

117TH CONGRESS
1ST SESSION

H. R. 5903

To address Federal employees who comply with Executive Order 14043,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2021

Mr. JACOBS of New York (for himself, Mr. NORMAN, Mr. BABIN, Mr. CRAWFORD, Mr. TIFFANY, Mr. BURCHETT, Mr. JOHNSON of South Dakota, Mr. CALVERT, Mrs. MILLER-MEEKS, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To address Federal employees who comply with Executive
Order 14043, 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 “Having Employees Re-
5 turn to Duty Act” or the “HERD Act”.

6 **SEC. 2. EXECUTIVE ORDER 14043.**

7 (a) DEFINITIONS.—In this section—

8 (1) the terms “agency” and “employee” have
9 the meanings given the terms in section 3 of the Ex-

1 ecutive Order, except that the term “agency” does
2 not include the Department of Defense;

3 (2) the term “covered employee” means an em-
4 ployee who has complied with the requirements of
5 the Executive Order; and

6 (3) the term “Executive Order” means Execu-
7 tive Order 14043 (86 Fed. Reg. 50989; relating to
8 requiring Coronavirus Disease 2019 vaccination for
9 Federal employees).

10 (b) REQUIREMENT.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 beginning on the date that is 60 days after the date
13 of enactment of this Act, the head of each agency
14 shall, with respect to each covered employee em-
15 ployed by the agency, require the covered employee
16 to work from the duty station of the covered em-
17 ployee, and to work the hours worked by the covered
18 employee, as of February 15, 2020.

19 (2) EXEMPTIONS.—

20 (A) NEWLY HIRED EMPLOYEES.—If a cov-
21 ered employee was not employed by the applica-
22 ble agency as of February 15, 2020, the re-
23 quirements under paragraph (1) shall apply to
24 the covered employee with respect to the duty
25 station and hours of the individual who occu-

1 pied the position of the covered employee, as of
2 that date.

3 (B) SIGNIFICANT COMMUNITY SPREAD.—

4 The head of an agency may implement different
5 policies than, or supplemental policies to, the
6 requirements under paragraph (1), including by
7 requiring social distancing at a particular work-
8 site, if the agency head finds that—

9 (i) there is substantial transmission of
10 COVID–19 within a community in which
11 the requirements of that paragraph would
12 otherwise be carried out, as determined by
13 the Centers for Disease Control and Pre-
14 vention; and

15 (ii) implementing those different or
16 supplemental policies will not degrade the
17 level of service that the agency provides to
18 the public.

19 (C) IMMUNOCOMPROMISED EMPLOYEE.—

20 No covered employee that is
21 immunocompromised shall be required to be
22 physically present at a duty station under the
23 requirements under paragraph (1).

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