

115TH CONGRESS
1ST SESSION

S. 1440

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

JUNE 26, 2017

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

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

8 (a) IDENTIFICATION OF KNOWN WORKPLACE SAFE-
9 TY AND HEALTH VIOLATIONS.—

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

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

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

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

22 (1) ensuring that when making responsibility
23 determinations, contracting officers request that
24 contractors provide any and all information the con-

1 tractors deem necessary to demonstrate responsi-
2 bility prior to final determinations;

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

7 (3) establishing mechanisms for contractors to
8 have an expedited process to appeal determinations
9 of non-responsibility.

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

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

18 (e) COMPTROLLER GENERAL REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the
21 Comptroller General of the United States shall sub-
22 mit to the Department of Defense and the congres-
23 sional defense committees a report on the health and
24 safety records of Department of Defense contrac-
25 tors.

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

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

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

9 (C) An assessment of the current incidence
10 of health and safety violations by Department
11 contractors.

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

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

22 (f) DEFINITIONS.—In this section:

23 (1) CONGRESSIONAL DEFENSE COMMITTEES.—
24 The term “congressional defense committees” has

1 the meaning given the term in section 101(a)(16) of
2 title 10, United States Code.

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

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

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