

118TH CONGRESS
2D SESSION

S. 5279

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 SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. WARNER (for himself, Mr. Kaine, Mr. Van Hollen, and Mr. Brown) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chai Suthammanont
5 Healthy Federal Workplaces Act of 2024”.

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

3 (a) DEFINITIONS.—In this section:

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

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

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

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

16 (A) an employee of an agency; and

17 (B) a contractor of an agency, and a sub-
18 contractor thereof at any tier.

19 (5) COVERED WORKSITE.—The term “covered
20 worksite” means a worksite at which a covered indi-
21 vidual is required to be present during a covered pe-
22 riod.

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

1 (7) NATIONWIDE PUBLIC HEALTH EMER-
2 GENCY.—The term “nationwide public health emer-
3 gency” means a nationwide public health emergency
4 declared by the Secretary of Health and Human
5 Services under section 319 of the Public Health
6 Service Act (42 U.S.C. 247d), including any renewal
7 thereof.

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

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

16 (B) in the case of a contractor of an agen-
17 cy (or subcontractor thereof at any tier), the lo-
18 cation in a facility of the agency where the con-
19 tractor or subcontractor performs his or her du-
20 ties under a contract with the agency, or a sub-
21 contract thereof at any tier, as applicable.

22 (b) ISSUANCE OF POLICIES AND PROCEDURES BY
23 AGENCIES.—Not later than 60 days after the date of the
24 enactment of this Act, the head of each agency, in con-
25 sultation with the Chief Human Capital Officer of the

1 agency and the Assistant Director of Administration of
2 the agency (or any individual holding an equivalent posi-
3 tion), shall—

4 (1) establish a plan containing procedures and
5 policies for the safety of covered individuals phys-
6 ically present at worksites during a covered period
7 that includes measures to ensure the continuity of
8 operations of the agency, including how consistent
9 agency mission and program performance and cus-
10 tomer service levels will be sustained through the
11 covered period;

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

15 (3) provide a link to such plan to the Director
16 of the Office of Management and Budget for inclu-
17 sion on the web page of the Office of Management
18 and Budget in accordance with subsection (d); and

19 (4) communicate such plan to each covered in-
20 dividual in such a manner as to ensure that each
21 covered individual acknowledges receipt and under-
22 standing of the plan.

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

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

5 (A) A description of any personal protec-
6 tive equipment that is being or will be provided
7 by the agency to any covered individual phys-
8 ically present at a worksite during a covered pe-
9 riod.

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

12 (i) testing covered individuals at work-
13 sites for a covered condition;

14 (ii) identifying covered individuals po-
15 tentially exposed to an individual who is di-
16 agnosed with a covered condition, and noti-
17 fying such individuals of such potential ex-
18 posure; and

19 (iii) addressing differences in data,
20 such as the number of cases, hospitaliza-
21 tions, and deaths, in regions and localities
22 if an agency has covered worksites in more
23 than one region.

24 (2) Guidance on—

1 (A) any cleaning protocols to be imple-
2 mented at covered worksites;

3 (B) occupancy limits for covered worksites;
4 and

5 (C) the use of personal protective equip-
6 ment, such as appropriate face coverings, by
7 covered individuals while physically present at a
8 worksite.

9 (3) A description of the actions the agency is or
10 will be taking to protect employees of the agency
11 who conduct activities in an official capacity while
12 not physically present at a covered worksite, includ-
13 ing employees—

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

16 (B) perform audits or inspections.

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

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

24 (A) have a high risk of contracting a cov-
25 ered condition (as determined by the Director

1 of the Centers for Disease Control and Preven-
2 tion); or

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

7 (6) Protocols that ensure the continuity of oper-
8 ations of the agency, including how consistent agen-
9 cy mission and program performance and customer
10 service levels will be sustained through the covered
11 period, to include if the agency adopts enhanced and
12 temporary telework and remote work practices as a
13 result of an increase in the severity of the nation-
14 wide public health emergency.

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

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

24 (d) PUBLICATION OF PLAN.—Not later than 90 days
25 after the date of the enactment of this Act, the Director

1 of the Office of Management and Budget shall make avail-
2 able to the public on a single web page of the Office—

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

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

7 (e) COMMUNICATION OF PLAN TO NEW EMPLOYEES,
8 CONTRACTORS, AND SUBCONTRACTORS.—Beginning on
9 the date that is 60 days after the date of the enactment
10 of this Act, the head of an agency shall communicate the
11 plan required by subsection (b), in the manner described
12 under such subsection, to—

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

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

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

23 (f) INSPECTORS GENERAL REPORTS.—

24 (1) REPORT ON IMPLEMENTATION OF THIS
25 SECTION.—Not later than 6 months after the date

1 of the enactment of this Act, the Inspector General
2 of each agency shall submit to the Committee on
3 Oversight and Accountability of the House of Rep-
4 resentatives and the Committee on Homeland Secu-
5 rity and Governmental Affairs of the Senate a report
6 on the implementation of this section, including
7 whether each agency involved has published and
8 communicated the plan required by subsection (b) in
9 accordance with this section.

10 (2) REPORT ON IMPLEMENTATION OF PLAN.—

11 Not later than 60 days after the head of an agency
12 begins to implement a plan required under sub-
13 section (b) with respect to a covered condition, the
14 Inspector General of each agency shall submit to the
15 Committee on Oversight and Accountability of the
16 House of Representatives and the Committee on
17 Homeland Security and Governmental Affairs of the
18 Senate a report on—

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

1 (B) the extent to which such plan incor-
2 porated best practices to contain the spread of
3 such covered condition.

4 (g) GOVERNMENT ACCOUNTABILITY OFFICE RE-
5 PORT.—Not later than one year after the date of the en-
6 actment of this Act, the Comptroller General of the United
7 States shall submit to the Committee on Oversight and
8 Accountability of the House of Representatives and the
9 Committee on Homeland Security and Governmental Af-
10 fairs of the Senate a report on lessons learned by agencies
11 and covered individuals during the COVID–19 pandemic
12 to further improve the policies and procedures of such
13 agencies with respect to—

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

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

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

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

24 The budgetary effects of this Act, for the purpose of
25 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement
2 titled “Budgetary Effects of PAYGO Legislation” for this
3 Act, submitted for printing in the Congressional Record
4 by the Chairman of the Senate Budget Committee, pro-
5 vided that such statement has been submitted prior to the
6 vote on passage.

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