

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 8466  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**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;

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

4           (3) provide a link to such plan to the Director  
5 of the Office of Management and Budget for inclu-  
6 sion on the web page of the Office in accordance  
7 with subsection (c); and

8           (4) communicate such plan to each covered in-  
9 dividual in such a manner as to ensure that each  
10 such covered individual acknowledges receipt and  
11 understanding of the plan.

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

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

18                   (A) A description of any personal protec-  
19 tive equipment that is being or will be provided  
20 by the agency to any covered individual phys-  
21 ically present at a worksite during a covered pe-  
22 riod.

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

1 (i) testing covered individuals at work-  
2 sites for a covered condition;

3 (ii) identifying covered individuals po-  
4 tentially exposed to an individual who is di-  
5 agnosed with a covered condition, and noti-  
6 fying such individuals of such potential ex-  
7 posure; and

8 (iii) addressing differences in data,  
9 such as the number of cases, hospitaliza-  
10 tions, and deaths, in regions and localities  
11 if an agency has covered worksites in more  
12 than one region.

13 (2) Guidance on—

14 (A) any cleaning protocols to be imple-  
15 mented at covered worksites;

16 (B) occupancy limits for covered worksites;  
17 and

18 (C) the use of personal protective equip-  
19 ment, such as appropriate face coverings, by  
20 covered individuals while physically present at a  
21 worksite.

22 (3) A description of the actions the agency is or  
23 will be taking to protect employees of the agency  
24 who conduct activities in an official capacity while

1 not physically present at a covered worksite, includ-  
2 ing employees—

3 (A) who are required to travel in an official  
4 capacity; or

5 (B) perform audits or inspections.

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

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

13 (A) have a high risk of contracting a cov-  
14 ered condition (as determined by the Director  
15 of the Centers for Disease Control and Preven-  
16 tion); or

17 (B) live in a household with individuals  
18 who have a high risk of contracting a covered  
19 condition (as determined by the Director of the  
20 Centers for Disease Control and Prevention).

21 (6) Protocols that ensure the continuity of oper-  
22 ations of the agency, including a plan to reverse any  
23 requirement for covered individual to be present at  
24 a facility in which covered worksites are located if

1       there is a surge in cases in the geographic area of  
2       such facility.

3           (7) The hotline website and hotline telephone  
4       number of the Inspector General of the agency for  
5       covered individuals to report to the Inspector Gen-  
6       eral any instance in which the agency is not imple-  
7       menting the plan required by this section.

8           (8) The hotline website and hotline telephone  
9       number of the Office of Special Counsel to report a  
10      substantial and specific danger to public health and  
11      safety or whistleblower retaliation.

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

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

18           (2) a list identifying any agency that has not  
19      provided a link pursuant to such subsection;

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

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

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

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

11 (e) INSPECTORS GENERAL REPORTS.—

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

23           (2) REPORT ON IMPLEMENTATION OF PLAN.—  
24 Not later than 60 days after the head of an agency  
25 begins to implement a plan required under sub-

1 section (a) with respect to a covered condition, the  
2 Inspector General of each agency shall submit to the  
3 Committee on Oversight and Reform of the House  
4 of Representatives and the Committee on Homeland  
5 Security and Governmental Affairs of the Senate a  
6 report on—

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

12 (B) the extent to which such plan incor-  
13 porated best practices to contain the spread of  
14 such covered condition.

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

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

4           (2) communication to covered individuals dur-  
5           ing nationwide public health emergencies declared  
6           for infectious diseases.

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

10          (h) DEFINITIONS.—In this section:

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

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

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

21           (4) COVERED INDIVIDUAL.—The term “covered  
22           individual” means—

23                   (A) employees of the agency; and

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



1           (5) COVERED WORKSITE.—The term “covered  
2           worksite” means a worksite at which a covered indi-  
3           vidual is required to be present during a covered pe-  
4           riod.

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

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

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

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

24                (B) in the case of a contractor of the agen-  
25                cy (or subcontractor thereof at any tier), the lo-

1 cation in a facility of the agency where the con-  
2 tractor or subcontractor performs his or her du-  
3 ties under a contract with the agency, or a sub-  
4 contract thereof at any tier, as applicable.

