

119TH CONGRESS  
1ST SESSION

# H. R. 2844

To authorize the Department of Labor’s voluntary protection program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2025

Mrs. HARSHBARGER (for herself and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Education and Workforce

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## A BILL

To authorize the Department of Labor’s voluntary protection program.

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 “Michael Enzi Vol-  
5       untary Protection Program Act”.

6       **SEC. 2. MICHAEL ENZI VOLUNTARY PROTECTION PRO-**  
7       **GRAM.**

8       (a) PROGRAM ESTABLISHED.—The Secretary of  
9       Labor shall establish a program of recognizing employers’

1 voluntary commitment to establish comprehensive safety  
2 and health management systems that include—

3 (1) requirements for systematic assessment of  
4 hazards;

5 (2) comprehensive hazard prevention, mitiga-  
6 tion, and control programs;

7 (3) active and meaningful management and em-  
8 ployee participation in the voluntary program de-  
9 scribed in subsection (b); and

10 (4) employee safety and health training.

11 (b) MICHAEL ENZI VOLUNTARY PROTECTION PRO-  
12 GRAM ESTABLISHED.—

13 (1) ESTABLISHMENT.—

14 (A) IN GENERAL.—The Secretary of Labor  
15 shall establish and carry out a voluntary protec-  
16 tion program (consistent with subsection (a)) to  
17 encourage excellence and recognize the achieve-  
18 ment of excellence in both the technical and  
19 managerial protection of employees from occu-  
20 pational hazards.

21 (B) DESIGNATION.—The voluntary protec-  
22 tion program carried out under this section  
23 shall be known as the “Michael Enzi Voluntary  
24 Protection Program” (referred to in this Act as  
25 the “Program”).

1           (2) PROGRAM REQUIREMENTS.—The Program  
2 shall include the following:

3           (A) APPLICATION.—Employers who volun-  
4 teen under the Program shall be required to  
5 submit an application to the Secretary of Labor  
6 demonstrating that the worksite with respect to  
7 which the application is made meets such re-  
8 quirements as the Secretary of Labor may re-  
9 quire for participation in the Program.

10          (B) SELF-EVALUATIONS AND ONSITE  
11 EVALUATIONS.—

12           (i) SELF-EVALUATIONS.—Employers  
13 approved by the Secretary of Labor for  
14 participation in the Program shall conduct  
15 annual self-evaluations in accordance with  
16 regulations promulgated by the Secretary.

17           (ii) ONSITE EVALUATIONS.—There  
18 shall be onsite evaluations by representa-  
19 tives of the Secretary of Labor to ensure  
20 a high level of protection of employees. The  
21 onsite visits shall not result in enforcement  
22 of citations under the Occupational Safety  
23 and Health Act of 1970 (29 U.S.C. 651 et  
24 seq.). Any serious hazard or violation iden-  
25 tified during such onsite evaluation shall

1 be corrected within a 90-day period or, if  
2 such time period is not feasible, as soon as  
3 practicable.

4 (C) INFORMATION.—Employers who are  
5 approved by the Secretary of Labor for partici-  
6 pation in the Program shall assure the Sec-  
7 retary of Labor that information about the  
8 safety and health program shall be made read-  
9 ily available to the Secretary of Labor to share  
10 with employees.

11 (D) REEVALUATIONS.—Periodic reevalua-  
12 tions by the Secretary of Labor of the employ-  
13 ers shall be required for continued participation  
14 in the Program.

15 (E) OVERSIGHT.—Worksite audits and  
16 evaluations and other activities related to par-  
17 ticipation in the Program shall—

18 (i) remain under the direct super-  
19 vision of employees of the Occupational  
20 Safety and Health Administration whom  
21 the Director of the Directorate of Coopera-  
22 tive and State Programs designates; and

23 (ii) be conducted by special Govern-  
24 ment employees, as defined in section  
25 202(a) of title 18, United States Code,

1                   under the direct supervision of the employ-  
2                   ees designated under clause (i).

3           (3) MONITORING.—To ensure proper controls  
4           and measurement of program performance for the  
5           Program under this section, the Secretary of Labor  
6           shall direct the Assistant Secretary of Labor for Oc-  
7           cupational Safety and Health to take the following  
8           actions:

9                   (A) Develop a documentation policy re-  
10                  garding information on follow-up actions taken  
11                  by the regional offices of the Occupational Safe-  
12                  ty and Health Administration in response to fa-  
13                  talities and serious injuries at worksites partici-  
14                  pating in the Program.

15                  (B) Establish internal controls that ensure  
16                  consistent compliance by the regional offices of  
17                  the Occupational Safety and Health Adminis-  
18                  tration with the Program policies of the Occu-  
19                  pational Safety and Health Administration for  
20                  conducting onsite reviews and monitoring injury  
21                  and illness rates, to ensure that only qualified  
22                  worksites participate in the Program.

23                  (C) Establish a system for monitoring the  
24                  performance of the Program by developing spe-

1           cific performance goals and measures for the  
2           Program.

3           (4) EXEMPTIONS.—A worksite with respect to  
4           which a Program has been approved shall, during  
5           participation in the Program, be exempt from pro-  
6           grammed inspections.

7           (5) NO PAYMENTS REQUIRED.—The Secretary  
8           of Labor shall not require any form of payment for  
9           an employer to qualify for or participate in the Pro-  
10          gram.

11          (6) MODERNIZATION OF TECHNOLOGY TO AD-  
12          MINISTER THE PROGRAM.—

13                (A) WRITTEN PLAN.—Not later than 2  
14                years after the date of enactment of this Act,  
15                the Secretary of Labor shall establish a written  
16                plan to modernize the technology used to ad-  
17                minister the Program.

18                (B) CONTENTS OF PLAN.—The plan re-  
19                quired under subparagraph (A) shall include  
20                the procurement, directly or through partner-  
21                ships with nonprofit organizations, of software  
22                or platforms that will modernize the adminis-  
23                tration of—

24                       (i) the application process under the  
25                Program;

- 1 (ii) the annual self-evaluation submis-  
2 sion required under paragraph (2)(B)(i);  
3 (iii) the worksite audit reporting proc-  
4 ess under the Program; and  
5 (iv) other functions that directly affect  
6 the efficiency of the Program's operations  
7 for the Occupational Safety and Health  
8 Administration and for current and pro-  
9 spective employers participating in the  
10 Program.

11 (c) BASIC, NO-COST TIERED SAFETY AND HEALTH  
12 MANAGEMENT SYSTEM CHALLENGE PROGRAM.—

13 (1) IN GENERAL.—The Secretary of Labor shall  
14 modernize and support a tiered challenge program in  
15 the Occupational Safety and Health Administration  
16 (consistent with subsection (a)) to serve as a safety  
17 and health management system evaluation tool for  
18 employers participating in the Program.

19 (2) NO PAYMENT REQUIRED.—The Secretary  
20 shall not require any form of payment for partici-  
21 tion in the Challenge program under this subsection.

22 (d) TRANSITION.—The Secretary of Labor shall take  
23 such steps as may be necessary for the orderly transition  
24 from the voluntary protection program carried out by the  
25 Occupational Safety and Health Administration as of the

1 day before the date of enactment of this Act, to the Pro-  
2 gram authorized under this section. In making such tran-  
3 sition, the Secretary shall ensure that—

4 (1) the Program authorized under this section  
5 is based upon and consistent with the voluntary pro-  
6 tection programs carried out on the day before the  
7 date of enactment of this Act; and

8 (2) each employer that, as of the day before the  
9 date of enactment of this Act, was participating in  
10 a voluntary protection program carried out by the  
11 Occupational Safety and Health Administration and  
12 was in good standing with respect to the duties and  
13 responsibilities under such program, shall have the  
14 option to continue participating in the Program au-  
15 thorized under this section.

16 (e) REGULATIONS AND IMPLEMENTATION.—Not  
17 later than 2 years after the date of enactment of this Act,  
18 the Secretary of Labor shall issue final regulations for the  
19 Program authorized under this section and shall begin im-  
20 plementation of the Program.

21 (f) FUNDING.—Of the funds appropriated for the Oc-  
22 cupational Safety and Health Administration for a fiscal  
23 year, the Secretary of Labor shall use an amount that is

- 1 not less than 5 percent of such funds to carry out this
- 2 Act for such fiscal year.

