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.

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

SEC. 2. WORKSITE SAFETY FOR FEDERAL EMPLOYEES AND CONTRACTORS.

(a) ISSUANCE OF POLICIES AND PROCEDURES BY AGENCIES.—Not later than 60 days after the date of the enactment of this Act, the head of each agency, in consultation with the Chief Human Capital Officer of the agency and the Assistant Director of Administration of the agency (or any individual holding an equivalent position), shall—

(1) establish a plan containing procedures and policies for the safety of covered individuals physically present at worksites during a covered period;
(2) make such plan available to the public by including a prominent link to such plan on the home page of the website of the agency;

(3) provide a link to such plan to the Director of the Office of Management and Budget for inclusion on the web page of the Office in accordance with subsection (c); and

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

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

(1) A description of the efforts the agency plans to take with respect to mitigating a nationwide public health emergency declared for an infectious disease at worksites, including the following:

(A) A description of any personal protective equipment that is being or will be provided by the agency to any covered individual physically present at a worksite during a covered period.

(B) A description of any procedures established by the agency for—
(i) testing covered individuals at worksites for a covered condition;

(ii) identifying covered individuals potentially exposed to an individual who is diagnosed with a covered condition, and notifying such individuals of such potential exposure; and

(iii) addressing differences in data, such as the number of cases, hospitalizations, and deaths, in regions and localities if an agency has covered worksites in more than one region.

(2) Guidance on—

(A) any cleaning protocols to be implemented at covered worksites;

(B) occupancy limits for covered worksites;

and

(C) the use of personal protective equipment, such as appropriate face coverings, by covered individuals while physically present at a worksite.

(3) A description of the actions the agency is or will be taking to protect employees of the agency who conduct activities in an official capacity while
not physically present at a covered worksite, including employees—

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

(B) perform audits or inspections.

(4) A description of any requirements that members of the public are required to meet in order to enter a facility in which covered worksites are located.

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

(A) have a high risk of contracting a covered condition (as determined by the Director of the Centers for Disease Control and Prevention); or

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

(6) Protocols that ensure the continuity of operations of the agency, including a plan to reverse any requirement for covered individual to be present at a facility in which covered worksites are located if
there is a surge in cases in the geographic area of such facility.

(7) The hotline website and hotline telephone number of the Inspector General of the agency for covered individuals to report to the Inspector General any instance in which the agency is not implementing the plan required by this section.

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

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

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

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

(d) COMMUNICATION OF PLAN TO NEW EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS.—Beginning on the date that is 60 days after the date of the enactment of this Act, the head of an agency shall communicate the plan required by subsection (a), in the manner described under such subsection, to—
(1) any new employee of the agency, not later than 30 days after the date on which such employee is hired;

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

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

(e) Inspectors General Reports.—

(1) Report on Implementation of This Section.—Not later than 6 months after the date of the enactment of this Act, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this section, including whether each agency involved has published and communicated the plan required by subsection (a) in accordance with this section.

(2) Report on Implementation of Plan.—Not later than 60 days after the head of an agency begins to implement a plan required under sub-
section (a) with respect to a covered condition, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

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

(B) the extent to which such plan incorporated best practices to contain the spread of such covered condition.

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on lessons learned by agencies and covered individuals during the COVID–19 pandemic to further improve the policies and procedures of such agencies with respect to—
(1) the health and safety of covered individuals
during nationwide public health emergencies de-
clared for infectious diseases; and

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

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

(h) DEFINITIONS.—In this section:

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

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

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

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

(A) employees of the agency; and

(B) contractors of the agency, and sub-
contractors thereof at any tier.
(5) COVERED WORKSITE.—The term “covered worksite” means a worksite at which a covered individual is required to be present during a covered period.

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

(7) NATIONALWIDE PUBLIC HEALTH EMERGENCY.—The term “nationwide public health emergency” means a nationwide public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247), including any renewal thereof.

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

(A) in the case of an employee of the agency, the location of the employee’s position of record where the employee regularly performs his or her duties, but does not include any location where the employee teleworks (as that term is defined in section 6501 of title 5, United States Code); and

(B) in the case of a contractor of the agency (or subcontractor thereof at any tier), the lo-
cation in a facility of the agency where the contractor or subcontractor performs his or her duties under a contract with the agency, or a subcontract thereof at any tier, as applicable.