

Suspend the Rules and Pass the Bill, H.R. 8466, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 8466

To require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2022

Mr. CONNOLLY (for himself, Mrs. CAROLYN B. MALONEY of New York, and Ms. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chai Suthammanont
3 Healthy Federal Workplaces Act of 2022”.

4 **SEC. 2. WORKSITE SAFETY FOR FEDERAL EMPLOYEES AND**
5 **CONTRACTORS.**

6 (a) **ISSUANCE OF POLICIES AND PROCEDURES BY**
7 **AGENCIES.**—Not later than 60 days after the date of the
8 enactment of this Act, the head of each agency, in con-
9 sultation with the Chief Human Capital Officer of the
10 agency and the Assistant Director of Administration of
11 the agency (or any individual holding an equivalent posi-
12 tion), shall—

13 (1) establish a plan containing procedures and
14 policies for the safety of covered individuals phys-
15 ically present at worksites during a covered period
16 that includes measures to ensure the continuity of
17 operations of the agency, including how consistent
18 agency mission and program performance and cus-
19 tomer service levels will be sustained through the
20 covered period;

21 (2) make such plan available to the public by
22 including a prominent link to such plan on the home
23 page of the website of the agency;

24 (3) provide a link to such plan to the Director
25 of the Office of Management and Budget for inclu-

1 sion on the web page of the Office in accordance
2 with subsection (c); and

3 (4) communicate such plan to each covered in-
4 dividual in such a manner as to ensure that each
5 such covered individual acknowledges receipt and
6 understanding of the plan.

7 (b) PLAN.—The plan required under subsection (a)
8 shall, at a minimum, include the following:

9 (1) A description of the efforts the agency plans
10 to take with respect to mitigating a nationwide pub-
11 lic health emergency declared for an infectious dis-
12 ease at worksites, including the following:

13 (A) A description of any personal protec-
14 tive equipment that is being or will be provided
15 by the agency to any covered individual phys-
16 ically present at a worksite during a covered pe-
17 riod.

18 (B) A description of any procedures estab-
19 lished by the agency for—

20 (i) testing covered individuals at work-
21 sites for a covered condition;

22 (ii) identifying covered individuals po-
23 tentially exposed to an individual who is di-
24 agnosed with a covered condition, and noti-

1 fying such individuals of such potential ex-
2 posure; and

3 (iii) addressing differences in data,
4 such as the number of cases, hospitaliza-
5 tions, and deaths, in regions and localities
6 if an agency has covered worksites in more
7 than one region.

8 (2) Guidance on—

9 (A) any cleaning protocols to be imple-
10 mented at covered worksites;

11 (B) occupancy limits for covered worksites;

12 and

13 (C) the use of personal protective equip-
14 ment, such as appropriate face coverings, by
15 covered individuals while physically present at a
16 worksite.

17 (3) A description of the actions the agency is or
18 will be taking to protect employees of the agency
19 who conduct activities in an official capacity while
20 not physically present at a covered worksite, includ-
21 ing employees—

22 (A) who are required to travel in an official
23 capacity; or

24 (B) perform audits or inspections.

1 (4) A description of any requirements that
2 members of the public are required to meet in order
3 to enter a facility in which covered worksites are lo-
4 cated.

5 (5) A description of any alternative option to
6 being physically present at a covered worksite that
7 is available for employees of the agency who—

8 (A) have a high risk of contracting a cov-
9 ered condition (as determined by the Director
10 of the Centers for Disease Control and Preven-
11 tion); or

12 (B) live in a household with individuals
13 who have a high risk of contracting a covered
14 condition (as determined by the Director of the
15 Centers for Disease Control and Prevention).

16 (6) Protocols that ensure the continuity of oper-
17 ations of the agency, including how consistent agen-
18 cy mission and program performance and customer
19 service levels will be sustained through the covered
20 period, to include if the agency adopts enhanced and
21 temporary telework and remote work practices as a
22 result of an increase in the severity of the nation-
23 wide public health emergency.

24 (7) The hotline website and hotline telephone
25 number of the Inspector General of the agency for

1 covered individuals to report to the Inspector Gen-
2 eral any instance in which the agency is not imple-
3 menting the plan required by this section.

4 (8) The hotline website and hotline telephone
5 number of the Office of Special Counsel to report a
6 substantial and specific danger to public health and
7 safety or whistleblower retaliation.

8 (c) PUBLICATION OF PLAN.—Not later than 90 days
9 after the date of the enactment of this Act, the Director
10 of the Office of Management and Budget shall make avail-
11 able to the public on a single web page of the Office—

12 (1) links to each plan provided to the Director
13 pursuant to subsection (a)(3); and

14 (2) a list identifying any agency that has not
15 provided a link pursuant to such subsection.

16 (d) COMMUNICATION OF PLAN TO NEW EMPLOYEES,
17 CONTRACTORS, AND SUBCONTRACTORS.—Beginning on
18 the date that is 60 days after the date of the enactment
19 of this Act, the head of an agency shall communicate the
20 plan required by subsection (a), in the manner described
21 under such subsection, to—

22 (1) any new employee of the agency, not later
23 than 30 days after the date on which such employee
24 is hired;

1 (2) any individual or entity that enters into a
2 contract with the agency after such date, not later
3 than 30 days after the contract is entered into; and

4 (3) any individual or entity that enters into a
5 subcontract at any tier of a contract with the agency
6 after such date, not later than 30 days after the
7 subcontract is entered into.

8 (e) INSPECTORS GENERAL REPORTS.—

9 (1) REPORT ON IMPLEMENTATION OF THIS
10 SECTION.—Not later than 6 months after the date
11 of the enactment of this Act, the Inspector General
12 of each agency shall submit to the Committee on
13 Oversight and Reform of the House of Representa-
14 tives and the Committee on Homeland Security and
15 Governmental Affairs of the Senate a report on the
16 implementation of this section, including whether
17 each agency involved has published and commu-
18 nicated the plan required by subsection (a) in ac-
19 cordance with this section.

20 (2) REPORT ON IMPLEMENTATION OF PLAN.—
21 Not later than 60 days after the head of an agency
22 begins to implement a plan required under sub-
23 section (a) with respect to a covered condition, the
24 Inspector General of each agency shall submit to the
25 Committee on Oversight and Reform of the House

1 of Representatives and the Committee on Homeland
2 Security and Governmental Affairs of the Senate a
3 report on—

4 (A) the extent to which each agency has
5 implemented the plan, including identifying any
6 concerns for the safety of covered individuals at
7 covered worksites that the agency has not fully
8 addressed; and

9 (B) the extent to which such plan incor-
10 porated best practices to contain the spread of
11 such covered condition.

12 (f) GOVERNMENT ACCOUNTABILITY OFFICE RE-
13 PORT.—Not later than one year after the date of the en-
14 actment of this Act, the Comptroller General of the United
15 States shall submit to the Committee on Oversight and
16 Reform of the House of Representatives and the Com-
17 mittee on Homeland Security and Governmental Affairs
18 of the Senate a report on lessons learned by agencies and
19 covered individuals during the COVID–19 pandemic to
20 further improve the policies and procedures of such agen-
21 cies with respect to—

22 (1) the health and safety of covered individuals
23 during nationwide public health emergencies de-
24 clared for infectious diseases; and

1 (2) communication to covered individuals dur-
2 ing nationwide public health emergencies declared
3 for infectious diseases.

4 (g) APPLICATION.—Nothing in this Act shall be con-
5 strued to alter or otherwise limit the rights and obligations
6 afforded under chapter 71 of title 5, United States Code.

7 (h) DEFINITIONS.—In this section:

8 (1) AGENCY.—The term “agency” has the
9 meaning given that term in section 551 of title 5,
10 United States Code.

11 (2) COVERED CONDITION.—The term “covered
12 condition” means an infectious disease that is the
13 subject of a nationwide public health emergency.

14 (3) COVERED PERIOD.—The term “covered pe-
15 riod” means a period during which a nationwide
16 public health emergency declared for an infectious
17 disease is in effect.

18 (4) COVERED INDIVIDUAL.—The term “covered
19 individual” means—

20 (A) employees of the agency; and

21 (B) contractors of the agency, and sub-
22 contractors thereof at any tier.

23 (5) COVERED WORKSITE.—The term “covered
24 worksite” means a worksite at which a covered indi-

1 vidual is required to be present during a covered pe-
2 riod.

3 (6) EMPLOYEE.—The term “employee” means
4 any employee occupying a position in the civil service
5 (as that term is defined in section 2101 of title 5,
6 United States Code) at an agency.

7 (7) NATIONWIDE PUBLIC HEALTH EMER-
8 GENCY.—The term “nationwide public health emer-
9 gency” means a nationwide public health emergency
10 declared by the Secretary of Health and Human
11 Services under section 319 of the Public Health
12 Service Act (42 U.S.C. 247), including any renewal
13 thereof.

14 (8) WORKSITE.—The term “worksite” means—

15 (A) in the case of an employee of the agen-
16 cy, the location of the employee’s position of
17 record where the employee regularly performs
18 his or her duties, but does not include any loca-
19 tion where the employee teleworks (as that term
20 is defined in section 6501 of title 5, United
21 States Code); and

22 (B) in the case of a contractor of the agen-
23 cy (or subcontractor thereof at any tier), the lo-
24 cation in a facility of the agency where the con-
25 tractor or subcontractor performs his or her du-

1 ties under a contract with the agency, or a sub-
2 contract thereof at any tier, as applicable.

3 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.