) CONGRESSIONAL DEFENSE COMMITTEES.—  
2           The term “congressional defense committees” has  
3           the meaning given the term in section 101(a)(16) of  
4           title 10, United States Code.

5           (2) COVERED CONTRACT.—The term “covered  
6           contract” means a Department of Defense contract  
7           for the procurement of property or services, includ-  
8           ing construction, valued in excess of \$1,000,000.

9           (3) COVERED SUBCONTRACTOR.—The term  
10          “covered subcontractor” means a subcontractor list-  
11          ed in the bid for a covered contract or known by the  
12          Department of Defense to be a subcontractor of the  
13          offeror.

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