

117TH CONGRESS
1ST SESSION

S. 2343

To require the head of each agency to establish a safety plan relating to COVID–19 for any worksite at which employees or contractors are required to be physically present during the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2021

Mr. WARNER (for himself, Mr. KAINE, Mr. CARDIN, 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 safety plan relating to COVID–19 for any worksite at which employees or contractors are required to be physically present during the COVID–19 pandemic, 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 Remembrance Act of 2021”.

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 the term in section 551 of title 5,
6 United States Code.

7 (2) COVERED PERIOD.—The term “covered pe-
8 riod” means the period beginning on the date of en-
9 actment of this Act and ending on the date on which
10 the public health emergency declared by the Sec-
11 retary of Health and Human Services under section
12 319 of the Public Health Service Act (42 U.S.C.
13 247) as a result of the COVID–19 pandemic, or any
14 renewal thereof, terminates.

15 (3) COVERED WORKSITE.—The term “covered
16 worksite” means a worksite at which an employee of
17 an agency or a contractor of an agency (or subcon-
18 tractor thereof at any tier) is required to be present
19 during the covered period.

20 (4) WORKSITE.—The term “worksite”—

21 (A) in the case of an employee of the agen-
22 cy—

23 (i) means the location of the position
24 of record of the employee where the em-
25 ployee regularly performs the duties of the
26 employee; and

1 (ii) does not include any location
2 where the employee teleworks (as defined
3 in section 6501 of title 5, United States
4 Code); and

5 (B) in the case of a contractor of the agen-
6 cy (or subcontractor thereof at any tier), means
7 the location in a facility of the agency where
8 the contractor or subcontractor performs the
9 duties of the contractor or subcontractor under
10 a contract with the agency, or a subcontract
11 thereof at any tier, as applicable.

12 (b) ISSUANCE OF POLICIES AND PROCEDURES BY
13 AGENCIES.—Not later than 60 days after the date of en-
14 actment of this Act, the head of each agency, in consulta-
15 tion with the Chief Human Capital Officer of the agency
16 and the Assistant Director of Administration of the agen-
17 cy (or any individual holding an equivalent position)
18 shall—

19 (1) establish, and publish on the website of the
20 agency, a safety plan containing procedures and
21 policies for—

22 (A) covered worksites; and

23 (B) being present at a covered worksite;

24 and

1 (2) communicate the plan established under
2 paragraph (1) to each employee of the agency and
3 contractor of the agency (and any subcontractor
4 thereof at any tier) in such a manner as to ensure
5 that each employee and contractor acknowledges re-
6 ceipt and understanding of the plan.

7 (c) PLAN.—The safety plan required under sub-
8 section (b)(1) shall include the following:

9 (1) A description of the efforts of the agency
10 with respect to mitigating the spread of COVID–19
11 at covered worksites, including the following:

12 (A) A description of any personal protec-
13 tive equipment that the agency provides or will
14 provide to any employee of the agency and con-
15 tractor of the agency (and any subcontractor
16 thereof at any tier) physically present at a cov-
17 ered worksite.

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

20 (i) testing employees of the agency
21 and contractors of the agency (and any
22 subcontractor thereof at any tier) required
23 to be present at a covered worksite;

24 (ii) contact-tracing at covered work-
25 sites, including procedures by which em-

1 employees and contractors (and any subcon-
2 tractor thereof at any tier) required to be
3 present at a covered worksites will be noti-
4 fied of a potential exposure to an indi-
5 vidual who is diagnosed with COVID-19;
6 and

7 (iii) administering the COVID-19
8 vaccine to employees of the agency.

9 (2) Guidance on—

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

12 (B) occupancy limits for covered worksites;
13 and

14 (C) the use of appropriate face coverings
15 by employees of the agency and contractors of
16 the agency (and any subcontractor thereof at
17 any tier) while physically present at a covered
18 worksite.

19 (3) A description of the actions that the agency
20 is or will be taking to protect employees of the agen-
21 cy who conduct activities in an official capacity while
22 not physically present at a covered worksite from ex-
23 posure to COVID-19, including employees of the
24 agency—

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

3 (B) perform audits or inspections.

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

8 (5) A description of any alternative option to
9 being physically present at a covered worksite that
10 are available for employees who—

11 (A) have a high risk of contracting
12 COVID-19 (as determined by the Director of
13 the Centers for Disease Control and Preven-
14 tion); or

15 (B) live in a household with individuals
16 that have a high risk of contracting COVID-19
17 (as determined by the Director of the Centers
18 for Disease Control and Prevention).

19 (6) A description of any rule or protocol regard-
20 ing whether employees of the agency required to be
21 physically present at covered worksites are—

22 (A) required to be fully vaccinated before
23 being present at covered worksites; or

24 (B) allowed to take leave—

1 (i) to get a dose of the COVID–19
2 vaccine; or

3 (ii) upon experiencing severe side-ef-
4 fects as a result of receiving any dose of
5 the COVID–19 vaccine.

6 (7) Protocols that ensure the continuity of oper-
7 ations, including a plan to reverse any requirement
8 for an employee or contractor (or subcontractor
9 thereof at any tier) to be present at a facility in
10 which covered worksites are located if there is a
11 surge in COVID–19 cases in the geographic area of
12 the facility.

13 (8) The hotline website and hotline telephone
14 number of the inspector general of the agency for
15 employees of the agency and contractors of the agen-
16 cy (and any subcontractor thereof at any tier) to re-
17 port to the inspector general any instance in which
18 the agency is not implementing the plan required
19 under subsection (b)(1).

20 (d) DELAYED APPLICABILITY FOR CERTAIN WORK-
21 SITES.—For any worksite that the head of the agency has
22 temporarily closed due to COVID–19, the requirements of
23 subsection (b) shall be carried out not later than 30 days
24 before any employee of the agency or contractor of any

1 agency (or any subcontractor thereof at any tier) is re-
2 quired to be physically present at such worksite.

3 (e) INSPECTORS GENERAL REPORTS.—Not later
4 than 6 months after the date of enactment of this Act,
5 the inspector general of each agency shall submit to the
6 Committee on Homeland Security and Governmental Af-
7 fairs of the Senate and the Committee on Oversight and
8 Reform of the House of Representatives a report on
9 whether the agency—

10 (1) has published and communicated the public
11 safety plan required under subsection (b)(1) in ac-
12 cordance with that subsection; and

13 (2) implemented the plan described in para-
14 graph (1).

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

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