

117TH CONGRESS
1ST SESSION

H. R. 5978

To exempt Federal employees and contractors that are critical infrastructure workers from Federal COVID–19 vaccination mandates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2021

Mr. NEWHOUSE (for himself, Mr. MCKINLEY, Mrs. MILLER-MEEKS, Mr. ROUZER, Mr. WEBER of Texas, and Mr. MANN) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To exempt Federal employees and contractors that are critical infrastructure workers from Federal COVID–19 vaccination mandates, 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 “Exemptions for Critical
5 Workers Act”.

6 **SEC. 2. EXEMPTION TO COVID–19 VACCINE MANDATES FOR** 7 **CRITICAL INFRASTRUCTURE FEDERAL EM-** 8 **PLOYEES AND CONTRACTORS.**

9 (a) FEDERAL EMPLOYEES.—

1 (1) IN GENERAL.—Notwithstanding any other
2 law, rule, or regulation, including Executive Order
3 14043 (86 Fed. Reg. 50989; relating to requiring
4 coronavirus disease 2019 vaccination for Federal
5 employees), any Federal employee that is a critical
6 infrastructure worker is exempt from any Federal
7 mandate requiring such Federal employee to receive
8 a COVID–19 vaccination.

9 (2) PROHIBITION ON ADVERSE ACTION.—No
10 adverse action (including a suspension, furlough, re-
11 moval, or reduction in pay or grade) may be taken
12 against any Federal employee on the basis of such
13 Federal employee not receiving a COVID–19 vac-
14 cination pursuant to paragraph (1).

15 (3) FEDERAL EMPLOYEE DEFINED.—In this
16 subsection, the term “Federal employee” has the
17 meaning given the term “employee” in section 2105
18 of title 5, United States Code, and includes an indi-
19 vidual who is—

20 (A) an officer or employee of the United
21 States Postal Service or of the Postal Regu-
22 latory Commission; and

23 (B) an employee appointed under chapter
24 73 or 74 of title 38, United States Code, not-
25 withstanding section 7425(b) of such title.

1 (b) FEDERAL CONTRACTORS.—Any contract entered
2 into by the Federal Government that requires any em-
3 ployee or individual described under that contract, or any
4 subcontract (at any tier), to receive a COVID–19 vaccina-
5 tion shall include—

6 (1) an exemption from such requirement for
7 any such employee or individual who is a critical in-
8 frastructure worker;

9 (2) a requirement that such exemption be incor-
10 porated into each lower-tier subcontract, if any; and

11 (3) a requirement that the contractor may not
12 retaliate against any employee on the basis of such
13 employee not receiving a COVID–19 vaccination
14 under such exemption.

15 (c) CRITICAL INFRASTRUCTURE WORKER DE-
16 FINED.—In this Act, the term “critical infrastructure
17 worker” means an essential critical infrastructure worker
18 identified in the guidance from the Director of the Cyber-
19 security and Infrastructure Agency entitled “Guidance on
20 the Essential Critical Infrastructure Workforce: Ensuring
21 Community and National Resilience In COVID–19 Re-
22 sponse”, dated August 5, 2021, or any successor guidance.

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